

CONTENTS

Housing and Home Finance Agency

NOTICES:
Urban Renewal Commissioner, HHFA regional administrators, and regional directors of urban renewal; delegation of authority to execute requisition agreements

9568

Interior Department

See Fish and Wildlife Service.

Interstate Commerce Commission

NOTICES:
Motor carrier transfer proceedings
Motor transportation incidental to transportation by aircraft

9568

9569

Labor Department

See Wage and Hour Division.

Navy Department

RULES AND REGULATIONS:
Administrative discharges and related matters concerning separations from naval service

9529

Post Office Department

RULES AND REGULATIONS:
International mail; Germany; import license requirements

9551

State Department

RULES AND REGULATIONS:
Visas; documentation of immigrants and nonimmigrants; miscellaneous amendments

9548

Treasury Department

See also Customs Bureau.

NOTICES:
Office of Domestic Gold and Silver Operations; establishment

9567

RULES AND REGULATIONS:

Authority delegations; changes:

Gold	9551
Silver; newly-minted, domestic	9551
Office of Undersecretary for Monetary Affairs and Bureau of the Mint; description of procedures	9551

Wage and Hour Division

NOTICES:
Certificates authorizing employment of learners at special minimum rates

9569

PROPOSED RULE MAKING:

Puerto Rico; review committees; appointment to fill vacancy

9555

RULES AND REGULATIONS:

Textile and textile products industry in Puerto Rico; wage order

9550

Codification Guide

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

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

6 CFR

361	9545
371	9545
372	9545

PROPOSED RULES:

600 (2 documents) 9555, 9556

601 9556

602 9556

31 CFR

54	9551
80	9551
92	9551

7 CFR

728 9546

PROPOSED RULES:

927	9555
1070	9555

19 CFR

6 9550

32 CFR

730 9529

10 CFR

50 9546

12 CFR

545 9547

PROPOSED RULES:

563 9557

21 CFR

41 9548

42 9548

14 CFR

60 9547

601 9548

22 CFR

699 9550

PROPOSED RULES:

601 9555

608 9555

39 CFR

168 9551

41 CFR

5-7 9553

5-53 9553

5-53 9553

5-53 9553

5-53 9553

5-53 9553

47 CFR

2 9552

7 9552

8 9552

8 9552

50 CFR

9555 9554

32 9554

FEDERAL REGISTER

Telephone

Worth 3-3261

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

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Subpart A—Navy

Subpart B—Marine Corps

MISCELLANEOUS AMENDMENTS

Scope and purpose. Subpart A—Navy is amended to conform with recent changes to the Bureau of Naval Personnel Manual. Subpart B—Marine Corps is revised to conform with pertinent provisions of the Marine Corps Personnel Manual.

1. Section 730.2(a)(1)(ix) is revised to read as follows:

(ix) When honorable discharge is directed by the Chief of Naval Personnel.

2. Section 730.2(a)(2)(i)(a) is revised to read as follows:

(a) Have made a final average of not less than 2.7 and an average of not less than 3.0 in military behavior. (Article C-7321 of the Bureau of Naval Personnel Manual deals in detail with enlisted performance evaluations.) An individual who is to be administratively discharged without having received evaluation marks (e.g., a recruit discharged by reason of unsuitability) should normally be issued an honorable discharge if he made a sincere effort to maintain proper military behavior and to perform his duties in a proficient and industrious manner.

3. Section 730.2(b) is revised to read as follows:

(b) **General discharge.** A general discharge is a separation from the service

under honorable conditions issued to an individual discharged for any of the reasons listed in paragraph (a)(1) (i) through (viii) of this section and whose military record is not sufficiently meritorious to warrant an honorable discharge. Such discharge may also be directed or authorized by the Chief of Naval Personnel by reason of unfitness or misconduct. A separation with a general discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or is subject to a general discharge and it has been determined that a general discharge is warranted under prescribed standards. In the case of a member who is to be discharged without having received evaluation marks (e.g., a recruit or an inactive reservist discharged by reason of unsuitability), issuance of a general discharge is warranted where there is evidence of misbehavior, bad faith, or failure to make a proportionate effort having due regard for his rate and capabilities. The command effecting such discharge should summarize on page 13 of the service record the considerations which support the general discharge, such as concealment or misrepresentation of defects or deficiencies in making application for enlistment which were not considered sufficiently serious to warrant processing under § 730.13, a record of disciplinary infractions in training, culpable failure to conform to minimum standards for recruit or reserve training, or poor attitude.

4. Section 730.2 is amended by changing the designations of the last three paragraphs "(3)", "(4)" and "(5)" to "(c)", "(d)" and "(e)", respectively.

5. Section 730.3(a)(1) is revised to read as follows:

(1) **Table of matters relating to honorable and general discharges.** (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Mileage	Issue of civilian clothing (\$ 730.16)	Cash allowance (\$ 730.16)	Retain and wear uniform to home (\$ 730.16)	Recoupment of reenlistment bonus (Article A-4204)
Expiration of enlistment.	§ 730.4 and Article C-10317.	Yes.....	No.....	No.....	Yes.....	No.
Fulfillment of service obligation.	§ 730.4 and Article C-10317.	Yes.....	No.....	No.....	Yes.....	No.
Disability.	§ 730.5.....	Yes.....	No.....	No.....	Yes.....	No. ¹
Convenience of the Government.	§ 730.6.....	Yes.....	No.....	No.....	Yes.....	No. ²
Dependency or hardship.	§ 730.8.....	Yes.....	No.....	No.....	Yes.....	No.
Minority.	§ 730.9.....	Yes.....	No.....	No.....	Yes.....	No.
Unsuitability.	§ 730.10.....	Yes.....	Yes.....	No.....	No.....	No.
Security.	§ 730.11.....	Yes.....	Yes.....	No.....	No.....	(3).
Unfitness.	§ 730.12.....	Yes.....	Yes.....	No.....	No.....	Yes.
Misconduct	§ 730.13.....	Yes.....	Yes.....	No.....	No.....	Yes.

¹ Recoupment bonus is to be recouped in the case of separation by reason of disability resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence.

² Recoupment bonus is to be recouped in the case of women members whose marriage constitutes the sole basis for such discharge, and in other cases when specifically directed by the Chief of Naval Personnel under the special and unusual circumstances discussed in article A-4204.

³ When directed by Chief of Naval Personnel.

6. Section 730.8(a) is revised to read as follows:

(a) The Chief of Naval Personnel may authorize or direct the discharge or release to inactive duty of enlisted personnel for reason of dependency or hardship. Personnel who have an additional service obligation remaining under any provisions of law will normally be transferred to the U.S. Naval Reserve if otherwise eligible therefor and released to inactive duty, or, if already a member of the Naval Reserve, released to inactive duty to serve the remainder of the obligated service therein. Where the individual does not have an additional service obligation remaining, discharge may be directed. Article H-31202(1)(d) of the Bureau of Naval Personnel Manual pertains to submission of requests for hardship or dependency discharge of Naval Reservists while on inactive duty.

7. Section 730.8(c)(3) is revised to read as follows:

(3) The Chief of Naval Personnel may direct discharge or release to inactive duty when it is considered that undue and genuine hardship exists, that the hardship is not of a temporary nature, that the conditions have arisen or have been aggravated to an excessive degree since entry into the service, and the member has made every reasonable effort by means of application for basic allowance for quarters and voluntary contributions which have proven inadequate; that the discharge or release of the individual will result in the elimination of, or will materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge or release. Examples of meritorious cases are those in which the evidence shows that, either as a result of the death or disability of a member of an enlisted person's family, the separation of the person concerned is necessary for the support or care of a member or members of the family; or that the individual or the family is undergoing hardships more severe than normally encountered by dependents of families of members of the naval service. Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Pregnancy of an enlisted man's wife is not in itself a circumstance for which separation will be authorized.

8. Section 730.8 is amended by adding at the end the following paragraph:

(i) In effecting the separation of an individual by reason of dependency or hardship, the character of separation shall be given as indicated in §§ 730.1 and 730.2.

RULES AND REGULATIONS

9. Section 730.10 (d) and (e) is revised to read as follows:

(d) Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities, who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to the nearest continental U.S. separation activity to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel.

(e) Personnel serving at continental U.S. shore activities shall not be transferred to ships or overseas activities pending receipt of final action by the Chief of Naval Personnel.

10. Section 730.12(a) is revised to read as follows:

(a) Enlisted personnel may be separated by reason of unfitness with an undesirable discharge or with a higher type discharge when it is warranted by the particular circumstances in a given case. A discharge by reason of unfitness, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel.

11. Section 730.12(f) is revised to read as follows:

(f) Enlisted personnel serving on board ships, overseas stations, and continental U.S. activities lacking separation facilities, who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to the nearest continental U.S. separation activity to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the status of the case and reason for transfer in order to ensure that the individual is held pending receipt of instructions from the Chief of Naval Personnel. The receiving command should be advised relative to the degree of restraint, if any, which is recommended in accordance with article C-7813B of the Bureau of Naval Personnel Manual. Personnel serving at continental U.S. shore activities shall not be transferred to ships or overseas activities pending receipt of final action by the Chief of Naval Personnel.

12. Section 730.13(a) is revised to read as follows:

(a) Enlisted personnel may be separated by reason of misconduct with an undesirable discharge, or with a higher type discharge when it is warranted by the particular circumstances in a given case. A discharge by reason of misconduct, regardless of the attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel.

13. Section 730.13(d) is revised to read as follows:

(d) From time to time the Chief of Naval Personnel may issue special instructions to certain designated commands relative to the disposition of cases where recruits are discovered to have concealed or misrepresented information on their enlistment papers.

14. Section 730.13 is amended by adding the following paragraph:

(f) Personnel serving at continental U.S. shore activities shall not be transferred to ships or overseas activities pending receipt of final action by the Chief of Naval Personnel.

15. Section 730.14 (b) and (c) is revised to read as follows:

(b) An enlisted person being considered for a discharge by reason of unsuitability shall be informed as to the circumstances which are the basis for the contemplated action and shall be afforded an opportunity to make a statement in his own behalf.

(c) An enlisted person who is subject to undesirable discharge by reason of unfitness under § 730.12 or by reason of misconduct under § 730.13 shall, if his whereabouts is known, be informed as to the circumstances which are the basis for the contemplated action and afforded an opportunity to request or waive, in writing, any or all of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board (unless in civil confinement or otherwise unavailable).

(3) To be represented by counsel who, if reasonably available, should be a lawyer.

(4) To submit statements in his own behalf.

If the individual submits a written request to have his case heard by a field board of officers, the commanding officer shall convene an administrative board in accordance with § 730.15. The recorder for the field board shall be furnished with the completed brief of the case (paragraph (g) or (h) of this section), as appropriate, and the service record of the individual concerned.

16. Section 730.14(e) (4) (i) is revised to read as follows:

(4) *Enclosures.* (i) Individual's signed statement in own behalf. If an undesirable discharge is being considered, statement should include, "I have been advised that I may be discharged under other than honorable conditions and the basis therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement . . ." If the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

17. Section 730.14(e) (4) (v) is revised to read as follows:

(v) Comment and recommendation of commanding officer and/or his concurrence or nonconcurrence if case is heard by a field board. If the commanding officer contemplates recommending a less favorable disposition than that proposed by the field board or if the pertinent section (§ 730.12 or § 730.13) permits a less favorable disposition than that proposed by the field board, the commanding officer shall inform the individual accordingly and afford him an opportunity to submit such additional statement as he desires in an effort to show cause why a less favorable action should not be finally taken.

18. Section 730.14(f) (6) (i) is revised to read as follows:

(i) Individual's signed statement in own behalf. All such statements should include, "I have been advised that I may be discharged under other than honorable conditions and the basis therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement . . ." If statement cannot be obtained, or if the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

19. Section 730.14(g) is amended by adding the following to the list of enclosures under item d.

(5) (Required where case is not heard by a field board.) Specific recommendation of commanding officer including, when appropriate, type of and reason for separation; e.g., honorable, general, or undesirable by reason of unsuitability, unfitness, or misconduct.

20. Section 730.14(h) is amended by adding the following to the list of enclosures:

(4) (Required where case is not heard by a field board.) Specific recommendation of commanding officer including, when appropriate, type of and reason for separation; e.g., honorable, general, or undesirable by reason of unsuitability, unfitness, or misconduct.

21. Section 730.15 is amended by redesignating paragraphs (c) through (i) as (d) through (j), respectively, and by inserting the following new paragraph:

(c) *Office of Naval Intelligence (ONI) Reports.* If an ONI report is involved which cannot be made available to the respondent and his counsel, the commanding officer should request the District or Area Intelligence Officer to furnish a résumé of the report which may be made available to the respondent and his counsel in accordance with current ONI instructions. The résumé but not the ONI report may be considered by the field board. The purpose of this provision is to ensure that the field board con-

siders only matters which are also available to the respondent and his counsel.

22. Redesignated paragraphs (f), (g), and (h), (formerly paragraphs (e), (f), and (g)), of § 730.15, are revised to read as follows:

(f) *Report of Board.* The board will make, and render its findings, recommendation, and opinion in closed session. The report of the field board of officers shall be completed, using exhibit 3 set forth in paragraph (h) of this section as a guide, and shall be signed by all members. The dissent of any member will be duly recorded therein. Where a verbatim record has been made, only so much of the verbatim oral testimony as bears upon the critical situations of the case, should be incorporated into the record of proceedings; and remainder may be summarized. Written testimony and statements which had not been furnished the board with the brief shall be attached to the record as exhibits. The complete record will be authenticated by the senior member or by another member if he is not immediately available. The respondent will be provided with a copy of the record of proceedings with all exhibits and a copy of the brief with all enclosures, but he will not be furnished a copy of the report of the board.

(g) *Review and forwarding of reports.* After reviewing the record of the hearing and the report of the board, the commanding officers shall note on the report his concurrence or nonconcurrence in the findings, recommendation, and opinion of the board and enter any additional comment deemed appropriate. If the commanding officer does not concur in the action proposed by the field board he should, where applicable, include his specific recommendation as to the type and reason for discharge; e.g., honorable, general, or undesirable by reason of unsuitability, unfitness, or misconduct. If the commanding officer determines that the respondent should be retained in the service, the commanding officer may close the case except where sexual perversion within the purview of § 730.12 or misconduct within the purview of § 730.13 is an issue. All cases in which sexual perversion or misconduct within the purview of the aforesaid sections is an issue shall be forwarded to the Chief of Naval Personnel for final action. The letter of transmittal should forward the case assembled in the following order: (1) Signed report of the board, (2) signed brief, with enclosures, (3) authenticated record of hearing, (4) any exhibits considered by the board which were not furnished as enclosures to the brief.

(h) *Exhibit 3. Report of field board of officers in the case of—*

Name (last, first, middle) _____ Service No. _____ Rate _____
Class _____

Findings of the Board: The respondent (has) (is) (Use one or more of the following)

- Had frequent involvement of a discreditable nature with civil or military authorities.
- Chronic alcoholism or addicted to alcohol. A drug addict.
- Without authority (used) (possessed) habit forming narcotic drugs or marijuana.
- A sexual pervert. Committed homosexual acts. Homosexual tendencies.
- An established pattern showing dishonorable failure to pay just debts.
- An established pattern for shirking.
- Been convicted of a civil offense within the purview of Article C-10312 (§ 730.13).
- Prolonged unauthorized absence within the purview of Article C-10312 (§ 730.13).
- Perpetrated a fraudulent (enlistment) (induction).
- Other (explain).

Board Recommendation: Discharge. Retain. Release to inactive duty.

Opinion of Board as to character of separation: Honorable. Under honorable conditions. Under conditions other than honorable.

Signature of Board Members: (Include name, grade, and component)

Dissent: (Reasons) -----

(Signature—Include name, grade, and component)

Findings, recommendation and opinion of majority: Concurrence. Non-Concurrence.

(Comment, if any) -----

(Commanding Officer—
Include name, grade, and component)

23. Redesignated paragraph (j) (2), (formerly paragraph (i) (2)) of § 730.15, is revised to read as follows:

(2) Based upon consideration of findings, recommendations, and opinions of a field board and/or the Enlisted Performance Evaluation Board and/or other circumstances, final action approved by the Chief of Naval Personnel may, in some cases, be different from the action proposed by a board or recommended by the commanding officer. The final action approved by the Chief of Naval Personnel in an individual case will not, as a matter of policy and/or law, be less favorable than that proposed by the Enlisted Performance Evaluation Board. If the final action approved is less favorable to the individual than that proposed by the field board, the Chief of Naval Personnel will generally afford the individual an opportunity to make representations in an effort to show cause why the less favorable action should not be taken. Final action will normally be promulgated by form letter without including reasons for the action taken.

24. Section 730.16(c) is revised to read as follows:

(c) *Civilian clothing.* An enlisted member who is discharged by reason of unsuitability, security, unfitness, or misconduct with an honorable or general discharge or who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge shall surrender the outer garments and distinctive parts of the uniform which are in the member's possession at time of discharge. When the items of clothing authorized to be retained by the discharges are insufficient to provide the discharges with one outfit of civilian clothing suitable for wearing home, necessary items of civilian clothing may be issued at no cost to the discharges to augment the retained clothing. These clothes shall be furnished without regard to the state of member's accounts or amount of personal funds in the member's possession. However, no extra items of clothing such as a spare shirt or socks and no accessories such as an umbrella or luggage may be issued to the discharges. The items procured for issuance must be moderately priced but need not be the lowest quality available. Members transferred prior to the actual execution of the discharge shall take all their uniforms with them to the place to which transferred. Issuance of the outfit of civilian clothing under this paragraph is subject to the following exceptions:

(1) The clothing may be issued to a person discharged in absentia pursuant to article C-10201(6) of the Bureau of Naval Personnel Manual only if he requests the clothing, and all conditions set forth in the first two sentences of this paragraph are met.

(2) The clothing is not to be issued to a person who is discharged while on leave granted in accordance with current instructions (SecNav (Secretary of the Navy) Instruction 1050.3 or revisions thereof) to await completion of appellate review of a court-martial sentence which includes punitive discharge.

(Detailed instructions regarding issuance of civilian clothing, its cost, and recovery of uniforms of discharges are set forth in the Bureau of Supplies and Accounts Manual, paragraph 42701.)

25. Section 730.16(e) is revised to read as follows:

(e) *Cash allowance.* An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed \$25 or such portion thereof as will, together with other funds available to the individual concerned, total \$25. The cash allowance is not payable to a member who is discharged while on leave granted in accordance with current instructions (SecNav Instruction 1050.3 or revisions

RULES AND REGULATIONS

thereof) to await completion of appellate review of a court-martial sentence which includes punitive discharge.

26. Section 730.16(g) is revised to read as follows:

(g) Information concerning the Honorable Discharge Button is set forth in article B-2109 of the Bureau of Naval Personnel Manual.

27. Subpart B is revised to read as follows:

Subpart B—Marine Corps

TYPES OF DISCHARGES OF ENLISTED PERSONNEL

Sec.

730.50	General.
730.51	Types and reasons for discharge; special considerations.
730.52	Honorable discharge.
730.53	General discharge.
730.54	Undesirable discharge.
730.55	Bad conduct discharge.
730.56	Dishonorable discharge.
730.57	Table of matters relating to discharges or releases from active duty.
730.58	Discharge for reason of expiration of enlistment or fulfillment of service obligation.
730.59	Discharges at sea.
730.60	Discharge for physical disability.
730.61	Discharge or release from active duty for convenience of the Government.
730.62	Discharge or release from active duty for own convenience.
730.63	Discharge or release from active duty for reason of dependency or hardship.
730.64	Discharge for reason of minority.
730.65	Discharge for reason of unsuitability.
730.66	Discharge for reason of unfitness.
730.67	Discharge for reason of misconduct.
730.68	Discharge for reason of security.
730.69	Discharge when directed by the Secretary of the Navy.

GENERAL INSTRUCTIONS RELATING TO DISCHARGES

730.100	Time and place of discharge.
730.101	Effective time of separation.
730.102	Categories for discharge at duty stations within the United States.
730.103	Travel upon separation.
730.104	Retention in service to liquidate indebtedness.
730.105	Physical examinations, treatment, and proceedings.
730.106	Government property.
730.107	Uniforms and clothing.
730.108	Accrued leave.
730.109	Pay accounts.
730.110	Interview by recruiting officers.
730.111	Address of Reserve Director.
730.112	Preparation of the discharge certificate.
730.113	Delivery of discharge certificate.
730.114	Armed Forces of the United States Report of Transfer or discharge (DD Form 214).
730.115	Certificate of Service.
730.116	Honorable discharge button and honorable discharge pin.
730.117	Wearing of uniform after discharge.
730.118	National Service Life Insurance and Insurance under the Insurance Act of 1951.
730.119	Benefit pamphlet.
730.120	Warning to individuals not eligible for reenlistment.
730.121	Closing out of service record book.
730.122	Forwarding of service record books.

Sec.	
730.123	Delivery of baggage and personal effects.
730.124	Void enlistments.
730.125	Notification of naturalized personnel being separated under other than honorable conditions.
730.126	Separation of aliens.

PROCEDURES FOR DISCHARGE OF RESERVISTS ON INACTIVE DUTY

730.150	General.
730.151	Discharge for fulfillment of service obligation.
730.152	Discharge for own request.
730.153	Discharge for enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.
730.154	Discharge for enlistment in the Regular Army, Navy, Air Force, or Coast Guard.
730.155	Discharge for enlistment in another reserve component of the Armed Forces.
730.156	Discharge for failure to complete basic military training.
730.157	Discharge for reason of erroneous assignment of military obligation.
730.158	Discharge for lack of interest.
730.159	Discharge of reservists classified IV-F.
730.160	Recommendation for discharge.
730.161	Not physically qualified.
730.162	Discharge certificate.
730.163	Discharge of women who become a parent or custodian of a child.
730.164	Discharge of reservists on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order.

AUTHORITY: §§ 730.1 to 730.164 issued under sec. 161 of the Revised Statutes (5 U.S.C. 22); sec. 1162 and chapter 569 of Title 10, United States Code.

Subpart B—Marine Corps

TYPES OF DISCHARGES OF ENLISTED PERSONNEL

§ 730.50 General.

All discharges and separations of enlisted personnel will be governed by and made in accordance with the provisions of Part F of Chapter 13, Marine Corps Personnel Manual, which part is applicable to all enlisted and inducted personnel. The provisions relating to administrative discharges and related matters are republished in this subpart.

§ 730.51 Types and reasons for discharge; special considerations.

(a) There are five types of discharges, with corresponding characters as follows:

Type of discharge	Character of separation	Given by—
Honorable discharge.	Honorable-----	Administrative action.
General discharge.	Under honorable conditions.	Do.
Undesirable discharge.	Conditions other than honorable.	Do.
Bad conduct discharge.	-----do-----	General or special court-martial.
Dishonorable discharge.	Dishonorable-----	General court-martial.

(b) There are twelve formal reasons for discharge which are as follows:

(1) Expiration of enlistment or fulfillment of service obligation, as applicable.

(2) Convenience of the Government.

(3) Own convenience.

(4) Dependency or hardship.

(5) Minority.

(6) Disability.

(7) Unsuitability.

(8) Unfitness.

(9) Misconduct.

(10) Sentence of court-martial.

(11) Security.

(12) When directed by the Secretary of the Navy.

(c) The type of discharge and character of separation are based on the member's military record.

(1) Military record as used herein includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the service. The military record is not limited to entries in the service record, but includes all information pertaining to the military record.

(2) Military behavior as used herein refers to the conduct of the individual while a member of the service.

(3) An honorable discharge is a separation from the service with honor.

(4) A general discharge is a separation from the service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an honorable discharge.

(d) Except for misrepresentations, including omissions, made in connection with an enlistment or induction, any activities that a member of the service engaged in before he acquired status in the service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

(e) An honorable or general discharge will be issued, as warranted by the individual's military record, when discharge is for one of the following reasons: expiration of enlistment, convenience of the Government, own convenience, dependency or hardship, minority, disability, and unsuitability. When the discharge of an individual for one of the foregoing reasons is directed by higher authority, and such authority does not specify the type of discharge or character of separation, the commander effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the individual in accordance with instructions herein.

(f) In those cases where an individual may be issued either an honorable or general discharge, and the commander or higher authority is of the opinion that the individual concerned should be issued a type of discharge different from that indicated by conduct and duty proficiency markings as set forth herein, a full report of the circumstances with recommendations shall be forwarded to

the Commandant of the Marine Corps (Code DMB) for decision. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy will be forwarded to the activity to which the person is to be transferred.

(g) Commanding Generals of Marine Corps Recruit Depots will determine the type of discharge to be issued to a recruit who is discharged prior to completion of recruit training for one of the reasons listed in paragraph (e) of this section unless otherwise directed by higher authority. The determination of type of discharge in such cases will not be delegated to commanding officers. An honorable or general discharge will be issued, as warranted by the individual's military record in accordance with instructions herein. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case.

(h) An honorable, general, or undesirable discharge may be issued when discharge is for security reasons. Discharge for security reasons will be effected only when directed by the Commandant of the Marine Corps or the Secretary of the Navy after appropriate proceedings in accordance with separate directives which deal explicitly with this matter.

(i) An undesirable discharge will be issued when an individual is discharged by reason of unfitness or misconduct, unless otherwise directed by the Commandant of the Marine Corps.

(j) When a commander is considering recommending an individual of the grade of sergeant (E-5) or above for discharge by reason of unsuitability, unfitness or misconduct, he may, where considered appropriate, request from the Commandant of the Marine Corps (Code DGK) copies of fitness reports and any other pertinent information which may be related to the reason for discharge, or type of discharge to be issued.

§ 730.52 Honorable discharge.

(a) An honorable discharge is a separation from the service with honor. Issuance of an honorable discharge is conditioned upon:

(1) Proper military behavior. In the case of personnel of the grade of corporal (E-4) and below, proper military behavior will be evidenced by the possession of a minimum final average conduct mark of 4.0.

(2) Proficient and industrious performance of duty commensurate with the grade held and the capabilities of the individual concerned. In the case of personnel of the grade of corporal (E-4) and below, such performance of duty will be evidenced by the possession of a mini-

mum final average duty proficiency mark of 3.0.

(3) Eligibility for discharge by virtue of one of the following reasons:

(i) Expiration of enlistment or fulfillment of service obligation, as applicable.

(ii) Convenience of the Government.

(iii) Own convenience.

(iv) Dependency or hardship.

(v) Minority.

(vi) Disability.

(vii) Unsuitability.

(viii) Security.

(ix) When directed by the Commandant of the Marine Corps or Secretary of the Navy.

(b) An honorable discharge will not be issued if an individual has been convicted of an offense by general court-martial or has been convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extensions thereof, except as provided in paragraphs (c) and (d) of this section. In other instances, where a commander or higher authority considers that, in view of particular circumstances, an enlisted or inducted person should receive an honorable discharge as an exception to the foregoing, he should so recommend to the Commandant of the Marine Corps (Code DMB), forwarding a full report of the circumstances.

(c) An individual who has been awarded one of the following listed decorations during his current enlistment, period of obligated service, or any extension thereof, may, where otherwise ineligible, be given an honorable discharge: Medal of Honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Commendation Ribbon, Gold Life Saving Medal, Silver Life Saving Medal, or any decorations of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the individual's military record.

(d) An individual, who is discharged by reason of physical disability incurred in line of duty may, where otherwise ineligible, be given an honorable discharge. Each case will be determined on the basis of the individual's military record.

§ 730.53 General discharge.

(a) A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

(1) A military record not sufficiently meritorious to warrant an honorable discharge.

(2) Eligibility for discharge by virtue of one of the reasons listed in § 730.52 (a) (3).

(b) When it is considered that a general discharge may be warranted in lieu of an honorable discharge in the case of a noncommissioned officer of the grade

of sergeant (E-5) or above, a report of the circumstances with recommendation may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination. Such procedure is not appropriate when a general discharge is clearly warranted based on information pertaining to the military record of the individual which is available to the commander effecting discharge.

§ 730.54 Undesirable discharge.

An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or for security reasons. However, whenever the particular circumstances in a given case so warrant, a recommendation for an administrative discharge other than undesirable may be made to the Commandant of the Marine Corps (Code DMB). Such a recommendation will include the alternate reason for discharge and the type of discharge deemed most appropriate, since an honorable or general type discharge may not be based upon reasons of unfitness or misconduct. An undesirable discharge will not be issued in lieu of trial by court-martial except upon the determination of a general officer exercising general court-martial jurisdiction, or by higher authority, that the interests of the service as well as the individual will best be served by administrative discharge. This does not preclude recommendation for an undesirable discharge when an individual is in a disciplinary status or disciplinary action is pending.

§ 730.55 Bad conduct discharge.

A bad conduct discharge is separation from the service under conditions other than honorable. A bad conduct discharge may be given only by approved sentences of general or special courts-martial and is appropriate for offenses that warrant separation as included punishment but are not of sufficiently grave a nature as to warrant dishonorable separation.

§ 730.56 Dishonorable discharge.

A dishonorable discharge, as its title denotes, is a separation from service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

§ 730.57 Table of matters relating to discharges or releases from active duty.

The following table of matters relating to discharges or releases from active duty is furnished as a ready reference. The entries in the table are to be considered as a guide only. Pertinent references should be consulted for detailed instructions and exceptions under certain conditions.

RULES AND REGULATIONS

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for discharge	Authority	Conditions affecting the type and character of discharges	Character of discharge	DD Form	Mile-age ¹	Transportation in kind ¹	Issue civilian clothing ²	Cash allowance ³	Retain and wear uniform home ⁴
Expiration of enlistment or fulfillment of service obligation as applicable.	§ 730.58 or § 730.151	§§ 730.51, 730.52, 730.53.	Honorable or under honorable conditions.	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Convenience of the Government.	§ 730.61	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Own convenience.	§ 730.62	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Dependency or hardship.	§ 730.63	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Minority.	§ 730.64	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Disability.	§ 730.60	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	No	No	Yes
Unsuitability.	§ 730.65	§§ 730.51, 730.52, 730.53.	do	DD 256-MC DD 257-MC	Yes	No	Yes	No	No
Security.	§ 730.68	§§ 730.51(h), 730.52, 730.53, 730.54.	Honorable or under honorable conditions or undesirable.	DD 256-MC DD 257-MC	Yes	No	Yes	No	No
Unfitness.	§ 730.66	§§ 730.51(i), 730.54.	Undesirable.	DD 258-MC	No	Yes	Yes	Yes	No
Misconduct.	§ 730.67	§§ 730.51(i), 730.54.	do	DD 258-MC	No	Yes	Yes	Yes	No
Sentence of court-martial.	Par. 13268 Marine Corps Personnel Manual.	§§ 730.55, 730.56.	Bad conduct or dishonorable.	DD 259-MC DD 260-MC	No	Yes	Yes	Yes	No

¹ See § 730.103.² See § 730.107.³ See § 730.109.⁴ See § 730.117.

§ 730.58 Discharge for reason of expiration of enlistment or fulfillment of service obligation.

(a) Commanders are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.

(b) Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of part H of chapter 13 of the Marine Corps Personnel Manual (§§ 730.150-730.164). Paragraph 13351 of the Marine Corps Personnel Manual (§ 730.151) will be cited as the authority for discharge.

§ 730.59 Discharges at sea.

Discharges will not be executed while an enlisted person is attached to a Marine Detachment Afloat, except for the purpose of immediate reenlistment, or accepting a commissioned or warrant grade.

§ 730.60 Discharge for physical disability.

The Commandant of the Marine Corps, and commanders, when specifically authorized by separate directive, may

direct or effect discharge for physical disability when as a result of medical findings, an individual has been found physically unfit to perform the duties of his grade. Discharge for reasons of physical disability is given only as the result of an individual's appearance before a physical evaluation board or a board of medical survey. Further instructions are contained in § 730.105 and part J of chapter 13 of the Marine Corps Personnel Manual (see also part 725 of this chapter).

§ 730.61 Discharge or release from active duty for convenience of the Government.

(a) The Commandant of the Marine Corps may authorize or direct the discharge or release from active duty of enlisted personnel for the convenience of the Government for any one of the following reasons:

(1) General demobilization or by an order applicable to all members of a class of personnel specified in the order.

(2) To accept appointment as an officer in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces for active duty only.

(3) Upon certification by a medical officer that an enlisted woman is pregnant, the commander shall discharge the woman for the convenience of the Government, or in the case of overseas commands will transfer the enlisted woman to the continental United States for dis-

charge. The type of discharge certificate issued will be as warranted by her service record, regardless of her marital status. In the case of discharge for reason of pregnancy of an unmarried minor (under 21 years), the commander will notify the parents or guardian of the woman concerned. If as a result of a spontaneous or therapeutic abortion or a stillbirth, the pregnancy is terminated prior to separation from the service, the woman will be discharged unless she requests in writing that she be retained in the service. In such case, the woman may, at the discretion of the commander be retained in the service, if found physically qualified.

(4) For reasons of national health, safety, or interest, only when recommended by a government agency authorized to make such determination and recommendation. It is not expected that cases of this nature will come to the attention of individual commanders. However, should such be the case, a prompt report containing all available information should be made to the Commandant of the Marine Corps (Code DMB).

(5) By reason of erroneous induction, when so stated by the Office of the Director of Selective Service, or by reason of erroneous enlistment. Any case coming to a commander's attention which purports to be of this nature shall be investigated as fully as possible and a complete report, including such certified statements as appear necessary, made promptly to the Commandant of the Marine Corps (Code DMB).

(6) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(7) For the purpose of holding public office as set forth in paragraph 13050.6 of the Marine Corps Personnel Manual.

(b) The commander shall discharge for the convenience of the Government or, in the case of overseas commands will transfer to the continental limits of the United States for discharge:

(1) A married enlisted woman, at her own request, regardless of date of marriage, subject to the restrictions set forth below:

(i) Has completed at least 12 months of active duty in current enlistment subsequent to completion of recruit training.

(ii) If the woman has successfully completed a service school course, she must have served 6 months after the completion of said course.

(iii) The active service in any case must total a minimum of 12 months in current enlistment exclusive of recruit training.

(2) An enlisted woman when it is established that such woman:

(i) Is the parent by birth or adoption of a child under 18; or

(ii) Has personal custody of a child under 18; or

(iii) Is the stepparent of a child under 18 and the child is within the household of the woman for a consecutive period of more than 30 days a year; or

(iv) During her current enlistment or extension of enlistment has given birth to a living child.

§ 730.62 Discharge or release from active duty for own convenience.

(a) The Commandant of the Marine Corps may authorize or direct the discharge or release from active duty of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of (1) entering another branch of the Armed Forces in an enlisted status, (2) accepting civil employment, or (3) accepting employment with other government agencies in a civilian capacity.

(b) It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request.

(c) Discharge "by purchase" will not be authorized.

§ 730.63 Discharge or release from active duty for reason of dependency or hardship.

(a) The Commandant of the Marine Corps and all Marine general officers in command may authorize and direct the discharge or release from active duty of enlisted personnel for dependency or hardship.

(b) Enlisted persons who desire to request discharge or release from active duty for dependency or hardship reasons shall be informed of these regulations and of the proper procedure to follow. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits.

(c) Undue hardship does not exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Discharge or release from active duty by reason of hardship or dependency will not be authorized:

(1) For personal convenience alone.
(2) When the Marine is in a disciplinary status. This does not preclude submission of application while in a disciplinary status.

(3) When the Marine requires medical treatment.

(4) Solely by reason of the pregnancy of the Marine's wife.

(d) Discharge or release from active duty will not be disapproved under the provisions of this paragraph solely because:

(1) The enlisted person's services are needed in his organization.

(2) He is indebted to the Government or to an individual.

(e) Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when the following conditions are met:

(1) Undue and genuine dependency or hardship exists.

(2) Dependency or hardship is not of a temporary nature.

(3) The Marine has made every reasonable effort to relieve the hardship by means of application for dependents allowance and voluntary contributions which have proven inadequate.

(4) Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is one in which the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.

(5) Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and there are no means of alleviation readily available other than by such discharge.

(f) After explaining the regulations to an applicant, he will be permitted to submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial obligations; specific amounts and methods of contributions to dependent.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any; where applicable, incomes to include monetary benefits derived as the result of being beneficiary to a life insurance policy indicating whether payment was made in a lump-sum settlement or on a monthly basis, and the reasons why these members cannot provide the necessary care or support of the individual's family; and a statement that no members of the family have been omitted. Income as used herein will include wages, compensation of any type, Social Security benefits, interest and rental income from property and all other sources. If the request is based on financial conditions of specific members of the family, a statement of both monthly income and expenses of such members, and a statement of their assets and liabilities will be included.

Assets will include a listing of all property, securities, and funds owned, indicating value, except clothing and household furnishings.

(7) If dependency is the result of death of a member of the Marine's family, occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after his entrance in the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

(g) The immediate commander will forward such application by endorsement, including:

(1) A definite recommendation.

(2) A statement regarding service obligation.

(3) Status of any disciplinary action pending.

(4) Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he shall be required to produce substantiating evidence, such as money order receipts, etc.

(h) The commander who has authority to convene special courts-martial will appoint a board, consisting of not less than three members, before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the board to study and evaluate all available information, interview the applicant, and make recommendations to the command concerning ultimate disposition of the case, including a recommendation as to whether an individual who has a remaining service obligation should be discharged or released from active duty. The report of the board will include a brief summary of any factors considered in arriving at its recommendations which are not apparent in the application. The authority contained herein to appoint a board may be limited by higher authority when such action is deemed desirable; e.g., when one board may conveniently consider all cases in a larger command.

(i) Upon receipt of a written request from the individual concerned, together with the supporting evidence outlined in paragraph (f) of this section, the command exercising discharge authority will:

(1) Review carefully the basis on which the request is made.

(2) Commands exercising discharge authority may request supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of individuals for hardship. These requests will be restricted to specific information in those cases only where additional information is needed to make a determination. If the case is disapproved after receipt of the American Red Cross report, the command will include the report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

(3) If the case has not previously been considered by a board, appoint a board to consider the case as outlined in paragraph (h) of this section.

RULES AND REGULATIONS

(4) If the discharge or release from active duty is considered warranted, the command will take final action on the application regardless of the recommendations of the board. If the individual is discharged, application and all supporting papers will be forwarded, with closed out service record, to the Commandant of the Marine Corps (Code DGH). For those individuals released from active duty, the application and supporting papers will be forwarded to the Commandant of the Marine Corps (Code DGH); service records will be forwarded to the appropriate Reserve command in accordance with current directives.

(5) If the discharge or release from active duty is not considered warranted, the command will forward the application with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (Code DMB), for review and final determination. The synopsis should contain any pertinent information not included in the man's application or other supporting documents that will aid in making final determination.

(j) Commands authorized to direct discharge or release from active duty in accordance with this authority are further authorized to make the final determination, when the Marine concerned has a military obligation, as to whether the conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of obligated service. If it is considered that the hardship or dependency will continue throughout the period of obligated service, the Marine may be discharged, in which case the period of obligated service is terminated. In case of doubt, the Marine will be transferred to or retained in the Marine Corps Reserve to complete his obligated service.

(k) In effecting separations under this authority, the procedures set forth below will be followed:

(1) If the individual to be separated has a home of record in the continental United States:

(i) Commands located in the United States will effect the separation locally.

(ii) Commands located outside the United States will transfer the individual concerned to the nearest Marine Corps activity in the United States for separation.

(2) If the individual to be separated is entitled to and elects transportation to a point outside the United States upon separation, he will be transferred to the Marine Corps activity nearest to the point to which transportation is authorized.

(l) Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

§ 730.64 Discharge for reason of minority.

(a) Subject to the restrictions contained in paragraph (d) of this section, the Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for minority when it is considered to be in the best interests of the Government.

(b) Subject to the restrictions set forth in paragraph (d) of this section, all Marine general officers in command are authorized to effect the discharge of enlisted or inducted personnel for reason of minority. Overseas commands will transfer personnel to the United States for such discharge.

(c) Organizations not in the jurisdiction of one of the commands listed above will forward a report of the case to the Commandant of the Marine Corps (Code DMB), including the evidence prescribed in paragraph (f)(1) of this section; a definite recommendation as to desirability for retention, and a statement from the subject person. If the person is not considered desirable for retention, he shall be retained at, or transferred to a continental shore station and the Commandant of the Marine Corps will be so advised.

(d) Discharge for minority may be effected subject to the following restrictions:

(1) *Regular Marine Corps and Marine Corps Reserve.* (i) If under a verified age of 17 years, the individual will be discharged regardless of whether or not he enlisted with proper consent.

(ii) If it has been verified that the individual has passed his 17th birthday but not his 18th, he will be discharged, provided: (a) Enlistment was made without proper consent and application of parent or guardian for release has been received by the command concerned or the Department of the Navy within 90 days from the date of enlistment; or (b) if in the opinion of the commander the individual is not sufficiently mature for retention. A negative opinion in this respect should be supported, if practicable, by a qualified psychiatric evaluation.

(iii) When it has been verified that the individual has passed his 18th birthday he will be retained.

(2) *Inductee.* (i) If the individual is under 18 years and 6 months of age, when verified, he will be discharged unless, pursuant to Selective Service regulations, the minor, after attaining age 17, volunteered for induction with the written consent of his custodial parent or legal guardian.

(3) *Women.* (i) If enlisted and under 18 years of age she will be discharged.

(ii) If enlisted without proper consent and has passed her 18th birthday but not her 21st birthday, when verified, discharge upon application of parent or legal guardian provided that such application has been received by the command concerned or the Department of the Navy within 90 days after the enlistment.

(e) The statutory and administrative minimum ages for enlistment are as follows:

	Statutory	Administrative
Regular Marine Corps:		
Men	14	17
Women	18	18
Marine Corps Reserve:		
Men	14	17
Women	18	18

The discharge of any enlisted person who is determined to be under the statutory minimum age is mandatory, and request of parent or guardian is not required. This provision is not applicable to a minor who is enlisted while under the minimum statutory age limit and remains in the service after reaching the statutory age. Such a request will be processed in accordance with paragraph (d) of this section, where appropriate.

(f) In any case where it becomes apparent or it is alleged that there is a discrepancy of age or name in the enlistment contract, or when the validity of custodian's consent is questioned, prompt action shall be taken to ascertain the true facts, and whether or not such facts provide a basis for discharge, local records will be corrected and a complete report made to the Commandant of the Marine Corps (Code DMB).

(1) The evidence described below will be acceptable for establishing proof of age and for correction of records:

(i) A certified copy of birth certificate showing date of birth and date birth was recorded. To be acceptable, it must be recorded previous to enlistment.

(ii) A certified copy of baptismal certificate, or other church record, showing age or date of birth.

(iii) A certified extract from a school census record.

(iv) A certified hospital record of birth.

(v) A certified census enumeration extract.

(2) Any difference in the name contained in the evidence and the name under which the individual enlisted must be clarified by public record or affidavits of two disinterested persons testifying from their own knowledge as to the identity of the person concerned.

(g) The Commandant of the Marine Corps requires that written consent be obtained from the custodial parent or legal guardian in cases of all male minors under 18 years of age, and all women under 21 years of age.

(h) The enlistment of a minor with false representation as to age, or without consent, will not alone be considered a fraudulent enlistment. (See § 730.67.)

(i) The commander effecting a minority discharge shall notify the next of kin, giving the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the person concerned as derogatory.

atory to the individual or to reflect adversely on his character.

(j) A person whose enlistment or induction is terminated by reason of minority shall not, as a result of such enlistment or induction, be considered to have acquired a period of obligated service under law, nor is a service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired obligation.

S 730.65 Discharge for reason of unsuitability.

(a) The Commandant of the Marine Corps, and Marine general officers in command, may authorize or direct discharge by reason of unsuitability, except that all cases involving sexual perversion or homosexual tendencies will be referred to the Commandant of the Marine Corps (Code DK) for decision. Such discharge will be effected when it has been determined that an individual is unsuitable for further military service because of:

(1) Inaptitude: Applicable to those persons who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) Enuresis.

(3) Character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949" (SR 40-1025-2; NavMed P-1303; AFR 160-13A) and revisions thereof.

(4) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(5) Apathy, defective attitudes and inability to expend effort constructively; as a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(6) Alcoholism; chronic, or addiction to alcohol.

(7) Homosexual tendencies.

(b) In cases where a commander considers an enlisted person unsuitable for further military service, he will refer the case to the appropriate commanding general, or the Commandant of the Marine Corps (Code DMB) for decision. Prior to recommending the discharge of an enlisted person for unsuitability, the commander will investigate or cause the case to be investigated. The person concerned shall be informed of the contemplated action and the reason therefor, and after Article 31, Uniform Code of Military Justice (10 U.S.C. 831) is read and explained to him, he shall be given an opportunity to make a statement in his own behalf. If doubt exists as to the existence of a physical disability as the cause of unsuitability, the enlisted person shall be brought before an appropriate medical board for a determination of fact. In every case of discharge for reason of unsuitability recommended by a commander, a complete report giving all the circumstances of the case, together with a signed statement from the person concerned or a certification that he

does not desire to make a statement, shall be forwarded.

(c) A recommendation for discharge by reason of unsuitability should be submitted in appropriate cases notwithstanding any pending disciplinary action or status as the result of disciplinary action.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record showing this fact and the reason therefor. If the recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) When final action is taken on a recommendation for discharge by reason of unsuitability, all papers shall be forwarded to the Commandant of the Marine Corps (Code DGH) for file in the individual's official record.

S 730.66 Discharge for reason of unfitness.

(a) The Commandant of the Marine Corps and all Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in the service of enlisted or inducted persons recommended for discharge by reason of unfitness, except that cases involving sexual perversion will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(b) The commander will recommend an individual for discharge for reason of unfitness when it is determined that his military record is characterized by one or more of the following:

(1) Sexual perversion including but not limited to:

- (i) Lewd and lascivious acts.
- (ii) Homosexual acts.
- (iii) Sodomy.
- (iv) Indecent exposure.
- (v) Indecent acts with or assault upon a child.

(vi) Other indecent acts or offenses.

(2) Frequent involvement of a discreditable nature with civil or military authorities.

(3) An established pattern for shirking.

(4) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) For other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(c) Before recommending a discharge for unfitness, the commander shall investigate or cause each case to be investigated. The circumstances, facts, and offenses shall be substantiated by service record entries and/or other pertinent information and copies thereof shall be enclosed with the recommendation. All recommendations indicating the existence of a physical disability will be supported by a report of a medical board, or a psychiatric report in cases of character and behavior disorders or other mental infirmities, if practicable. The individual recommended for such discharge will, if his whereabouts is known, be properly advised of the basis for the

contemplated action and afforded an opportunity to request or waive, in writing, each of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board, subject to his availability, e.g., not in civil confinement.

(3) To be represented by counsel, who, if reasonably available, should be a lawyer. Military counsel of his choice will be provided if reasonably available, otherwise, military counsel deemed reasonably available will be appointed. He may retain civilian counsel at no expense to the Government.

(4) To submit statements in his own behalf. Prior to receiving any statement, the provisions of Article 31, Uniform Code of Military Justice (10 U.S.C. 831), shall be read and explained to the individual.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record book showing this fact and the reasons therefor. If recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) A board consisting of not less than three officers shall be convened by each general officer exercising general court-martial jurisdiction for the purpose of considering recommendations for undesirable discharge in all cases where the individual concerned has not waived in writing the right to have his case heard by a board of officers, and to make recommendations to the convening authority as to the final disposition in each case.

(1) The membership of a board shall include at least one woman officer when a case of an enlisted woman is under consideration.

(2) If the individual under consideration is a member of the Reserve component, the membership of the Board shall include:

(i) A majority of Reserve officers if available locally.

(ii) If a majority of Reserve officers is not available locally, at least one Reserve officer.

(3) If the requirement set forth in subparagraph (2)(i) of this paragraph cannot be met, the record shall include a certificate of the convening authority to that effect. If any other requirement cannot be met from officer personnel available locally, instructions will be requested from the Commandant of the Marine Corps (Code DK).

(f) The recommendation for discharge, and the report of the board in each case considered by a board, will be submitted to the convening authority for approval or disapproval. Based on the convening authority's decision, the following will apply:

(1) Should the recommendation of the board be approved, the convening authority may immediately direct discharge or retention of the individual concerned.

(2) Should the board of officers recommend discharge and the convening authority disapprove such recommenda-

RULES AND REGULATIONS

tion, he may direct retention of the individual concerned.

(3) Should the board of officers recommend retention and the convening authority not approve the recommendation, the entire proceedings will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(4) Should the commander, board of officers, or convening authority recommend an administrative discharge other than an undesirable discharge, in accordance with § 730.54 the case will be referred to the Commandant of the Marine Corps (Code DMB) for decision. (See subparagraph (7) of this paragraph for exception.) Any other case in which the convening authority regards an undesirable discharge as warranted while the board of officers recommended an honorable or general discharge will be referred to the Commandant of the Marine Corps (Code DMB) for decision.

(5) In cases where the individual concerned has waived the right to have his case heard by a board of officers, the general officer exercising general court-martial jurisdiction may direct discharge or retention of the individual.

(6) In any case where the convening authority considers that there is a question as to proper disposition, the matter will be referred to the Commandant of the Marine Corps (Code DK) for instructions.

(7) In cases involving fraudulent enlistments when a board of officers recommends discharge of a Marine under 21 years of age for any reason set forth in § 730.67(b)(2) or the board recommends discharge of a Marine regardless of his age for the reason set forth in § 730.67(b)(2)(ii), Marine general officers exercising general court-martial jurisdiction may direct a discharge of the type recommended by the board or a higher type discharge without referral to the Commandant of the Marine Corps for decision. In such cases, the paragraph of the Marine Corps Personnel Manual (reissued in this subpart) corresponding to the discharge awarded will be cited as authority.

(8) In cases involving fraudulent enlistment for any reason set forth in § 730.67(b)(2)(ii) the following will be accomplished:

(i) Ascertain all the facts by inquiry to civil authorities to determine actual offenses committed, circumstances in the case, disposition by juvenile or youth offender courts, actual confinement served and whether civil probation exists.

(ii) Any other information deemed relevant to an evaluation of the case.

(iii) Evaluate the facts obtained, man's statement, and military service rendered to determine whether discharge or retention should be directed.

(iv) If discharge is deemed proper, it should be for unsuitability under honorable conditions unless circumstances warrant a lower type discharge.

(9) When final action is taken on any report or recommendation, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review.

(g) Commanding officers and officers in charge, not under the command of a

Marine general officer exercising general court-martial jurisdiction, will comply with the procedures as set forth in paragraphs (c), (d), and (e) of this section. Such officers will convene a board of officers and refer recommendations for discharge to the board in cases where the individual concerned does not waive in writing his right to have his case heard by a board of officers. The recommendation of the commanding officer or officer in charge, and the report of the board in each case considered by a board, with the convening authority's recommendation thereon, will be forwarded to the Commandant of the Marine Corps (Code DK) for final action.

(h) Personnel serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the United States by the general officer who directs or recommends the discharge. Authority for discharge will be included in the orders transferring the individual to the United States.

(i) Commanders of activities outside the continental United States, not under command of a Marine general officer authorized to direct discharge, will transfer to the nearest Marine Corps activity in the United States those individuals who have been recommended for discharge by a board convened under the provisions of paragraph (e) of this section, or who have been recommended for discharge by their commander and have waived in writing, the right to have their case heard by a board of officers. Commanders in their endorsement of the proceedings of the board or their recommendation for discharge will indicate the activity in the United States to which the individual is being transferred.

(j) Provisions for notification to parents, spouses, or guardian of enlisted persons who are discharged prior to the expiration of enlistment are contained in paragraph 7006 of the Marine Corps Personnel Manual.

S 730.67 Discharge for reason of misconduct.

(a) General instructions relating to discharge by reason of misconduct are as follows:

(1) The Commandant of the Marine Corps and Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in service of enlisted or inducted personnel recommended for discharge by reason of misconduct.

(2) When an individual is to be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the enlistment. (This action should be taken by the commanding general making the final determination or by the Commandant of the Marine Corps in cases where the Commandant of the Marine Corps makes final determination as to retention in the service.)

(b) The commander or officer in charge shall make a report of suspected or apparent misconduct of enlisted or

inducted persons for any of the following reasons and shall include in the report a recommendation for discharge or retention in the service of the person concerned:

(1) Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established by official records, but punitive discharge has not been authorized by competent authority.

(2) Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. This includes, but is not limited to the following:

(i) A police record, or conviction by civil court.

(ii) A record as a juvenile delinquent, wayward minor, or youthful offender.

(iii) Previous service in any branch of the Armed Forces.

(iv) Physical defects.

(v) Marriage or dependents.

(vi) Preservice homosexual act(s) or tendencies (see § 730.66(e)(8)).

(3) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of 1 year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(c) The enlistment of a minor with false representation as to age will not alone be considered a fraudulent enlistment. (See § 730.64.)

(d) In forwarding cases of apparent fraudulent enlistment or induction, commanding officers or officers in charge shall include documentary evidence with regard to the alleged fraud.

(e) In cases of conviction by civil authorities or by consular court subsequent to enlistment, a copy of the court order or order of commitment, or the certificate of the Judge or the Clerk of the Court, advising as to the charge on which convicted, and the sentence adjudged, will be enclosed with the report and recommendation. After verification, the commanding officer or officer in charge will include in his recommendation the maximum sentence provided for the offense.

(f) The instructions and procedures set forth in § 730.66(c) through (i) shall govern in disposing of cases of individuals considered for discharge by reason of misconduct.

(g) Provisions for notification to parents, spouses, or guardian of enlisted persons who are to be discharged prior to expiration of their enlistment are contained in paragraph 7006 of the Marine Corps Personnel Manual.

§ 730.68 Discharge for reason of security.

The Commandant of the Marine Corps or the Secretary of the Navy may direct discharge for reasons of security with the character of discharge and under conditions stipulated in directives that deal explicitly with this matter when retention is not clearly consistent with the interest of national security.

§ 730.69 Discharge when directed by the Secretary of the Navy.

The Secretary of the Navy may authorize or direct discharges in individual cases.

GENERAL INSTRUCTIONS RELATING TO DISCHARGES

§ 730.100 Time and place of discharge.

(a) A regular or reservist stationed within the continental limits of the United States will be discharged from the Marine Corps at the duty station to which assigned at the time he becomes eligible for such discharge.

(b) Prior to expiration of enlistment or expiration of any extension of enlistment or when separation from active duty for any other reason is authorized, Marines serving on foreign shore and at sea, including such times as a ship may be in a United States port, who do not desire or are not eligible to reenlist or extend their enlistment will be transferred by the field commander concerned or commander of Marine Detachment Afloat to the Marine Corps activity nearest a port of entry within the continental United States except as provided in paragraph (c) of this section. Transfer will be effected to ensure arrival not later than 10 days prior to the effective date of discharge or release. Provisions concerning assignment to sea and foreign service are contained in paragraph 4110 of the Marine Corps Personnel Manual.

(c) Enlisted personnel who are eligible for separation, and who are entitled to elect transportation to a destination outside the continental United States, shall be transferred to the Marine Corps activity nearest their destination. Such transfer will be made in accordance with current directives and in sufficient time to allow those persons to arrive not later than 10 days prior to the effective date of separation.

(d) Enlisted personnel becoming eligible to be separated under honorable conditions while serving outside the United States or its territories or possessions, in other than belligerent countries may, at their own request, be separated at their duty stations. Personnel shall indicate their election by executing on page 11 of the service record a request to be so separated. Such separation in the case of enlisted women becoming eligible to be separated by reason of pregnancy is contingent upon the individual having established residence in the area in which the duty station is

located or being married to a person who has such a residence.

(1) Individuals desiring separation in a foreign country whether for the purpose of traveling or residing in a foreign area after separation from the service shall, at a time substantially prior to the normal date of separation, make application for a passport in accordance with current directives and for permission to remain in the foreign country or its possessions. These applications should be accompanied by statements from the commander relative to the date the person will be eligible for separation under honorable conditions.

(2) In the case of enlisted personnel, the commander shall, prior to separation of the individual ascertain that he will be issued a passport and has been or will be granted permission to remain in the foreign area. In this connection, the commander may accept a written statement from the appropriate consular or diplomatic representative to the effect that the individual concerned has applied for a passport and that it appears that he is eligible to receive a passport upon his separation from the service. In general, a consular or diplomatic representative will be in a position to make this latter statement upon receipt of proper proof of the individual's claim to United States citizenship or nationality. Permission to travel or reside in a foreign country may be substantiated by a written statement from the foreign government concerned that the individual has been granted or it is anticipated that he will be granted permission to remain in the foreign area in question.

(3) Officer personnel will submit requests to be separated on foreign station to the Commandant of the Marine Corps (Code DF). Contained in their request shall be a statement that application has been made for a passport and indications are that such passport will be granted upon separation. In addition, the request shall include a statement that permission to remain in the foreign area has been or will be obtained.

§ 730.101 Effective time of separation.

(a) A discharge or separation by reason of expiration of enlistment or expiration of inductee service shall be effective at 2400 hours on the date of discharge or separation, whether or not further service obligation is involved.

(b) Discharges for reasons other than expiration of enlistment are effective upon delivery of the discharge certificate to the individual except in cases where discharge has been authorized or directed and the individual is unavailable due to his unauthorized absence or is in a status of confinement in a civilian jail, prison, or institution and personal delivery of the certificate is not possible or feasible. In these exceptional cases the discharge will be effective on the date shown on the discharge certificate.

(c) Title 38 U.S. Code, section 106(c) provides that, for the purpose of entitlement to benefits administered by the Veterans Administration, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during the period

of time immediately following the date of such discharge or release from such duty determined in accordance with current regulations to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

(d) If discharge is being effected as a result of immediate entry or reentry into any component of the Armed Forces, the discharge will be dated as of the date preceding such entry or reentry.

(e) The release from active duty of a reservist who was assigned to active duty as a reservist is effective at the expiration of authorized travel time. The discharge of a reservist as the result of expiration of enlistment or fulfillment of service obligation will be effective on the date shown on the discharge certificate.

(f) When the date of discharge is not indicated, administrative discharges will be effected at the earliest practicable date and normally not later than 5 working days from the time of receipt of the discharge order by the command concerned.

(g) Discharge certificates and final pay or a substantial portion thereof will be prepared and ready for delivery to the Marine concerned upon the date of discharge or release from active duty.

(1) Delivery of discharge certificates will be made on the date of discharge to those Marines who have indicated that they do not desire to extend or reenlist.

(2) Marines who desire to extend or reenlist will be required to execute their enlistment contracts or extensions of enlistment on the dates their current enlistment contracts expire, or prior thereto, to be effective on the date next succeeding the date of discharge or expiration of enlistment. Delivery of the discharge certificate will be accomplished on a date subsequent to the date of discharge.

(3) Commanders are authorized to effect discharge, or to order a reservist home for release from active duty, as appropriate on the last working day preceding a Saturday, Sunday, or holiday when the normal expiration of enlistment or date of detachment from the command in the case of a reservist falls on one of those days providing the individual Marine concerned consents in writing. The reason for discharge will be for convenience of the Government. Paragraphs 13261.1a and 13301.7c of the Marine Corps Personnel Manual (§§ 730.61(a)(1) and this subparagraph) will be cited as authority. Personnel desiring to reenlist immediately will not be discharged early under this subparagraph. The following statement of consent will be entered on page 11 of the service record and signed by the Marine concerned:

I hereby consent to be (discharged) (detached from my command) on _____ in lieu of my normal date of (expiration of enlistment) (detachment) on _____. I understand that entitlement to pay and allowances and credit for active Federal service ceases on the actual date of my separation from active service.

RULES AND REGULATIONS

The following instructions are applicable to personnel discharged or released early under authority contained in this subparagraph.

(i) Personnel shall be considered eligible for the Good Conduct Award in all instances where eligibility therefor would have been established through normal expiration of obligated active service.

(ii) Recoupment of reenlistment bonus will not be made.

(iii) In the event of future recall, personnel will be considered in the same status as those who have completed their enlistments or periods of extended active duty.

§ 730.102 Categories for discharge at duty stations within the United States.

(a) Commanders will process and discharge, at their present stations, all enlisted personnel eligible for discharge who fall within one of the following categories: For personnel arriving in the United States from sea or foreign duty, the commander referred to is that of the post or station at or nearest the port of aerial port of entry.

(1) Those who have no obligated service under law and who will be discharged for reason of expiration of enlistment.

(2) Those who will be discharged for enlistment or reenlistment.

(3) Those whose discharge is directed by proper authority prior to expiration of enlistment.

(b) Except for reenlistment or when discharge is otherwise directed by competent authority, enlisted personnel who have not completed their obligated service under law will not be discharged upon expiration of enlistment. They will be transferred to the Marine Corps Reserve in accordance with current directives.

§ 730.103 Travel upon separation.

(a) Detailed instructions relating to the travel of personnel upon separation from the service or release from active duty are contained in Joint Travel Regulations and in the U.S. Navy Travel Instructions.

(b) If it is impossible to verify the place elected for the purpose of mileage from local records, the commander will accept a certificate from the individual as substantiation which will state the place elected for purpose of mileage and identify such place as the home of record, place from which ordered to active duty, the place of induction, or the place of entry into the service as he may elect. This certificate will be inserted in the service record book or officer's qualification record.

§ 730.104 Retention in service to liquidate indebtedness.

Neither Regular nor Reserve personnel will be retained on active duty for the purpose of liquidating indebtedness to the Government.

§ 730.105 Physical examinations treatment, and proceedings.

(a) A complete physical examination shall be given to all enlisted personnel prior to discharge, transfer to Reserve, or release from active duty. Examina-

tion in the cases of personnel being discharged or retired upon the approved report of a medical board, or a physical evaluation board shall be given only if requested by the person being discharged or retired. Physical examinations shall be given in accordance with the Manual of the Medical Department and current directives. If as a result of such examination the enlisted person is found unfit for the performance of duty, his case shall be referred to an appropriate medical board.

(b) Discharge or release from active duty normally will not be effected when any of the following actions are being taken or contemplated:

(1) Physical evaluation board processing until the Secretary of the Navy has taken final action on the board proceedings and the Commandant of the Marine Corps has promulgated such action.

(2) Medical board hearing, or;

(3) Necessary medical or dental treatment.

(4) Further instructions are contained in part J of chapter 13 of the Marine Corps Personnel Manual.

(c) An enlisted Marine on active duty whose term of enlistment expires while he is suffering from disease or injury incident to service and not due to his own misconduct, and who needs medical care or hospitalization, may be retained on active duty, with his consent, until he recovers to the extent that he is able to meet the physical requirements for reenlistment or until it is determined that recovery to that extent is impossible. (Par. 13451, Marine Corps Personnel Manual.)

§ 730.106 Government property.

Government property in possession of enlisted personnel or on charge to them will be recovered prior to discharge. In case of shortages, commanders will take appropriate action to determine responsibility in accordance with current instructions.

§ 730.107 Uniforms and clothing.

(a) The instructions relating to uniform clothing of personnel being discharged are contained in Individual Clothing Regulations.

(b) A person discharged with a dishonorable, bad conduct or undesirable discharge or for reason of unsuitability or security shall have all uniform coats, overcoats, raincoats, liners, trousers, utility uniforms, caps and hats in his possession, together with all grade and branch of service insignia, service stripes, and brass or bronze buttons pertaining thereto, recovered by his commander prior to discharge, and if necessary, an outfit of civilian outer clothing will be issued to him in accordance with current instructions.

(c) Uniforms recovered from women Marines discharged as stated in paragraph (b) of this section shall be interpreted to mean all uniform coats, overcoats, skirts, dresses, utility uniforms, duffel bag, boots, handbag cover and strap, rain cap cover, hood for raincoat, neckties, scarfs, gloves, caps and hats, together with all grade and branch of service insignia, service stripes, and uni-

form buttons thereto. They will be permitted to retain the raincoat, handbag, and other items not specified above. If they do not possess an olive drab overcoat, the allowance of civilian clothing furnished shall include a civilian topcoat when weather conditions require.

§ 730.108 Accrued leave.

Prior to discharge the leave account will be balanced to the date of discharge to determine the total amount of leave accrued. Instructions relative to settlements for leave upon separation are contained in paragraph 15119 of the Marine Corps Personnel Manual.

§ 730.109 Pay accounts.

(a) The disbursing officer carrying the individual's account will be notified at least 3 working days prior to date of discharge.

(b) An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed \$25 or such portion thereof as will, together with other funds available to the individual concerned, total \$25. Detailed instructions regarding this cash allowance are contained in Navy Comptroller Manual, paragraph 044180.

§ 730.110 Interview by recruiting officers.

(a) Prior to discharge each individual will be interviewed by post or organization recruiting officer, who will, if the individual is considered desirable for reenlistment, point out the benefits of continued service in the Marine Corps. If the individual has definitely decided not to reenlist, interest should be aroused in the Marine Corps Reserve, pointing out the benefits to be obtained.

(b) Personnel should also be instructed to apply to the nearest recruiting officer, and not direct to the Commandant of the Marine Corps, should they desire to reenlist at some subsequent date. Recruiting officers have all the necessary information and can answer questions in much less time than if inquiry is made direct to the Commandant of the Marine Corps. Individual cases will be referred to the Commandant of the Marine Corps (Code DP) when necessary, by the recruiting officers.

§ 730.111 Address of reserve director.

Each individual discharged and not reenlisted in the Regular Marine Corps will be informed of the address of the Director of the Marine Corps Reserve and Recruitment District nearest his prospective home address, and that on questions relative to Marine Corps service the Director may be consulted.

§ 730.112 Preparation of the discharge certificate.

All enlisted discharge certificates will be prepared by the organization having custody of the service record book. The instructions contained in paragraph 15074 of the Marine Corps Personnel

Manual will govern custody and preparation of the discharge certificates.

§ 730.113 Delivery of discharge certificate.

The delivery of the honorable discharge certificate invariably will be made in person by an officer; in the case of a person who has completed his enlistment honorably or under honorable conditions, the delivery should be made by the post or regimental commander, or if that is impracticable, by the company commander, accompanied by the expression of a hope that the individual will reenlist or good wishes for a successful career.

§ 730.114 Armed Forces of the United States Report of Transfer or Discharge (DD Form 214).

(a) The Armed Forces of the United States Report of Transfer or Discharge, DD Form 214, will be prepared and delivered to each person at the time of his separation from active service for reasons other than death.

(b) Instructions contained in paragraph 15072 of the Marine Corps Personnel Manual shall govern preparation and disposition of the Armed Forces of the United States Report of Transfer or Discharge.

§ 730.115 Certificate of Service.

A Certificate of Service, DD Form 217-MC, will be issued at the time of separation from active duty to all personnel, officer and enlisted, who have served honorably during a period of active duty. Instructions contained in paragraph 15075 of the Marine Corps Personnel Manual will govern the preparation and delivery of the certificate of service.

§ 730.116 Honorable discharge button and honorable discharge pin.

Provisions concerning eligibility for the honorable discharge button and honorable discharge pin are contained in paragraph 8100 of the Marine Corps Personnel Manual.¹

¹Paragraph 8100 and paragraph 8151 which is referred to therein read as follows:

8100 Honorable discharge button and pin
1. Each enlisted person of the Marine Corps who is honorably discharged or discharged under honorable conditions from the service will be issued a Marine Corps honorable discharge button, or pin in the case of women, to be worn only with civilian dress.

2. Each enlisted member of the Marine Corps Reserve, who has served on continuous active duty for 30 days or more, will be issued one of these buttons upon honorable discharge or discharge under honorable conditions from the Marine Corps Reserve.

3. Discharged personnel who are authorized to receive a button and have not, or have lost such insignia, should make application to Commandant of the Marine Corps (Code DL). For issuing authority refer to paragraph 8151.

8151 Initial and replacement issue
1. General. a. Whenever a decoration, medal, lapel button or auxiliary insignia awarded in accordance with existing laws and regulations becomes lost, destroyed, or rendered unfit for use through no fault or neglect of the person to whom originally awarded, it shall be replaced without charge

§ 730.117 Wearing of uniform after discharge.

Marines whose character of discharge is honorable or under honorable conditions, except when discharge is for unsuitability or for reason of security, may retain and wear their uniforms from the place of discharge to their homes, within 3 months after date of discharge. The phrase "from the place of discharge to his home, within 3 months after the date of such discharge," refers to the period between the date of discharge and the date of the person's arrival at his home and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired. If such personnel served during war they shall, when not on active service, be entitled, upon occasion of ceremony, to wear the uniform of the highest grade held by them during their war service.

§ 730.118 National Service Life Insurance and insurance under the Insurance Act of 1951.

(a) In case an individual held National Service Life Insurance he should receive the fourth copy of the notification of discontinuance of allotment for National Service Life Insurance, Form VA 365.

(b) Each individual carrying National Service Life Insurance should receive explicit notice that he may pay premiums direct to the Veterans' Administration, District Office, P.O. Box 8079, Philadelphia, Pennsylvania, if he wishes to continue his insurance.

(c) Each individual covered by the Insurance Act of 1951 should be carefully counseled regarding the post-service in-

upon presentation of satisfactory evidence of the cause of loss, etc. However, if lost through negligence, the loser may replace such awards only by purchase at current published prices.

2. *Issued by Headquarters Marine Corps.* a. The Commandant of the Marine Corps (Code DL) issues decorations, campaign and service medals, appurtenances thereto, expert rifle and pistol requalification bars, and lapel buttons to members and former members of the Marine Corps and to the next of kin of deceased Marines.

(1) Above items are issued in response to individual applications. Commanders may originate applications for members of their commands provided they itemize the awards desired and identify the intended recipient in each instance.

(2) Applications for above items (original issue or replacement) should reach the Commandant of the Marine Corps (Code DL) not later than six weeks prior to the date desired. Applications should be individual requests.

(3) Applications requesting replacement of above items will include statement giving circumstances under which item was lost, destroyed or rendered unfit for use. Commanders will state whether or not the requested item was lost, etc., through the fault or neglect of the person to whom it was awarded. Applications not containing this statement will be returned.

(4) Personnel who have served in both officer and enlisted grade, or in other branches of the U.S. Armed Forces should include all service numbers.

(5) Stock necessary to support issues of items listed in subparagraph a, above, resulting from individual applications is maintained at Headquarters Marine Corps. The Marine Corps Stock Fund is reimbursed

surance available to him. The time limitation on applying for this insurance should be emphasized (38 U.S.C. 701-724, 781-784). (Provisions in this respect are contained in par. 11100, Marine Corps Personnel Manual.)

§ 730.119 Benefit pamphlet.

Each individual separated will be given a copy of the DD pamphlet "Going Back to Civilian Life," (NAVMC-2537). (Provisions in this respect are contained in par. 11350, Marine Corps Personnel Manual.)

§ 730.120 Warning to individuals not eligible for reenlistment.

Every person discharged who is not eligible for reenlistment will be informed that: (a) Fraudulent enlistment in any branch of the service will undoubtedly be detected by fingerprints, and (b) if concealment of his previous service and discharge results in his reenlistment, he will be subject to disciplinary action.

§ 730.121 Closing out of service record book.

The service record book of each person separated will be completed in accordance with the instructions contained in paragraph 15100 of the Marine Corps Personnel Manual.

§ 730.122 Forwarding of service record books.

(a) In all cases where individuals have been discharged, the service record books will be forwarded in accordance

for this inventory at Headquarters level, therefore commanders are not to cite funds in the application.

b. Purple Heart Certificates: (1) Application for Purple Heart Certificates should be made to Commandant of the Marine Corps (Code DL). Wounds must be substantiated in the records of this Headquarters before certificate can be issued.

3. *Issued by field.* a. Commanders are currently authorized to issue the following as appropriate to members of their commands:

(1) Good Conduct Awards with Certificates.

(2) All small-arms qualification badges and bars except Rifle and Pistol Expert Requalification Bars.

(3) Honorable Discharge Button.

(4) Marine Corps Reserve Button.

(5) French Fourragere (only by commanders of the Fifth and Sixth Marine Regiments).

b. In making replacement, commanders will be guided by the provisions of subparagraph 1a, above, and will only issue those items stocked for regular issue in the activity involved. Since these items come under the cognizance of the Single Manager Program, requisitions for authorized stocks should be submitted to the normal source of supply. Under no circumstances are requisitions for stocks of these items to be submitted to Commandant of the Marine Corps.

4. *Items not issued.* a. Ribbon bars, except initial issue for personal decorations and unit awards, will not be issued by the Commandant of the Marine Corps. Replacements for ribbon bars of personal decorations and all other bars must be purchased at the individual's expense from Military Exchanges or commercial sources.

b. Combat Aircrew Insignia will not be issued by the Commandant of the Marine Corps or the appropriate commander. Insignia may be procured from Military Exchanges upon presentation of appropriate letter of authorization.

RULES AND REGULATIONS

with instructions contained in paragraph 15100 of the Marine Corps Personnel Manual.

(b) In order to avoid confusion and delay in final settlement, no transfers will be made or authorized after an individual's accounts have been closed preliminary to discharge.

§ 730.123 Delivery of baggage and personal effects.

The individual's baggage and personal effects, upon discharge, will be delivered to the railroad station or other point of departure by the command concerned.

§ 730.124 Void enlistments.

(a) The law prohibits the enlistment in the Marine Corps of a person who is:

- (1) A male and under 14 years of age;
- (2) A female and under 18 years of age;
- (3) Insane;
- (4) Intoxicated; or

(5) Has deserted in time of war from any of the Armed Forces unless, in time of war, his enlistment is permitted by such authority as the Secretary of the Navy designates. (10 U.S.C. 5532.)

(b) An enlistment entered into by a person of one of the categories listed in paragraph (a) of this section is void.

(c) All cases of enlistments apparently entered into in violation of the prohibition in 10 U.S.C. 5532 shall be reported to the Commandant of the Marine Corps (Code DGK) immediately. After investigation of the facts and subject to any provision of law pertinent thereto, the Commandant of the Marine Corps will direct the action to be taken and the disposition of the person concerned. The foregoing reporting requirement applies, in addition to cases falling under paragraph (a) of this section, to the following illegal enlistments:

(1) Unauthorized execution of a contract of enlistment into the Marine Corps or Marine Corps Reserve while already a member of any component of any Armed Force of the United States or execution of such contract while on a retired list of any component of any Armed Force of the United States.

(d) The pay status of persons under above illegal enlistments is dealt with in 39 Comp. Gen. 742 and 860, and paragraph 044204.8, Navy Comptroller Manual.

§ 730.125 Notification of naturalized personnel being separated under other than honorable conditions.

(a) Provision is made by law to revoke the citizenship of naturalized citizens who are discharged either dishonorably or under other than honorable conditions. The Immigration and Naturalization Service, Department of Justice is responsible for the institution of proceedings for the revocation of citizenship in any such cases.

(b) In the event any naturalized citizen who is a member of the Marine Corps is being discharged either dishonorably or under other than honorable conditions, the commander of the discharging unit shall forward immediately to the Commandant of the Marine Corps (Code DK), a report of such case in order that the required certification may

be prepared and transmitted to the Immigration and Naturalization Service upon the person's discharge for determination as to the propriety of revocation of citizenship. This report will include the fact of discharge and the date thereof. The report will also include whatever information is shown on the discharging unit's service records with respect to naturalization.

§ 730.126 Separation of aliens.

(a) In any case where personnel who are not citizens of the United States are to be separated within the United States or its Territories or Possessions, the nearest district office of the Immigration and Naturalization Service, Department of Justice, shall be notified of such pending separation and prospective date thereof. Such notification shall be submitted in sufficient time to permit the immigration authorities to take such action as they may deem appropriate prior to the date on which the individual is to be separated.

(b) Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) provides for expeditious naturalization of permanent resident aliens upon completion of 3 full years service in the Armed Forces of the United States provided certain other qualifications are met. In order not to jeopardize their eligibility for naturalization, permanent resident aliens serving on an enlistment or tour of extended duty of 3 years or more will not be discharged until completion of 3 full years service, solely for the convenience of the Government under the provisions of any early release program. Further, the above provisions will be explained to any alien who makes application for discharge by reason of own convenience or hardship prior to completion of 3 years service. Notwithstanding the foregoing, if any alien desires discharge for one of the above reasons, he may be discharged provided he makes the following signed statement on page 11 of the service record:

I understand that my requesting discharge prior to completion of 3 full years of service may jeopardize my eligibility for expeditious naturalization under 8 U.S. Code 1439. However, understanding the above, I request early discharge.

(c) The policy indicated in paragraph (b) of this section should not be construed as giving aliens an entitlement to retention in service for at least 3 full years regardless of their military record. Adequate provisions are contained in the Marine Corps Personnel Manual for the separation of personnel whose performance of duty or conduct does not justify their continued retention in the service.

PROCEDURES FOR DISCHARGE OF RESERVISTS ON INACTIVE DUTY

§ 730.150 General.

The Commander, Marine Air Reserve Training; Directors, Marine Corps Reserve and Recruitment Districts; Director, Marine Corps Reserve District and commanders of Organized Marine Corps Reserve Units (hereafter termed commanders, where appropriate) are authorized to discharge enlisted reservists,

on inactive duty under their command in accordance with regulations promulgated for discharge of Marines from the Regular Marine Corps, and for reasons set forth in paragraphs (a) to (i) of this section as amplified in §§ 730.151 to 730.159.

(a) For fulfillment of service obligation.

(b) For own request.

(c) For enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.

(d) For enlistment in the Regular Army, Navy, Air Force or Coast Guard.

(e) For enlistment in another Reserve component of the Armed Forces.

(f) For failure to complete basic military training.

(g) For reason of erroneous assignment of military obligation.

(h) Lack of interest (the Commander, Marine Air Reserve Training; and directors only are authorized to discharge for this reason).

(i) When classified IV-F status by the Selective Service System.

§ 730.151 Discharge for fulfillment of service obligation.

The commanders, shall discharge reservists upon completion of the 6- or 8-year term of service required for fulfillment of service obligation under 10 U.S. Code 651 and 50 Appendix, U.S. Code, 454d(3), Universal Military Training and Service Act, except those serving on an enlistment contract or extension which has not expired, unless qualified under the provisions of § 730.152.

§ 730.152 Discharge for own request.

Commanders are authorized to discharge reservists on inactive duty under their command upon the reservist's written request under either of the following conditions:

(a) Has completed 3 years on current enlistment, including extensions thereof; and has no period of obligated service pursuant to law.

(b) Is a married enlisted woman who has a minimum of 1 year of active or inactive service, and has a minimum of 6 months of service following any period of active duty for training other than the weekly or regular scheduled Organized Reserve training sessions. Requests for discharge under this subparagraph will be accompanied by documentary proof of marital status and will be addressed to the commander concerned, who is authorized to take final action on such requests in accordance with these regulations.

§ 730.153 Discharge for enlistment or appointment in the Regular Marine Corps or for appointment in the Marine Corps Reserve.

The enlistment of a reservist is deemed to be automatically terminated upon his enlistment in the Regular Marine Corps or upon his acceptance of appointment as an officer in the Marine Corps or Marine Corps Reserve. Upon receipt of official notification of such enlistment or appointment, commanders will close out the service record of the reservist concerned, showing the date of discharge as of the day prior to enlistment in the

Regular Marine Corps or of acceptance of appointment. The discharge certificate will be prepared and forwarded to, or retained by the commander of the organization to which the individual will be assigned in his new status for delivery to the individual.

§ 730.154 Discharge for enlistment in the Regular Army, Navy, Air Force, or Coast Guard.

Upon receipt of official notification of the enlistment of a reservist in the Regular Army, Navy, Air Force or Coast Guard, commanders will effect the discharge of the reservist as of the day prior to such enlistment, and forward the discharge certificate to his new organization, if known, otherwise to the Commandant of the Marine Corps (Code DGK) with a statement as to reason for nondelivery.

§ 730.155 Discharge for enlistment in another Reserve component of the Armed Forces.

(a) Reservists not on active duty and having a military obligation under law who desire to enlist or accept appointment in another Reserve component of the Armed Forces of the United States, may, upon their application, or with their consent upon application of the Armed Force in which enlistment or appointment is desired, be discharged by the commander concerned, subject to the following conditions and procedures:

(1) Request may be approved and a conditional release granted if:

(i) The gaining Armed Force has a specific vacancy for the reservists in an Organized unit within a reasonable distance of his home or place of business, and there is no Organized Marine Corps Reserve unit similarly available to him; or

(ii) The gaining Armed Force has a specific vacancy for the reservist in an Organized unit within a reasonable distance of his home or place of business, and the reservist has special experience or professional, educational, or technical background which is clearly of greater use to the gaining Armed Force, and which use outweighs the value of the reservist's previous training in the Marine Corps; or

(iii) The reservist will be enrolled in an officer training program of the gaining Armed Force. Where membership in the officer training program does not confer military status, discharge from the Marine Corps Reserve will be for the purpose of immediate enlistment in a Reserve component of the gaining Armed Force.

(2) Determination as to whether the foregoing conditions are met will be made by the commander of the reservist concerned.

(3) When a request is approved, the commander will furnish a conditional release to the originator of the request which shall contain the following elements:

(i) Statement that the request for discharge is approved, subject to the applicant's enlistment or acceptance of appointment in the gaining Armed Force, and will be effected upon notification to

the approving authority of such enlistment or acceptance of appointment;

(ii) Request that approving authority be notified by the gaining Armed Force of the effective date of such enlistment or acceptance of appointment;

(iii) Date the reservist acquired his period of obligated service;

(iv) Term of military obligation.

(4) Upon receipt by the approving authority of evidence that the applicant has been enlisted or has accepted appointment in the gaining Armed Force, discharge will be effected as of the day prior to the date of such enlistment or acceptance of appointment. Discharge certificate will be forwarded to the gaining Armed Force for delivery to the reservist.

(b) Discharge of reservists, who do not have a military obligation, to enlist or accept appointment in a Reserve component of another Armed Force will be in accordance with the criteria and procedures stated in paragraph (a) of this section, unless the reservist is eligible for discharge at his own request. Conditional release in such cases will state that the reservist has no obligated service under law.

§ 730.156 Discharge for failure to complete basic military training.

Commanders will discharge reservists who have completed their obligated service, upon failure to complete the minimum military training requirements prescribed in the current Reserve Training SOP, unless waiver and retention is authorized pursuant to such instructions as may be issued by the Commandant of the Marine Corps.

§ 730.157 Discharge for reason of erroneous assignment of military obligation.

The commanders are authorized to discharge enlisted Marines erroneously assigned a military obligation. The following is applicable to the discharge so effected:

(a) Authority for discharge will be this section.

(b) Character of discharge will be in accordance with the table shown in § 730.57 and the type which the Marine would have received if discharge had been effected upon expiration of enlistment inductee/service.

(c) Discharge will not be predicated nor will a new DD Form 214 be issued.

(d) Do not effect discharge without affording the Marine an opportunity to reenlist in the U.S. Marine Corps Reserve provided he is qualified.

§ 730.158 Discharge for lack of interest.

(a) The Commander, Marine Air Reserve Training and directors are authorized to discharge for lack of interest, reservists on inactive duty under their command, provided the reservist concerned does not have a military obligation under existing law.

(b) Lack of interest is defined as, and limited to one of the following:

(1) Failure to answer official correspondence or to comply with the directives contained therein.

(2) Failure to undergo a quadrennial physical examination when ordered.

§ 730.159 Discharge of reservists classified IV-F.

Commanders will discharge those reservists assigned to their commands who are classified in a IV-F status by the Selective Service System.

§ 730.160 Recommendations for discharge.

Commanders may recommend to the Commandant of the Marine Corps (Code DMB) that reservists be discharged for the following reasons: Convenience of the Government; own convenience; hardship; minority; unsuitability; unfitness; or misconduct. Recommendations will be prepared and processed in accordance with §§ 730.50 to 730.69. When an inactive duty reservist is informed of his right to appear in person before a board in connection with discharge for unfitness or misconduct, he should also be informed that such appearance will be at no expense to the Government. If he does not waive his right to appear in person, and he fails to appear after having been notified of the time and place of meeting of the board, it will be considered that he is not reasonably available. The report of the board should clearly state the circumstances.

§ 730.161 Not physically qualified.

(a) Upon receipt of a report from a medical officer that an enlisted reservist who is not on active duty, has been determined to be physically unqualified, the commander concerned will forward the Report of Medical Examination (SF 88 or NAVMC 588-PD) to the Commandant of the Marine Corps (Code DMB) via the Chief, Bureau of Medicine and Surgery, with recommendation as to retention, waiver, discharge, or transfer to another class.

(b) The Commander Marine Air Reserve Training and directors are authorized to take the action described below upon being notified by the Commandant of the Marine Corps that an enlisted reservist not on active duty has been found by the Chief, Bureau of Medicine and Surgery, to be physically unqualified for retention in the Marine Corps Reserve.

(1) If the reservist is a member of Class II Reserve, transfer to Class III Reserve.

(2) Inform the reservist of his status providing the following information and an appropriate form letter for reply:

(i) Medical description of physical defect.

(ii) That laws governing the Armed Forces require that any person, who is not physically qualified for assignment to active duty, be discharged or retired from the Marine Corps Reserve.

(iii) That in view of the foregoing he is requested to take one of the following courses of action:

(a) Submit a written request for discharge by reason of being physically unqualified.

(b) Request transfer to the Retired Reserve if eligible under existing regulations.

(c) Request a hearing before a physical evaluation board. Further, that

RULES AND REGULATIONS

expenses incurred incident to this hearing must be borne by the reservist concerned and that he would not be eligible to receive retired pay, severance pay or any other benefits as a result thereof. Additionally, that such hearings are expensive and that the physical evaluation board would be limited in its recommended findings only as to whether the Marine is physically qualified for active duty in the U.S. Marine Corps Reserve as set forth in § 725.428 of this chapter.

(d) That if no reply is received within 30 days from the date of the letter of notification, it will be considered that the reservist does not desire a hearing and that action will be taken to discharge him involuntarily by reason of physical disqualification.

(3) Upon completion of the foregoing, take such administrative action as may be indicated in accordance with the following instructions:

(i) Discharge the reservist upon receipt of his or her written request under authority contained in § 730.60.

(ii) In the event the reservist requests a hearing, authorize his appearance before the nearest physical evaluation board at no expense to the Government in accordance with instructions contained in the Disability Separation Manual (Part 725 of this chapter). Such authorization will be prepared in accordance with the format contained in subdivision (iii) of this subparagraph. The addresses of the physical evaluation boards are shown in subdivision (iv) of this subparagraph.

(iii) Format of authorization to appear before a Physical Evaluation Board.

From: Commander, Marine Air Reserve Training.

To:
Via: Senior Member, Physical Evaluation Board (insert appropriate mailing address shown in subdivision (iv) of this subparagraph).
Subj: Authorization to appear before a Physical Evaluation Board.
Ref: (a) Disability Separation Manual, NAVEXOS P-1990.
Encl: (1) Statement of Rights in triplicate (NAVEXOS-3382).

1. When notified by the via addressee that the necessary records are available for presentation of your case, you are authorized to report to that officer for an evaluation of your present physical condition.

2. In the evaluation of your physical condition, the Physical Evaluation Board is directed to conduct the proceedings in all respects as provided for hearings in the case of active duty members except that it will make only the recommended finding that you are or are not physically qualified for active duty in the U.S. Marine Corps Reserve. The Board's attention is invited to paragraph 0428 of reference (a).

3. The above is authorized with the understanding that you will not be entitled to reimbursement for mileage or expense in connection therewith. In case you do not desire to bear this expense or if for any reason you fail to report to the Physical Evaluation Board on the date specified, you will regard paragraph 1 of this authorization as revoked.

4. You are advised that if for any reason you are unable to report in person to the Physical Evaluation Board on the date specified, you may waive your right to appear in person. If you waive your right to appear in person, your case will be submitted to the Physical Evaluation Board for an examina-

tion on the record. It is requested that you execute the enclosed Statement of Rights and return it to the via addressee prior to the date set for your examination.

5. Whether you appear in person or waive your right to appear in person, you may be represented by counsel if you so desire. You are advised that if you desire counsel to assist or represent you in presenting your case before the Physical Evaluation Board, competent legal assistance is available without expense to you. Should you desire to avail yourself of this service, you may apply to the Senior Member of the Physical Evaluation Board.

6. By endorsement hereon the via addressee is requested to notify you of the date and place you are to appear.

(Signature of commander)

Copy to:
BuMed (Code 3351)
CMC (Code DMB)
Individual concerned—4

(iv) Mailing list of Physical Evaluation Boards.

First Naval District, U.S. Naval Hospital, Chelsea 50, Mass.

Third Naval District, U.S. Naval Hospital, St. Albans, Long Island 12, N.Y.

Fourth Naval District, U.S. Naval Hospital, 17th Street and Pattison Avenue, Philadelphia 45, Pa.

Fifth Naval District, U.S. Naval Hospital, Portsmouth, Va.

Sixth Naval District, U.S. Naval Hospital, U.S. Naval Base, Charleston, S.C.

Ninth Naval District, Building 1, Great Lakes, Ill.

Eleventh Naval District, U.S. Naval Hospital, San Diego 34, Calif.

Twelfth Naval District, U.S. Naval Hospital, Oakland 14, Calif.

Headquarters Marine Corps, Henderson Hall, Building No. 3, Washington 25, D.C.
U.S. Naval Hospital, Camp Lejeune, N.C.
U.S. Naval Hospital, Camp Pendleton, Calif.

NOTE: Address all correspondence to Senior Member.

Example: Senior Member, Physical Evaluation Board, Headquarters, Ninth Naval District, Great Lakes, Ill.

§ 730.162 Discharge certificate.

(a) A reservist who has served on active duty other than active duty for training during his current enlistment will be discharged in accordance with instructions governing enlisted Marines of the Regular Marine Corps discharged under similar conditions, and the type of discharge certificate prescribed therefor will be used.

(b) A reservist who has not served on active duty, other than active duty for training during current enlistment, will be issued the Honorable Discharge Certificate, DD Form 256-MC, on discharge, unless otherwise directed in the individual case by the Commandant of the Marine Corps.

(c) Instructions governing preparation of discharge certificates are contained in paragraph 15074 of the Marine Corps Personnel Manual.

(d) Upon transmittal of discharge certificates, inform each Marine that it is his responsibility to report his change of status to his local board of the Selective Service System.

§ 730.163 Discharge of women who become a parent or custodian of a child.

Commanders shall discharge an enlisted woman in accordance with

§ 730.61(b) (2) when it is established that such woman comes within its purview.

§ 730.164 Discharge of reservists on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order.

(a) Members of the Marine Corps Reserve on inactive duty who have become regular or duly ordained ministers of religion or who desire to take final vows in a religious order may request separation as follows:

(1) Officers will submit resignation of commission to the Secretary of the Navy through official channels via the Commandant of the Marine Corps (Code DMA).

(2) Enlisted personnel will submit requests for discharge via official channels to the Commandant of the Marine Corps (Code DMB).

(b) The following definitions apply for the purposes of his paragraph:

(1) "Regular minister of religion" is defined as a person who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect or organization as a regular minister.

(2) "Duly ordained minister of religion" is defined as a person who has been ordained in accordance with the ceremonial ritual, or discipline of a church, religious sect, or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(3) The above definitions do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect or religious organization or who may have been duly ordained a minister in accordance with the ceremonial rite, or discipline of a church, religious sect or religious organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

(c) Resignation of a commission or application for discharge must be accompanied by a statement or certificate from an appropriate official of the church, religious sect, or religious organization attesting that the reservist is a regular or duly ordained minister of religion as defined in the foregoing paragraph, or if the reservist desires to take final vows in a religious order, his resignation or application for discharge must be accompanied by a statement or certificate

from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he may have.

(Sec. 161 R.S., sec. 1162 and chap 569, 70A Stat. 89, 391, as amended; 5 U.S.C. 22, 10 U.S.C. 1162 and chap. 569 (secs. 6291-6298))

By direction of the Secretary of the Navy.

Dated: October 4, 1961.

[SEAL] ROBERT D. POWERS, JR.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 61-9617; Filed, Oct. 9, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.1]

PART 361—ROUTINE

Agricultural Conservation Program Payments

Section 361.2(a), Title 6, Code of Federal Regulations (26 F.R. 4500), is revised to include Agricultural Conservation Program Payments in the definition of regular payments, and to read as follows:

§ 361.2 Definition of types of payments on all loan accounts.

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income other than proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as Agricultural Conservation Program payments other than those included in paragraph (b) of this section, off-farm income, inheritances, life insurance, and income from leases or bonuses or sale or rental of real estate security of a non-depreciating or non-depleting nature.

(R.S. 161, sec. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9668; Filed, Oct. 9, 1961; 8:47 a.m.]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 462.1]

PART 371—CHATTTEL SECURITY

Assignments of Agricultural Conservation Program Payments

1. Section 371.2(a), Title 6, Code of Federal Regulations (23 F.R. 4305), is revised to include Agricultural Conservation Program payments as other income of the borrower, and to read as follows:

§ 371.2 Taking additional security and keeping security instruments current.

* * * * *

(a) *Chattels, crops, and assignments.*

When additional chattel and crop security not presently covered by a Farmers Home Administration lien is available and needed to protect the Government's interest, County Supervisors will obtain liens on such property and will obtain assignments of the proceeds from the sale of agricultural products or of other income, including Agricultural Conservation Program payments, to be received by the borrower except that crop liens will not be taken as additional security for Soil and Water Conservation loans. When a new security instrument is taken, all existing security items will be described thereon except small equipment, tools, and so forth, on which a lien would not be required under current loan making instructions. This, however, will not relieve the borrower of the responsibility for accounting for these items of security which are omitted from the latest mortgage. Ordinarily, when taking additional chattel or crop security for one type of Farmers Home Administration loan, the security instrument also will describe the notes for other Farmers Home Administration loans which are secured by liens on chattels or crops. However, notes for Soil and Water Conservation loans having final due dates which extend substantially beyond that of other Farmers Home Administration loans being secured will not be described on mortgages covering the borrower's crops, livestock, and farm machinery unless such notes are presently secured by substantially the same items of security property.

2. Section 371.7(a)(1), Title 6, Code of Federal Regulations (23 F.R. 4308), is revised to delete soil bank assignments and to include reference to Agricultural Conservation Program payments, and to read as follows:

§ 371.7 Releases and suspensions of assignments.

(a) *Authority.* (1) County Supervisors are authorized hereby to release or temporarily suspend assignments of proceeds from the sale of agricultural products, including Agricultural Conservation Program payments and crop insurance assignments received in the form of checks made payable jointly to the borrower and the Farmers Home Administration. This authority may be exercised in emergency situations and in other justifiable circumstances pro-

vided its exercise will not be to the financial detriment of the Government and the funds will be used for the purposes enumerated in § 371.5. County Supervisors will take action to see that suspended or released assignments are reinstated or new assignments are obtained when needed.

(2) State Directors are authorized hereby in justifiable cases to approve requests for suspension or release of assignments other than those specified in subparagraph (1) of this paragraph, provided such action will not be detrimental to the Government's interest.

(b) *Method.* All suspensions or releases of assignments will be made on forms approved by the Office of the General Counsel.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9667; Filed, Oct. 9, 1961; 8:47 a.m.]

[FHA Instruction 465.1]

PART 372—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidations

ASSIGNMENT AND RELEASE OF SOIL BANK PAYMENTS

A new § 372.17a is added to Subpart A, Part 372, Code of Federal Regulations (24 F.R. 2103, 8429, 8603), to provide for the assignment and release of Soil Bank Program payments, and to read as follows:

§ 372.17a Assignment and release of Soil Bank Program payments.

The County Supervisor may take an assignment on income to be received under a Soil Bank contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment or all or a portion of the income from the assignment, may be released to the borrower by the County Supervisor when not to the financial detriment of the Government and payments due on all Farmers Home Administration loans have been made from other income or the income is urgently needed to meet emergency expenses or other justifiable uses.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9668; Filed, Oct. 9, 1961; 8:48 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture****SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS****PART 728—WHEAT****Subpart—1962-63 Marketing Year****PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM**

Section 728.1209 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1962, through June 30, 1963, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a national marketing quota for wheat for the 1962-63 marketing year (26 F.R. 4141). The Secretary announced (26 F.R. 6782) that a referendum would be held on August 24, 1961, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year, July 1, 1962, through June 30, 1963. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.1209 Proclamation of the results of the wheat marketing quota referendum for the marketing year 1962-63.

In a referendum of farmers held on August 24, 1961, pursuant to section 336 of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1961, 278,515 eligible farmers voted. Of those voting 221,250 or 79.4 percent favored quotas for the marketing year beginning July 1, 1962. Therefore, wheat marketing quotas will remain in effect for the 1962-63 marketing year. (Sects. 336, 375, 52 Stat. 55, as amended, 66, as amended; 7 U.S.C. 1336, 1375)

Effective upon publication in the **FEDERAL REGISTER**.

Signed at Washington, D.C., October 5, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-9680; Filed, Oct. 9, 1961;
8:51 a.m.]

Title 10—ATOMIC ENERGY**Chapter I—Atomic Energy Commission****PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES****Creditors' Rights; and Transfer, Surrender, and Termination of Licenses**

On May 9, 1961, the Commission published for public comment proposed amendments to 10 CFR Part 50 which

would provide procedures for the transfer of licenses; the enforcement of creditors' rights against licensed facilities; and the surrender and termination of licenses. The amendments would also grant consent to the creation of mortgages or other liens upon licensed facilities. The comments received by the Commission with respect to the proposed amendments have been considered by the Commission and are on file in the Commission's Public Document Room.

Certain clarifying changes have been made in the language of § 50.82 of the amendments as published on May 9, 1961, in the notice of proposed rule making. The changes in language do not significantly modify the purpose or effect of the amendments as originally published.

Pursuant to the Administrative Procedure Act, notice is hereby given that the following amendments to Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Licensing of Production and Utilization Facilities," are adopted to be effective upon publication in the **FEDERAL REGISTER**:

The following centerheading and sections are added to follow § 50.71:

TRANSFERS OF LICENSES—CREDITORS' RIGHTS—SURRENDER OF LICENSES**§ 50.80 Transfer of licenses.**

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

(b) An application for transfer of a license shall include as much of the information described in § 50.33 with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by that section if the application were for an initial license. The Commission may require additional information such as data respecting proposed safeguards against hazards from radioactive materials and the applicant's qualifications to protect against such hazards. The application shall include also a statement of the purposes for which the transfer of the license is requested, the nature of the transaction necessitating or making desirable the transfer of the license, and an agreement to limit access to Restricted Data pursuant to § 50.37. The Commission may require any person who submits an application for license pursuant to the provisions of this section to file a written consent from the existing licensee or a certified copy of an order or judgment of a court of competent jurisdiction attesting to the person's right (subject to the licensing requirements of the Act and these regulations) to possession of the facility involved.

(c) After appropriate notice to interested persons, including the existing licensee, and observance of such procedures as may be required by the Act or regulations or orders of the Commission, the Commission will approve an

application for the transfer of a license, if the Commission determines:

(1) That the proposed transferee is qualified to be the holder of the license;

(2) That transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

§ 50.81 Creditor regulations.

(a) Pursuant to section 184 of the Act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien upon any production or utilization facility which is the subject of a license or upon any leasehold or other interest in such property: *Provided*:

(1) That the rights of any creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee pursuant to the provisions of the license, the Atomic Energy Act of 1954, as amended, and regulations issued by the Commission pursuant to said Act; and

(2) That no creditor so secured may take possession of the facility pursuant to the provisions of this section prior to either the issuance of a license from the Commission authorizing such possession or the transfer of the license.

(b) Any creditor so secured may apply for transfer of the license covering such facility by filing an application for transfer of the license pursuant to § 50.80(b). The Commission will act upon such application pursuant to § 50.80(c).

(c) Nothing contained in this regulation shall be deemed to constitute consent by the Commission to the creation of any mortgage, pledge, or other lien on any special nuclear material, or to affect the means of acquiring, or the priority of, any tax lien or other lien provided by law.

(d) As used in this section:

(1) "License" includes any license or construction permit which may be issued by the Commission with regard to the facility;

(2) "Creditor" includes, without implied limitation, the trustee under any mortgage, pledge or lien on a facility made to secure any creditor, any trustee or receiver of the facility appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by such mortgage, pledge or lien, any purchaser of such facility at the sale thereof upon foreclosure of such mortgage, pledge, or lien or upon exercise of any power of sale contained therein, or any assignee of any such purchaser.

§ 50.82 Applications for termination of licenses.

(a) Any licensee may apply to the Commission for authority to surrender a license voluntarily and to dismantle the facility and dispose of its component parts. The application shall include a statement of the reasons why surrender of the license and dismantling and disposal of the component parts of the facility are proposed. The Com-

mission may require additional information, including information as to proposed procedures for the disposal of radioactive material, decontamination of the site, and other procedures, to provide reasonable assurance that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

(b) If the application demonstrates that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public, and after notice to interested persons, the Commission may issue an order authorizing such dismantling and disposal, and providing for the termination of the license upon completion of such procedures in accordance with any conditions specified in the order.

Dated at Germantown, Md., this 5th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 61-96777; Filed, Oct. 9, 1961;
8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,005]

PART 545—OPERATIONS

Loans Without Full Amortization

OCTOBER 4, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (3) of paragraph (a) of § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said subparagraph to read as follows, effective October 7, 1961:

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semi-annually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That except as to loans made pursuant to subdivision (iii) of this subparagraph the requirements of this subparagraph with respect to semi-annual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or

guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years;

(ii) 80 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of construction; and

(iii) 80 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of facilitating the trade-in or exchange of home or combination of home and business properties: *Provided*, That, with regard to loans made pursuant to this subdivision, the aggregate amount which such an association may invest in such loans shall not at any time exceed 5 percent of such association's assets; such loans shall not be deemed to be non-installment loans within the meaning of paragraph (d) of § 545.6-7; and the term "first liens" includes the assignment of the whole of the beneficial interest in a trust having a corporate trustee whereunder real estate held in the trust can be subjected to the satisfaction of the obligation or obligation secured with the same priority as a first mortgage, a first deed of trust, or a first trust deed in the jurisdiction where the real estate is located.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1964. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as questions have arisen with respect to the extent to which loans under the paragraph added to subsection (c) of section 5 of the Home Owners' Loan Act of 1933 by subsection (b) of section 901 of the Housing Act of 1961 may be made in the absence of rules and regulations of the Board relating to such loans and the Board hereby finds that for that reason the delay which would be caused by the affording of notice and public procedure with respect to the foregoing amendment under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act would be contrary to the public interest, the Board hereby finds that notice and public procedure thereon are contrary to the public interest and, as such questions have arisen and the Board hereby finds that for that reason deferment of the effective date of such amendment would be contrary to the public interest, the Board hereby finds that deferment of the effective date thereof is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61-9653; Filed, Oct. 9, 1961;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 913]

[Special Civil Air Reg. SR-449]

PART 60—AIR TRAFFIC RULES

Prohibition of Flight During Operation Sky Shield II

A large scale military aerial exercise known as "Sky Shield II" will be conducted between 1700Z, October 14, 1961, and 0500Z, October 15, 1961, regardless of weather conditions. This exercise will be executed over the entire North American continent north of the Mexican border. It has been determined that the conduct of this exercise is in the interest of the national defense.

The number of participating military aircraft, the types of maneuvers conducted, the widespread use of electronic countermeasures and chaff and the consequent jamming of Agency air traffic control radars and VHF/UHF air-ground communications, all combine to render unsafe the simultaneous use of the navigable airspace by civil aircraft. Consequently, nonparticipating aircraft should not be permitted to operate in the continental United States and in the State of Alaska during the exercise unless specifically exempted in this regulation. Pilots must plan their flights so as to be either on the ground or outside the exercise area by 1700Z, October 14, 1961, giving consideration to such delay factors as weather and air traffic delays.

Information is available in all Agency air route traffic control centers which will enable pilots to determine the latest times that aircraft intending to depart from the continental United States and Alaska will be authorized to take off so as to be clear of the exercise area when the exercise begins. Similar information is available to pilots who intend to depart overseas points at a time which will insure arrival in the continental United States or Alaska after the exercise has terminated.

Provision is made in this regulation to permit certain operations which may be required in the interest of health or safety, such as those which may be necessary to prevent, or to provide relief from, fire, flood, or accidents, or for emergency medical treatment or assistance. It is emphasized, however, that during the period of Sky Shield II air traffic separation service by the FAA will not be provided to any aircraft, however, advisory information will be provided to the extent possible.

I have determined that a situation exists which requires the immediate adoption of this regulation for the safety of air commerce. Accordingly, I find that notice and public procedure hereon are impracticable, and that good cause exists for making this regulation effective immediately.

RULES AND REGULATIONS

In consideration of the foregoing, the following Special Civil Air Regulation is adopted:

A person shall not operate an aircraft within the continental United States and the State of Alaska during the period 1700Z, October 14, 1961, through 0500Z, October 15, 1961, except:

(a) Aircraft operated under the auspices of the Department of Defense in the military exercise known as "Sky Shield II" or any other operation accorded a higher priority by DOD, and

(b) Aircraft operated in the interest of health or safety, such as those which may be necessary to prevent, or to provide relief from, fire, flood, accident, or for emergency medical treatment or assistance: *Provided*, That air traffic control is advised by the operator prior to take-off, of the point of departure, route, altitude, destination and purpose of flight.

This regulation is effective upon issuance and is terminated at 0500Z, October 15, 1961.

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

Issued in Washington, D.C., on October 6, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-9729; Filed, Oct. 9, 1961;
8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-53]

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

Designation of Transition Area

On July 19, 1961, a notice of proposed rule making was published in the **FEDERAL REGISTER** (26 F.R. 6481), stating that the Federal Aviation Agency proposed to designate a transition area at Hampton, S.C.

No adverse comments were received regarding this proposal.

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

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

Part 601 (14 CFR 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10803 Hampton, S.C., transition area.

That airspace S of Hampton extending upward from 1,200 feet above the surface bounded on the N by VOR Federal airway No. 18 S alternate, on the E by VOR Federal airway No. 3, on the S by the Savannah, Ga., control area exten-

sion (§ 601.1008), and on the W by VOR Federal airway No. 37.

This amendment 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 October 3, 1961.

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

[F.R. Doc. 61-9648; Filed, Oct. 9, 1961;
8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

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

Correction

In F.R. Doc. 61-9495, appearing at page 9337 of the issue for Wednesday, Oct. 4, 1961, the following correction is made in the "Product" column of the tabular material under § 121.90: In the entry for petroleum hydrocarbons, the

portion reading "ultraviolet absorbtivity at 290 μ :" should read "ultraviolet absorbtivity at 290 m μ :".

Title 22—FOREIGN RELATIONS

[Dept. Reg. 108.471]

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects:

1. Section 41.12 is amended to read as follows:

§ 41.12 Classification symbols.

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate symbol to be inserted by the consular officer in the space provided in the visa stamp to show the classification of the alien. The following symbols shall be used:

Class	Citation	Symbol to be inserted in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family.	101(a)(15)(A)(i)-----	A-1
Other foreign-government official or employee, and members of immediate family.	66 Stat. 167.	
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family.	101(a)(15)(A)(ii)-----	A-2
Temporary visitor for business-----	66 Stat. 167.	
Temporary visitor for pleasure-----	101(a)(15)(B)-----	B-1
Alien in transit-----	66 Stat. 167.	
Alien in transit to United Nations Headquarters District under § 11 (3), (4) or (5) of the Headquarters Agreement.	101(a)(15)(C)-----	C-1
Foreign-government official, members of immediate family, attendant, servant, or personal employee, in transit.	66 Stat. 167.	
Crewman (seaman or airman)-----	101(a)(15)(C)(i)-----	C-2
Treaty trader, spouse and children-----	66 Stat. 167.	
Treaty investor, spouse and children-----	101(a)(15)(C)(ii)-----	C-3
Student-----	66 Stat. 167.	
Spouse or child of student-----	101(a)(15)(D)-----	D
Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family.	66 Stat. 167.	
Other representative of recognized foreign member government to international organization, and members of immediate family.	101(a)(15)(E)(i)-----	E-1
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.	66 Stat. 167.	
International organization officer or employee, and members of immediate family.	101(a)(15)(E)(ii)-----	E-2
Attendant, servant, or personal employee of G-1, G-2, G-3 and G-4 classes, and members of immediate family.	66 Stat. 167.	
Temporary worker of distinguished merit and ability-----	101(a)(15)(F)(i)-----	F-1
Temporary worker performing services unavailable in the United States-----	66 Stat. 167.	
Industrial trainee-----	101(a)(15)(F)(ii)-----	F-2
Representative of foreign information media, spouse and children-----	66 Stat. 167.	
Exchange visitor-----	101(a)(15)(G)(i)-----	G-1
Spouse or child of exchange visitor-----	66 Stat. 167.	
	101(a)(15)(G)(ii)-----	G-2
	66 Stat. 167.	
	101(a)(15)(G)(iii)-----	G-3
	66 Stat. 167.	
	101(a)(15)(G)(iv)-----	G-4
	66 Stat. 167.	
	101(a)(15)(G)(v)-----	G-5
	66 Stat. 167.	
	101(a)(15)(H)(i)-----	H-1
	66 Stat. 167.	
	101(a)(15)(H)(ii)-----	H-2
	66 Stat. 167.	
	101(a)(15)(H)(iii)-----	H-3
	66 Stat. 167.	
	101(a)(15)(I)-----	I
	66 Stat. 167.	
	101(a)(15)(J)-----	J-1
	66 Stat. 167.	
	75 Stat. 527.	
	101(a)(15)(J)-----	J-2
	75 Stat. 527.	

Class	Citation	Symbol to be inserted in visa
Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of his official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family.	Art. 12, 5 UST 1094.----- Art. 20, 5 UST 1098.	NATO-1
Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisers and technical experts of delegations, and members of immediate family; dependents of members of a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement or in accordance with the provisions of the Protocol on the Status of International Military Headquarters; members of such a force if issued visas.	Art. 13, 5 UST 1094.----- Art. 1, 4 UST 1794. Art. 3, 4 UST 1796.	NATO-2
Official clerical staff accompanying a representative of Member State to NATO (including any of its subsidiary bodies) and members of immediate family.	Art. 14, 5 UST 1096.-----	NATO-3
Officials of NATO (other than those classifiable under NATO-1) and members of immediate family.	Art. 18, 5 UST 1098.-----	NATO-4
Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO; and their dependents.	Art. 21, 5 UST 1100.-----	NATO-5
Members of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement; members of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty; and their dependents.	Art. 1, 4 UST 1794. Art. 3, 5 UST 877.	NATO-6
Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 classes, and members of immediate families.	Arts. 12-20, 5 UST 1094-1098.	NATO-7

2. Section 41.45 is amended to read as follows:

§ 41.45 Students.

(a) An alien shall be classifiable as a nonimmigrant student if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a) (15) (F) (i) of the Act and that: (1) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101(a) (15) (F) (i) of the Act, as evidenced by the presentation of Form I-20 (Certificate of Eligibility) properly executed by the accepting school and signed by the alien (the Form I-20, when properly executed and presented by an alien in support of an application for a student visa, shall be accepted by the consular officer as *prima facie* evidence that the designated institution of learning or other place of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study); (2) he is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familiar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be

able, with the assistance of such tutoring, to undertake a full course of study in the United States; and (4) he intends in good faith and will be able to depart from the United States upon the termination of his status. An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101(a) (15) (F) (i) of the Act even though no credits are given by the institution for such study, if he is otherwise qualified for classification as a nonimmigrant student. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(b) An alien shall also be classifiable as a nonimmigrant if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a) (15) (F) (ii) of the Act and that: (1) He is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (2) he intends in good faith and will be able to depart from the United States upon the termination of his status.

3. Section 41.65 is amended to read as follows:

§ 41.65 Exchange visitors.

(a) An alien shall be classifiable as an exchange visitor if he qualified under the provisions of section 101(a) (15) (J) of the Act and establishes to the satisfaction of the consular officer that: (1) He has been accepted to participate, and intends to participate, in an exchange-visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP-66 (Certificate of Eligibility for Exchange Visitor Status); (2) he has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the

organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency; or that (4) he is the spouse or minor child of such an exchange-visitor program participant.

(b) Before an exchange-visitor visa may be issued to an exchange-visitor program participant the consular officer must have received from the Department a notification containing the official description of the exchange-visitor program in which the alien has been selected to participate.

4. Section 41.91(d) is amended to read as follows:

§ 41.91 Aliens ineligible to receive visas.

(d) *Former exchange visitors.* An alien who was admitted into the United States as an exchange visitor subsequent to June 4, 1956, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including an alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive a nonimmigrant visa under the provisions of section 101(a) (15) (H) of the Act notwithstanding the approval of a petition as provided in section 214(c) of the Act unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status the alien has resided and been physically present abroad in a foreign country as required by section 212(e) of the Act, or (2) the residence-abroad requirement of section 212(e) of the Act has been waived. (See §§ 63.6 and 63.7 of this chapter.)

(Sec. 212(e), 75 Stat. 527)

5. Section 42.91(c) is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(c) *Former exchange visitors.* An alien who was admitted into the United States as an exchange visitor subsequent to June 4, 1956, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including an alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive an immigrant visa unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status the alien has resided and been physically present abroad in a foreign country as required by section 212(e) of the Act, or (2) the residence abroad requirement of section 212(e) of the Act has been waived. (See §§ 63.6 and 63.7 of this chapter.)

(Sec. 212(e), 75 Stat. 527)

Effective date. This order shall be considered effective as of September 21, 1961, in that the regulations prescribed herein are necessary for carrying out the provisions of Public Law 87-256, which was approved on that date.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

S. A. BONTEMPO,
Administrator, Bureau of
Security and Consular Affairs.

OCTOBER 3, 1961.

[F.R. Doc. 61-9646; Filed, Oct. 9, 1961;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

[T.D. 55487]

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

Admission of Civil Aircraft Registered in United States as Instruments of International Traffic

Provisions relating to permission for foreign aircraft to proceed from the airport of first arrival to one or more airports in the United States do not specifically indicate the requirements for aircraft of foreign origin registered in the United States. It is necessary to include such requirements for arrivals of aircraft of foreign origin registered in the United States on which duty has at one time been paid and which are subsequently used in international traffic and for arrivals of such aircraft on which duty has not been paid.

Notice was given in the **FEDERAL REGISTER** on July 28, 1961 (26 F.R. 6769), of the proposal to include such requirements in the Customs Regulations. No data, views, or arguments pertaining thereto were received.

Accordingly, the Customs Regulations are amended as follows effective November 1, 1961.

Section 6.2(d)(3) is amended to read as follows:

(3) Civil aircraft of domestic origin registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established. Civil aircraft of foreign origin registered in the United States and arriving from a foreign country in international traffic shall be subject to the following provisions:

(i) If such aircraft has been entered as an imported article and duty has been paid on a previous arrival, it may be permitted to proceed otherwise than as an imported article upon a declaration by the aircraft commander identifying the port, date, and number of the duty-paid entry filed upon such previous arrival.

(ii) If such aircraft has not been entered as an imported article subject

RULES AND REGULATIONS

to duty, in addition to any other documents required in connection with a flight in continuation of the international traffic, it shall proceed under a permit on customs Form 4449 which shall specifically identify the aircraft number, country of manufacture, name of the manufacturer, flight number, port, and date of arrival for the flight on which it arrived in the United States, and action shall be taken thereon as specified in subparagraphs (1) and (2) of this paragraph. It shall proceed without being treated as an imported article only if it is in continuous use solely in international traffic or use incidental thereto and will depart from the United States to a destination outside thereof in international traffic or in ballast. If such aircraft which has not been entered as an imported article is withdrawn from international traffic or diverted in the United States to a use other than international traffic or use incidental thereto, it shall be subject to entry as an imported article and dutiable at the rate in effect at the time of withdrawal or diversion.¹

The following citation of authority for § 6.2 is added:

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

Section 6.3(b) is amended by changing the footnote reference "1" in the first sentence to "1a".

Part 6 is amended by redesignating footnote "1" as "1a" and by adding a new footnote 1 reading as follows:

¹ The Bureau of Customs made the following ruling on the status of foreign aircraft wrecked while engaged in international traffic: "If the accident results in substantial demolition of the aircraft, no entry is required and no duty accrues with respect to any portion of the wreckage. If the accident does not result in substantial demolition of the aircraft, and all salvageable portions and parts of the wrecked aircraft are exported, the aircraft is not considered to have been withdrawn from international traffic so as to subject the aircraft as a whole or any portion or part thereof to regular customs entry and duty as imported merchandise. However, if the accident does not result in substantial demolition of the aircraft and the wrecked aircraft or any salvageable portion or part thereof is not exported, an entry is required for the retained damaged aircraft, or salvageable portion or part, as the case may be, and duties will be assessed thereon in accordance with its condition immediately after the casualty." T.D. 55063(1), March 4, 1960.

(R.S. 161, as amended, 251, sec. 14, 67 Stat. 516, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1322, 1624, 49 U.S.C. 1509)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: October 2, 1961.

A. GILMORE FLUES,
Assistant Secretary of the
Treasury.

[F.R. Doc. 61-9672; Filed, Oct. 9, 1961;
8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Public Law 87-30), the Secretary of Labor by Administrative Order No. 558 (26 F.R. 7706) appointed and convened Review Committee No. 1-A, and referred to it and duly noticed a hearing on the question of the minimum rate or rates of wages to be paid under above cited paragraph (C) of proviso (1) of subsection 6(c) of the Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the textile and textile products industry in Puerto Rico, as that industry is defined in Administrative Order No. 558.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), section 6(c)(3) of the Fair Labor Standards Amendments of 1961 (sec. 5(c), Public Law 87-30), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are hereby published in this order amending 29 CFR 699.2 effective November 3, 1961, to read as follows:

§ 699.2 Wage rates.

(a) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the mattress and pillow classification of the textile and textile products industry in Puerto Rico, which is defined as the manufacture of mattresses and pillows.

(b) Wages at a rate of not less than 66 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the bag cleaning and repairing classification of the textile and textile products industry in Puerto Rico, which is defined as the cleaning, mending, and repairing of bags

made from burlap, cotton, and other textile materials.

(c) Wages at a rate of not less than 83½ cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the multiple-needle power-driven machine operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, which is defined as the punching or tufting in the manufacture of hooked or punched rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines.

(d) Wages at a rate of not less than 64 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the other operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, which is defined as all operations and processes in the manufacture of hooked or punched rugs and carpeting except those included in the multiple-needle power-driven machine operations on hooked rugs classification as defined in paragraph (c) of this section.

(e) Wages at a rate of not less than 75 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the yarn classification of the textile and textile products industry in Puerto Rico, which is defined as the spinning, throwing, twisting, winding, or spooling of yarn of all fibers in establishing primarily engaged in producing yarn as an end product.

(f) Wages at a rate of not less than 7½ cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce and who is also engaged in the general classification of the textile and textile products industry in Puerto Rico, which is defined as all services and the manufacture of all products included in the textile and textile products industry in Puerto Rico, except those products and activities included in any other classification of this industry.

Signed at Washington, D.C., this 3d day of October, 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-9661; Filed, Oct. 9, 1961;
8:47 a.m.]

No. 195—4

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Modifications in Existing Delegations of Authority

These amendments of the Gold Regulations vest in the Under Secretary of the Treasury for Monetary Affairs authority to perform and to delegate the performance of certain functions which have heretofore been delegated directly to other agencies of the Treasury Department by the Secretary of the Treasury in the regulations in Part 80. The amendments are made without notice and public procedure thereon because such proceedings are deemed to be unnecessary.

Accordingly, effective upon publication in the FEDERAL REGISTER, §§ 54.1 through 54.52 of the Gold Regulations (31 CFR Part 54) are amended as follows:

(1) By substituting "Under Secretary of the Treasury for Monetary Affairs or his delegate" for "Director of the Mint" wherever the latter appears therein, and

(2) By substituting "Treasury Department" for "Bureau of the Mint" wherever the latter appears therein.

This amendment of the Gold Regulations shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to the effective date of this amendment, and all such penalties, forfeitures and liabilities shall continue and may be enforced as if said amendment had not been made. All licenses, orders or rules heretofore issued by the Director of the Mint under the Gold Regulations shall continue in full force and effect until amended, modified or revoked by the Under Secretary of the Treasury for Monetary Affairs or his delegate.

(Sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b; E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, Nov. 29, 1960 and E.O. 10905, Jan. 14, 1961; E.O. 6359, Oct. 25, 1933; E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943 Cum. Supp.; E.O. 10289, 16 F.R. 9499; 3 CFR 1951 Supp.)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-9770; Filed, Oct. 9, 1961;
10:57 a.m.]

PART 80—NEWLY-MINED DOMESTIC SILVER REGULATIONS OF JULY 6, 1939, AS AMENDED

Modifications in Existing Delegations of Authority

These amendments of the regulations in Part 80 of Title 31 of the Code of Federal Regulations vest in the Under Secretary of the Treasury for Monetary Affairs authority to perform and to delegate the performance of certain functions which have heretofore been delegated directly to other agencies of

the Treasury Department by the Secretary of the Treasury in the regulations in Part 80. The amendments are made without notice and public procedure thereon because such proceedings are deemed to be unnecessary.

Accordingly, effective upon publication in the FEDERAL REGISTER, §§ 80.1-80.12 of Title 31 of the Code of Federal Regulations are amended by substituting "Under Secretary of the Treasury for Monetary Affairs or his delegate" for "Director of the Mint" wherever the latter appears therein.

This amendment of the regulations in Part 80 of Title 31 of the Code of Federal Regulations shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to the effective date of this amendment, and all such liabilities shall continue and may be enforced as if said amendment had not been made.

(Sec. 4, 53 Stat. 998, 60 Stat. 750; 31 U.S.C. 316c, 316d)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-9771; Filed, Oct. 9, 1961;
10:57 a.m.]

PART 92—PROCEDURES AND DESCRIPTIONS OF FORMS—OFFICE OF THE UNDER SECRETARY FOR MONETARY AFFAIRS AND BUREAU OF THE MINT

Description of Procedures

In view of the amendments of the Gold and Silver Regulations in Parts 54 and 80 of this chapter, §§ 92.1-92.31 of Title 31 of the Code of Federal Regulations are hereby amended as follows:

(1) By substituting "Under Secretary of the Treasury for Monetary Affairs or his delegate" for "Director of the Mint" wherever the latter appears therein, except §§ 92.14, 92.23, and 92.25, and

(2) By substituting "Treasury Department" for "Bureau of the Mint" wherever the latter appears therein.

(R.S. 161, sec. 3, 60 Stat. 238, 5 U.S.C. 22, 1992)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-9772; Filed, Oct. 9, 1961;
10:57 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168— DIRECTORY OF INTERNATIONAL MAIL

Germany; Import License Requirements

In § 168.5 *Individual country regulations*, as published in FEDERAL REGISTER of September 19, 1961, at pages 8725-8805, the country "Germany" as amended by 26 F.R. 8945, under Parcel Post, is further amended by striking out the first two paragraphs of the item "Observations" and inserting in lieu thereof the following three paragraphs to show new

RULES AND REGULATIONS

import license requirements for Western Germany.

Observations. Western Germany (including the western sector of Berlin). Parcels may be addressed "Federal Republic of Germany" or "Berlin (Western Sector)".

The contents are subject to customs duty except for certain limited categories. Interested patrons may obtain information from the European Division, Bureau of Foreign Commerce, Department of Commerce, or from any field office of that Department.

Each commercial parcel exceeding 200 DM (\$48) in value must have enclosed an invoice in duplicate showing the value of the contents. The addresses of such parcels are required to obtain import licenses, and may receive only one parcel per day from one sender.

(R.S. 161, as amended; 5 U.S.C. 22; 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-9663; Filed, Oct. 9, 1961;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14160; FCC 61-1146]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

In the matter of amendment of parts 2, 7 and 8 of the Commission's rules concerning the use of frequencies 2738 kc and 2830 kc for ship-shore safety and related navigational communication between ship stations and limited coast stations established at causeways, bridges, waterways and similar locations; Docket No. 14160.

1. On June 23, 1961, the Commission released a notice of proposed rule making in the above captioned matter. The notice of rule making was published in the *FEDERAL REGISTER* on June 29, 1961 (26 F.R. 124). Time for filing comments and reply comments expired August 1 and August 10, 1961, respectively.

2. Comments in this proceeding were filed by Texas Highway Department (Texas); State of Michigan Highway Department (Michigan); North Pacific Marine Radio Council, Inc. (NPMRC); Mobile Marine Radio WLO (WLO); Nueces County Navigation District No. 1, Port of Corpus Christi (Nueces); Port of Stockton, California (Stockton); Nueces County, Texas (County); Washington State Highway Commission, State of Washington (Washington); and RCA Communications Inc. (RCAC).

3. With the exception of WLO, all parties submitting comments expressed

general approval of the Commission's proposal. Texas and Nueces, licensees of VHF installations in the Galveston and Corpus Christi areas, respectively, submitted supporting statements showing that their present systems were ineffectual because of the lack of VHF installations aboard ships.

4. NPMRC believes the proposed use of 2738 kc should be confined to areas where such use is necessary in the interest of safety and convenience. The Commission is of the opinion that the proposal includes adequate safeguards to preclude the indiscriminate use of the intership frequencies. NPMRC also advocates a power limitation for limited coast stations because of the short range nature of the permissible communications. The Commission shares this view, and as set forth in the proposal, the maximum transmitter power is limited to 50 watts.

5. Michigan requests that, because 2738 kc is not available in the Great Lakes area, 2003 kc be made available in that area to limited coast stations for safety and emergency communication. Since this request is beyond the scope of this proceeding, it is denied. Stockton's comment with respect to possible overcrowding of 154.8 Mc is not pertinent since the Commission's proposal did not include that frequency.

6. RCAC states that the proposed rules do not contain safeguards which will insure that the scope of communications with limited coast stations established under the proposed rule would be confined to safety and navigational communications. Since the licenses issued to such limited coast stations would clearly indicate the limited extent of authorized communications and the licensee would be responsible for observance of such restriction, the Commission believes RCAC is unduly concerned and that there is no real need for an additional class of station to distinguish the limited coast stations authorized under § 7.365(a) from those authorized under § 7.365(b).

7. WLO raised the only objections to the extension of the use of 2738 kc and 2830 kc as proposed by the Commission. The WLO objections are based on the availability of VHF frequencies which could be used in lieu of 2738 and 2830 kc and the adverse impact the adoption of the proposal would have on the growth of VHF in the United States. Frequencies in the VHF band are available for assignment to limited coast stations for the purpose outlined in this proceeding. However, the availability of such frequencies to coast stations, and the establishment of coast stations operating on VHF does not complete a working system. It is axiomatic that the vessels navigating the areas concerned must also have VHF installations. The Commission, in its notice of proposed rule making, stated that only a relatively few vessels have VHF despite the several years such facilities have been available. This statement has not been disputed and in fact has been supported by comments in this proceeding filed by Texas and Nueces. WLO outlines reasons for the failure of a VHF system to materialize. The merits of these reasons are not per-

tinent to this proceeding and the fact remains that VHF installations are not common on United States vessels.

8. WLO questions how the instant proposal could have been made in the name of safety when no provision or mention has been made of 2182 kc, the distress and calling frequency, and when the Commission permitted public coast station WOX to discontinue watch on 2182 kc for a period of one year. Reference to Parts 7 and 8 of the Rules makes clear that a limited coast station or a ship in communication with a limited coast station is not precluded from using 2182 kc for the types of communication permitted on that frequency. Further reference to the rules also makes clear that a regular use of 2182 kc for safety communications of the type herein considered is neither intended nor permissible. The Commission in a Public Notice dated May 12, 1961 (FCC 61-615), stated that the WOX action was taken with the concurrence of the United States Coast Guard, and that the Coast Guard facilities have a coverage on 2182 kc equal to or more extensive than the coverage of WOX on that frequency. It was the Commission's opinion then that relieving WOX of the responsibility of maintaining a watch on 2182 kc would not adversely affect the safety system. There has been no evidence offered to dispel this belief. Both the WOX action and the instant proposal involve safety communications. However, differences are obvious and the relief afforded WOX is in no manner opposed to the Commission's action in this proceeding.

9. Finally, WLO believes that the adoption of the amendments as proposed will delay the growth of VHF by five years. This view is not shared by the Commission. Any stimulation to the voluntary growth of VHF from such limited uses of radio as contemplated in the instant proposal would be de minimis. The Commission has not abandoned its position with respect to VHF being the recommended mode for short range communications. However, the Commission believes that failure to provide for these needed communications because VHF is available for the purpose would, in the face of the fact that ships generally are not fitted with VHF, be a complete disregard for the elements of safety contained in these rule amendments.

10. In view of the foregoing the Commission believes that the public interest will be served by amending the rules as proposed.

11. *It is ordered*, this 27th day of September 1961, That pursuant to the authority contained in section 303 (b), (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 7 and 8 of the Commission's rules are amended as set forth below, effective November 8, 1961.

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

Released: September 29, 1961.

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

1. Section 2.104(a)(5) of the Commission's rules and regulations is amended as set forth below:

a. Add new footnote NG54 to the Table of Frequency Allocations to read as follows:

NG54 Under exceptional circumstances, the frequencies 2638 and 2738 kc may be authorized to coast stations.

b. Insert the NG54 footnote designator in column 11 of the Table of Frequency Allocations opposite 2638 and 2738 kc, as follows:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.* * * *

(5) * * *

FEDERAL COMMUNICATIONS COMMISSION

Frequency (kc)	Nature of SERVICES (stations.)
10	11
*	*
*	*
*	*
*	*
*	*
2638	a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE: Intership (telephony) (NG54). Do.
2738	f. PUBLIC SAFETY: Zone and interzone police. Do. Do.
2804	
2808	
2812	

2. Section 7.365 is amended to read as follows:

§ 7.365 Availability of 2738 kc, 2830 kc and 2214 kc for limited coast stations.

(a) The frequencies 2738 kc and 2830 kc are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon showing that exceptional circumstances warrant the use of such frequencies to serve the safety, operational or business needs of commercial transport or government vessels. Communications between such coast stations and ships shall be conducted on the same working frequency. The frequency 2214 kc is available for assignment under like conditions to limited coast stations. Applicants for the frequencies must show that:

(1) The desired communications are primarily over distances for which frequencies above 30 Mc would not be suitable;

(2) Public coast station facilities would not provide the desired communications;

(3) Harmful interference would not be caused to the service of any United States Government station by the use of 2214 kc;

(4) Harmful interference would not be caused to the intership use of 2738 kc and 2830 kc;

(5) The maximum plate input power of the transmitter for such communication shall not exceed 150 watts.

(b) The frequencies 2738 kc and 2830 kc are available for assignment on a

shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communications with ships relating to safety of navigation at bridges, waterways, causeways and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, both frequencies may be assigned. The maximum authorized transmitter power for such communications shall not exceed 50 watts.

3. Section 8.358(c) is amended to read as follows:

§ 8.358 Frequencies below 3000 kc for safety purposes.

* * * * *

(c) The geographic limitations relating to the frequencies 2738 kc and 2830 kc:

(1) Shall not apply in event of distress or emergency;

(2) Shall not prohibit ship-to-ship communication over any distance less than 200 statute miles when only one of the ship stations is within a geographic area in which use of the respective frequency is permissible;

(3) Shall not prohibit communications between a ship and a limited coast station on either or both frequencies where the limited coast station has been authorized under the provisions of § 7.365(b) of this chapter.

4. In § 8.362, paragraph (a) is amended and new paragraphs (b) and (c) are added as follows:

§ 8.362 Frequencies below 3000 kc for safety, business, and operational purposes.

(a) The frequencies 2738 kc, 2830 kc and 2214 kc may be used for safety, operational, or business communication with limited coast stations authorized to engage in such communication: *Provided*, That with respect to the frequency 2214 kc, specific authorization for such use must be obtained, in which event intership use of the frequency between such ship stations is also authorized.

(b) Use of 2738 kc, 2830 kc and 2214 kc as specified in paragraph (a) of this section will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365(a) of this chapter.

(c) The frequencies 2738 kc and 2830 kc may be used for safety and related navigational communication with limited coast stations authorized to engage in such communication: *Provided*, That use of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 7.365(b) of this chapter.

[F.R. Doc. 61-9686; Filed, Oct. 9, 1961; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5 of Title 41 is amended as follows:

PART 5-7—CONTRACT CLAUSES

Subpart 5-7.1—Fixed-Price Supply Contracts

Section 5-7.101-10 is added, to read as follows:

§ 5-7.101-10 Examination of records.

For examination of records by GSA see Subpart 5-53.3.

Subpart 5-7.50—Negotiated Contracts Other Than Fixed-Price

Section 5-7.5001 is added, to read as follows:

§ 5-7.5001 Examination of records by the Comptroller General.

The contract clause set forth in § 1-7.101-10, which permits the examination of contractors' records by the Comptroller General shall be incorporated in all negotiated contracts exceeding \$2,500 except those contracts which have been specifically exempt from this requirement under the authority of section 533 of the Mutual Security Act of 1954 (22 U.S.C. 1793), or any other law.

PART 5-53—CONTRACT ADMINISTRATION

Subpart 5-53.3—Audit of Contractors' Records

Subpart 5-53.3 is added, to read as follows:

§ 5-53.301 General.

The Office of Comptroller, through its Audit Division, conducts audits (i.e., examinations) of contractors' records to the extent such audits are required by law, regulations, or sound business judgment. In order that the Government can benefit to the maximum extent from such audits, a coordinated and cooperative effort by contracting officers and audit personnel shall be made. It is the responsibility of the contracting officer to have an audit clause inserted in all contracts where audit is required under the conditions indicated in § 5-53.303.

§ 5-53.302 Purpose of audit.

Contract audits are conducted to determine:

(a) The propriety of amounts paid or to be paid by GSA to contractors where such amounts are based on a cost or time determination or on variable features related to the results of contractors' operations.

(b) Adequacy of measures taken by contractors regarding the use and safe-

RULES AND REGULATIONS

guarding of Government assets under their custody or control.

(c) Compliance by contractors with contractual provisions having financial implications, such as advance of funds, cash return provisions, and price adjustments.

(d) The reasonableness of contractors' settlement proposals in termination of contracts.

(e) Compliance with other contract provisions and to recommend the taking of appropriate action where violations or irregularities are indicated.

§ 5-53.303 Types of contracts to be audited.

(a) The criteria set forth in this § 5-53.303 shall be followed in determining those contracts in excess of \$2,500 which shall be audited by GSA. When a decision has been made in accordance with this § 5-53.303 that an audit of contractors' records will be necessary, a clause substantially as contained in § 5-53.304 shall be included in the contract.

(1) Negotiated contracts of the following types and coverage shall be audited prior to final payment:

(i) Cost-reimbursement type contracts (see § 1-3.404).

(ii) Time and materials contracts (see § 1-3.405-1).

(iii) Labor-hour contracts (see § 1-3.405-2).

(iv) Negotiated contracts involving the use of Government-furnished property.

(2) Advertised contracts involving the use of Government-furnished property shall be audited prior to final payment.

(3) The contracting officer may, on the advice of the audit office, appropriate legal counsel, and the credit and finance office, determine that it is desirable to reserve the right to audit contracts to be entered into by negotiation (other than those cited in (1), above), or contracts to be entered into by formal advertising (other than those cited in (2), above). Features of the proposed contract such as escalation, benefit of a general price reduction, Government financial assistance, or guarantees may be reasons for reserving the right to examine a contractor's records.

§ 5-53.304 Contract clause.

(a) The following contract clause is for use as prescribed in § 5-53.303:

EXAMINATION OF RECORDS BY GSA

The Contractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the

expiration of three years after final payment under this contract, have access to and the right to examine any books, documents, papers, and records of the Contractor involving transactions related to this contract.

The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Administrator of General Services or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding \$2,500 and (ii) subcontracts or purchase orders for public utility services as rates established for uniform applicability to the general public.

(b) Inclusion of the above clause does not affect in any way the requirement for the examination of records clause by the Comptroller General (see § 1-7.101-10 and § 5-7.5001).

§ 5-53.305 Audit reports.

Reports of audits of contractors' records shall be furnished to the contracting officer. The Accounting Division, Office of Comptroller (or Regional Comptroller), shall not make payment until assurance has been received from the appropriate contracting officer that the audit has been completed and exceptions uncovered thereunder have been resolved.

Effective date. These regulations are effective upon publication in the **FEDERAL REGISTER**.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: October 4, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-9673; Filed, Oct. 9, 1961;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter 1—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge

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

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

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of raccoon and turkey gobblers on the Blackbeard Island National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres or 82 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, Atlanta, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoons and turkey gobblers.

(b) Open season: November 20 through November 25, 1961, and January 1 through January 5, 1962. Total turkey gobbler kill limited to 10 for the period November 20 through November 25 or 20 for both periods.

(c) Daily bag limits: Turkey gobblers—one per season, raccoons—no limit.

(d) Methods of hunting:

(1) Weapons: Bows of not less than forty (40) pounds pull and arrows.

(2) Prohibited methods: Firearms, crossbows, and mechanical bows.

(3) Dogs: No dogs permitted.

(4) Hunting permitted from daylight to 9:30 a.m. (standard time) and from 3:30 p.m. (standard time) to sunset each day.

(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) Pre-season scouting prohibited. Hunters will be restricted to the camping area until the morning of the first day of the hunt.

(3) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(4) A Federal permit is required to enter the public hunting area. Permit applications will be received by the Refuge Manager, Savannah National Wildlife Refuge, Port Wentworth, Georgia until November 6, 1961.

(5) The provisions of this special regulation are effective to January 6, 1962.

WALTER A. GRESH,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

[F.R. Doc. 61-9659; Filed Oct. 9, 1961;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1070]

ONIONS

Proposed Regulation Governing Imports; Extension of Time for Filing Comments

A notice of rule making on proposed regulations to become effective October 23, 1961, governing imports of dry onions was published in the September 16, 1961, *FEDERAL REGISTER* (26 F.R. 8674). It allowed 20 days after publication (or until October 7, 1961) for filing data, views, or arguments pertaining to the proposed regulations and the effective time thereof.

Subsequent to publication of the notice, the Department received information indicating a need for a reasonable extension of the filing period. Accordingly, the period for filing data, views, or arguments pertaining to the notice of proposed rule making as published in the *FEDERAL REGISTER* (26 F.R. 8674) and as hereinafter amended is hereby extended up to, and including, October 21, 1961.

In view of the change in the filing period, the proposed beginning date of regulation is changed as follows:

Paragraph (a) Import restrictions, of § 1070.1 *Onion Regulation No. 1* is amended by changing "October 23, 1961" to "November 20, 1961."

Dated: October 4, 1961.

FLOYD F. HEDLUND,

Director,

Fruit and Vegetable Division.

[F.R. Doc. 61-9665; Filed, Oct. 9, 1961; 8:47 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 927]

[Milk Order No. 27]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Decision on Proposed Amendments to the Tentative Marketing Agreement and Order; Correction

In F.R. Doc. 61-8923 issued September 13, 1961, as published September 20, 1961, the following corrections should be made:

(1) Insert the word "or" immediately preceding the word "bulk" in the second line of Item 29, Column 1, 26 F.R. 8852;

(2) Add the words "in the State of New York or in Essex, Hudson and Union Counties" immediately following the word "Counties" in the 14th line of column 3, 26 F.R. 8852; and

(3) Add the following Item No. 41 immediately preceding § 927.50 (Amendment) in column 1, 26 F.R. 8853:

41. Amend the first sentence in § 927.50 by adding the words "at each of his pool bulk tank units" after the words "pool plants"; at the end of the second sentence in § 927.50 replace the period with a comma and add the following phrase "except that the report of a pool plant which receives milk from bulk tanks units but not direct from producers shall be submitted at a time specified by the market administrator."

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

Signed at Washington, D.C., on October 4, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-9626; Filed, Oct. 6, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 608]

REVIEW COMMITTEES NOS. 2-C AND D FOR PUERTO RICO

Appointment To Fill Vacancy

A vacancy has occurred in Review Committees Nos. 2-C and D for Puerto Rico because of the resignation of Mr. Osiris R. Sanchez-Vazquez of Puerto de Tierra, Puerto Rico, as a representative of employees.

Now, therefore, pursuant to Administrative Order No. 558 published in the *FEDERAL REGISTER* on August 17, 1961 (26 F.R. 7706), and the authority cited therein, I hereby appoint Mr. Carlos F. Herrera of Santurce, Puerto Rico, as an employee representative on Review Committees Nos. 2-C and D for Puerto Rico.

Signed at Washington, D.C., this 4th day of October 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-9675; Filed, Oct. 9, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-FW-45]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1507, 600.1509, 600.1669, 600.1675, and 600.6037 of the

regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airways Nos. 1507 and 1509 are commonly designated, in part, as a 10-mile wide airway from the Jacksonville, Fla., VOR to the intersection of the Jacksonville VOR 009° and the Savannah, Ga., VOR 195° True radials; thence as a 16-mile wide airway to the intersection of the Savannah VOR 195° and the Alma, Ga., VOR 083° True radials. The Federal Aviation Agency has under consideration a reduction in airway width from 16 miles to 14 miles on the segments of Victor airways 1507 and 1509 from the intersection of the Jacksonville VOR 009° and the Savannah VOR 195° True radials to the intersection of the Savannah VOR 195° and the Alma VOR 083° True radials. The reduced airway width will provide additional air-space for jet penetration procedures to NAS Glync, Ga.

Low altitude VOR Federal airway No. 37 extends in part from the Savannah VOR via the intersection of the Savannah VOR 346° and the Allendale, S.C., VOR 174° True radials to the Allendale VOR. It is proposed to realign this airway segment from the Savannah VOR direct to the Allendale VOR. This alteration would align Victor 37 to underlie the centerline of Victor airways 1507 and 1509 between Savannah and Allendale and would facilitate the transition of aircraft between the low and intermediate altitude airway systems.

Intermediate altitude VOR Federal airway No. 1669 is designated as a 16-mile wide airway from the Alma VOR to the Allendale VOR, and a 14-mile wide airway from the Allendale VOR via the intersection of the Allendale VOR 057° and Florence, S.C., VOR 221° True radials to the Florence VOR. It is proposed to reduce the width of Victor 1669 to 10 miles from the Alma VOR to the intersection of the Alma VOR 035° and the Savannah VOR 274° True radials and to reduce the width of the segment from Allendale to Florence from 14 to 12 miles and to realign it via the intersection of the Allendale VOR 058° and the Florence VOR 220° True radials. The reduced airway widths and realignment of this airway would facilitate the separation of air traffic arriving and departing Hunter AFB, Ga.; Travis Airport, Savannah, Ga.; Imeson Airport, Jacksonville, Fla.; Shaw AFB, S.C.; and Congaree AFB, S.C.; and traffic operating on Victor 1669.

Intermediate altitude VOR Federal airway No. 1675 is designated in part as a 16-mile wide airway from the Charleston, S.C., VOR via the intersection of the Charleston VOR 300° and the Columbia, S.C., VOR 153° True radials to the Columbia VOR. It is proposed to reduce the width of this segment of Victor 1675 from 16 miles to 10 miles. The reduced width of this segment would facilitate the separation of air traffic

PROPOSED RULE MAKING

arriving and departing Shaw AFB and Congaree AFB, and traffic operating on Victor 1675.

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

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

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

Issued in Washington, D.C., on October 4, 1961.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-9649; Filed, Oct. 9, 1961;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-94]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 109 is designated from Portland, Oreg., to Spokane, Wash. The Federal Aviation Agency has under consideration the revocation of Red 109 in its entirety. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Portland to Spokane is adequately served by a combination of low altitude VOR Federal airways No. 112, No. 25 and No. 2. Therefore, it ap-

pears that retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 109 and its associated control areas from Portland to Spokane. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Red 109. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such action.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on October 3, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-9651; Filed, Oct. 9, 1961;
8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-LA-71]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

In accordance with Special Civil Air Regulation No. 444 (26 F.R. 292) the Fed-

eral Aviation Agency has under consideration the designation of a terminal radar jet advisory area from flight level 240 to flight level 390 and within 16 miles either side of the following instrument departure route from the San Francisco/Oakland, Calif., Metropolitan area:

Oakland via the intersection of the Oakland VORTAC 221° and the Point Reyes, Calif., VOR 161° True radials; the intersection of the Point Reyes VOR 161° and the Big Sur, Calif., VOR 325° True radials; to the Big Sur VOR; thence via the Big Sur VOR 099° True radial to its intersection with Jet Route No. 1.

The provision for the designation of radar jet advisory areas within the continental control area from flight level 240 to flight level 390 inclusive appears in a revision to part 602 (Airspace Docket No. 60-WA-34) published in the *FEDERAL REGISTER* August 8, 1961 (26 F.R. 7079), effective September 21, 1961.

The designation of this proposed terminal radar jet advisory area would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft departing the San Francisco/Oakland Metropolitan area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on October 4, 1961.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-9650; Filed, Oct. 9, 1961;
8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC-1, 202]

OPERATIONS

Proposed Amendment Relating to Loans and Investments

OCTOBER 4, 1961.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts be amended by an amendment the substance of which is as follows:

Section 563.9 of said part (12 CFR 563.9) is hereby amended to read as follows:

§ 563.9 Loans and investments.

(a) *General provisions.* Insured institutions may lend and otherwise invest their funds to the extent and in the manner authorized by law: *Provided*, That, except as hereinafter authorized, no insured institution may make, or invest its funds in, loans on the security of real estate located more than 50 miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, without the prior approval of the Corporation: *Provided further*, That

(1) Any insured institution may, to the extent that it has legal power to do so and without approval of the Corpora-

tion, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located more than 50 miles but not more than 100 miles from such institution's principal office and outside such territory;

(2) Any insured institution may, to the extent it has legal power to do so, without regard to said 20-percent-of-assets limitation and without approval of the Corporation, make, or invest its funds in, any loan at least 20 percent of which is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended; and

(3) Any insured institution may, to the extent it has legal power to do so, without regard to said 20-percent-of-assets limitation and without approval of the Corporation, purchase any loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for bona fide residential purposes for not more than four families, located in other territory more than 50 miles from its principal office: *Provided*, That as to each loan, such insured institution will be protected by insurance as provided in the National Housing Act or the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended.

(b) *Applications and approvals.* Each application by an insured institution to the Corporation for authority to make, or invest its funds in, loans beyond any limitation of this section shall be supported by a map showing the area in which the institution desires to lend and

invest its funds; shall state the type and character of loans to be made, including the maximum percentages of loans to appraisals; shall show the need for such facilities in such territory; and shall establish that such operation is consistent with sound and economical home financing, and that the applicant is equipped to service the loans adequately. Every loan made pursuant to any approval by the Corporation of any such application shall comply with the terms and conditions of such approval. (Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW, Washington 25, D.C., not later than November 7, 1961, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61-9652; Filed, Oct. 9, 1961;
8:46 a.m.]

Notices

FEDERAL POWER COMMISSION

[Project No. 2032]

LOWER VALLEY POWER AND LIGHT, INC.

Wyoming; Notice of Land Withdrawal

OCTOBER 3, 1961.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2032 for which completed amendatory application for license was filed August 17, 1953. Under said section 24 all lands of the United States lying within the boundaries of the project, as delimited upon maps filed in support of this application, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

6TH MERIDIAN

DAM AND RESERVOIR AREA

T. 34 N., R. 117 W.,
Sec. 30: Lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 34 N., R. 118 W.,
Sec. 25: E $\frac{1}{2}$ NE $\frac{1}{4}$.

POWER HOUSE AREA

T. 34 N., R. 118 W.,
Sec. 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$.

All portions of the following described subdivisions lying within 15 feet on each side of the center line survey of pipe line right-of-way and, the paralleling Access Trail, as delimited upon map Exhibit "K" Sheet 1 (FPC No. 2032-2).

T. 34 N., R. 118 W.,
Sec. 25: N $\frac{1}{2}$;
Sec. 26: N $\frac{1}{2}$.

All portions of the following described subdivisions lying within 20 feet on each side of the center line survey of the Access Road right-of-way as delimited on map Exhibit "K" Sheet 2 (FPC No. 2032-5).

T. 34 N., R. 118 W.,
Sec. 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27: Lots 6, 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area of United States land reserved pursuant to the filing of this application is approximately 25 acres all of which is within the Bridger National Forest.

Copies of project maps Exhibits "J" and "K" Sheet 1 (FPC Nos. 2032-1 and 2) and amended Exhibit "K" Sheet 2 (FPC No. 2032-5) are being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-9654; Filed, Oct. 9, 1961;
8:46 a.m.]

[Docket No. CP61-334]

ARKANSAS LOUISIANA GAS CO.

Notice of Postponement of Hearing

OCTOBER 3, 1961.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on October 5, 1961, by notice issued on September 1, 1961, and published in the FEDERAL REGISTER on September 9, 1961 (26 F.R. 8497), be and hereby is postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-9655; Filed, Oct. 9, 1961;
8:46 a.m.]

[Docket Nos. RI62-65, RI62-66]

CITIES SERVICE CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 3, 1961.

Cities Service Company (Operator), et al., Docket No. RI62-65; Cities Service Company, Docket No. RI62-66.

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 (decrease)	Date filing tendered	Effective date ² unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed changed rate	
RI62-65....	Cities Service Co., (Operator), et al., Cities Service Building, Bartlesville, Okla.	22	13	Texas Eastern Transmission Corp. (Greenwood Field, Caddo Parish, La.) (North Louisiana).	\$3,193	9-5-61	11-1-61	4-1-62	16.211	1 2 16.4161	RI61-110
		24	12	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	5,582	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-110
		27	10	Texas Eastern Transmission Corp. (May Field, Kleberg County, Tex.) (R.R. District No. 4).	18,652	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-101
		30	5	Texas Eastern Transmission Corp. (South May Field, Kleberg County, Tex.) (R.R. District No. 4).	4,026	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-101
		23	11	United Fuel Gas Co. (Bourg Field, Terrebonne Parish, La.) (South Louisiana).	218	9-5-61	11-1-61	4-1-62	19.9	1 2 20.3	RI61-109
RI62-66....	Cities Service Co.	26	9	Texas Eastern Transmission Corp. (Puerto Bay Field Aransas and San Patricio Counties, Tex.) (R.R. District No. 4).	57	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-100
		28	9	Texas Eastern Transmission Corp. (Midway Field, San Patricio County, Tex.) (R.R. District No. 4).	207	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-100
		32	4	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (R.R. District No. 6).	150	9-5-61	11-1-61	4-1-62	15.0	2 3 4 15.2	RI61-101

¹ The pressure base is 15,025 psia.

² Periodic rate increase.

³ The pressure base is 14,65 psia.

⁴ Includes 0.5 cent per Mcf for amortization of facilities deducted by buyer.

⁵ Subject to downward Btu adjustment.

⁶ The stated effective date is the effective date proposed by respondent.

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 herein-after ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections

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.

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 notices 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 hearings and decisions thereon, the above-designated supplements are 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 they are 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 13, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-9656; Filed, Oct. 9, 1961;
8:46 a.m.]

[Project No. 2301]

MONTANA POWER CO.

Notice of Application for License

OCTOBER 3, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Montana Power Company, of Butte, Montana (Correspondence to Sam B. Chase, Senior Vice President and Counsel, The Montana Power Company, 40 East Broadway, Butte, Montana), for license for constructed Project No. 2301, known as Mystic Lake Hydroelectric Development, located on Mystic Lake and West Rosebud Creek, a tributary of the Stillwater River, in Stillwater County, Montana, in the vicinity of Fishtail and Columbus, Montana, and affecting lands of the United States within Custer National Forest.

The project consists of: An earth dike with concrete core about 145 feet long and 15 feet high; a concrete arch dam 368 feet long and 45 feet high with spillway 300.5 feet long at elevation 7,670 feet and provision for flashboards 3 feet high; a reservoir about 1.75 miles long with usable storage of 20,777 acre-feet with maximum drawdown of 61 feet; a tunnel extending from Mystic Lake for a distance of about 1,000 feet, connecting with a wood stave pipe extending a distance of about 9,000 feet to a surge

No. 195—5

tank, from which extends a steel pipe 2,700 feet long to the powerhouse, a powerhouse on the left bank of West Rosebud Creek about 10,000 feet below the dam containing two 7,500 horsepower Pelton water wheels connected to two 5,000 kilowatt generators; two 6,000 KVA transformers; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 20, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-9657; Filed, Oct. 9, 1961;
8:46 a.m.]

[Docket Nos. G-18844, RI60-27]

SINCLAIR OIL & GAS CO. AND CABOT CORP.

Order Making Successors in Interest Co-Respondents, Accepting Successor's Agreement and Undertaking and Redesignating Proceedings

OCTOBER 4, 1961.

On August 11, 1961, Sinclair Oil and Gas Company (Sinclair) and Cabot Corporation (Cabot), successor to Cabot Carbon Company, filed a Joint Petition to Substitute Party in the above-designated proceedings requesting: (1) That as of August 1, 1961, Sinclair be substituted as respondent, superseding Cabot, insofar as such proceedings relate to Supplements Nos. 1 and 2 to Cabot's FPC Gas Rate Schedule No. 38, as redesignated,¹ (2) that Sinclair's agreement and undertaking, filed concurrently with its petition, be accepted in these proceedings to assure refund of excess charges collected from and after 7:00 a.m. August 7, 1961, under Supplement Nos. 1 and 2 to Cabot's FPC Gas Rate Schedule No. 38 as redesignated,¹ and (3) that Cabot's obligation to refund excess charges in Docket No. G-18844 be limited to the period from December 4, 1959, to August 1, 1961, that its obligation in Docket No. RI60-27 be limited to the period from June 21, 1960, to August 1, 1961, insofar as that docket relates to Supplement No. 2 to Cabot's FPC Gas Rate Schedule No. 38,¹ and that all refund obligations of Cabot with respect to sales made under Rate Schedule No. 38¹ and Supplement Nos. 1 and 2 thereto, subsequent to August 1, 1961, be terminated. The petition states that the assets of Cabot Carbon Company have merged with Cabot Corporation, effective September 30, 1960, with Cabot Corporation the surviving corporation. Further,

the petitioner states that effective as of August 1, 1961, Sinclair succeeded to all the rights and obligations of Cabot under the contract between Cabot Carbon Company and El Paso Natural Gas Company which is the subject to Cabot's FPC Gas Rate Schedule No. 38,¹ as supplemented, and that Sinclair filed, concurrent with the present petition, its application for a Certificate of Public Convenience and Necessity authorizing it to continue the sales previously made by Cabot. Under the agreement of sale, Cabot will remain liable for excess amounts collected subject to refund until 7:00 a.m. August 1, 1961, and Sinclair will be liable for refund of any excess amounts collected after 7:00 a.m. August 1, 1961, under Supplement Nos. 1 and 2 to Cabot's FPC Gas Rate Schedule No. 38,¹ as redesignated.

The petition indicates that Sinclair proposes to continue the sales of natural gas under the rate schedules as redesignated, and assure refund of any amounts required as described above. In this connection, movant's request, if authorized as proposed, would substitute Sinclair as respondent for Cabot Corporation without effecting a disposition of the funds collected by Cabot Corporation subject to refund, if so ordered by the Commission, in the final determination of these proceedings.

It is appropriate under the circumstances of the acquisition by Sinclair not to substitute Sinclair as respondent in lieu of Cabot Corporation, but rather to join Sinclair with Cabot as Co-Respondent, with Sinclair's and Cabot Corporation's respective agreement and undertakings effective as proposed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair be joined as Co-Respondent with Cabot in the proceedings in Docket Nos. G-18844 and RI60-27, that said proceedings be redesignated as hereinafter ordered, and that Sinclair's Agreement and Undertaking be accepted for filing as hereinafter provided.

The Commission orders:

(A) Sinclair is hereby joined as Co-Respondent with Cabot in the proceedings in Docket Nos. G-18844, and RI60-27, and said proceedings are hereby redesignated as Sinclair Oil and Gas Company and Cabot Corporation (formerly Cabot Carbon Company (Operator)).

(B) The Agreement and Undertaking submitted by Sinclair on August 11, 1961, in these proceedings is hereby accepted for filing effective as of 7:00 a.m. August 1, 1961, and the Agreement and Undertaking previously filed by Cabot Corporation shall remain in effect, subject to further orders of the Commission in these proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-9658; Filed, Oct. 9, 1961;
8:46 a.m.]

¹ Sinclair Oil & Gas Co. (Operator)'s FPC Gas Rate Schedule No. 222 [formerly Cabot Corporation (SW) (Operator)'s FPC Gas Rate Schedule No. 38].

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14152, 14153; FCC 61M-1608]

YBOR CITY BROADCASTING CO. AND JOHNSON BROADCASTING CORP.

Order Continuing Hearing

In re applications of Ybor City Broadcasting Company, Ybor City, Florida, Docket No. 14152, File No. BP-13663; Johnson Broadcasting Corporation, Indian Rocks Beach, Florida, Docket No. 14153, File No. BP-13859; for construction permits.

The Hearing Examiner having under consideration a petition to change procedural dates, filed by Ybor City Broadcasting Company on October 2, 1961;

It appearing that counsel for Johnson Broadcasting Corporation and the Broadcast Bureau, the only other parties to the proceeding, concur in the request;

It is ordered, This 3d day of October 1961, that the above petition is granted, and the dates designated for various procedural steps herein are postponed as follows:

	From—	To—
Exchange of direct exhibits	Sept. 11, 1961	Oct. 24, 1961
Notification of witnesses required for cross-examination	Sept. 28, 1961	Oct. 31, 1961
Exchange of rebuttal exhibits	Oct. 5, 1961	Nov. 6, 1961
Hearing	Oct. 12, 1961	Nov. 8, 1961

Released: October 4, 1961.

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

[F.R. Doc. 61-9685; Filed, Oct. 9, 1961;
8:50 a.m.]

[Docket Nos. 14248, 14249; FCC 61M-1611]

HIGSON-FRANK RADIO ENTERPRISES AND IRVING E. PENBERTHY

Order Continuing Hearing

In re applications of James D. Higson and Peter Frank, d/b as Higson-Frank Radio Enterprises, Fresno, California, Docket No. 14248, File No. BP-13674; Irving E. Penberthy, Fresno, California, Docket No. 14249, File No. BP-14634; for construction permits.

The Hearing Examiner having under consideration a joint request filed October 2, 1961, on behalf of the applicants herein seeking continuance of the date for the prehearing conference from October 6 to November 6, 1961, and the date for commencement of hearing from October 30 to November 30, 1961;

It appearing that counsel for the Broadcast Bureau, the only other remaining party to the proceeding, has

consented to a grant of the joint request and to a waiver of 47 CFR 1.43(a) in order to permit immediate consideration thereof, that good cause for granting the joint request has been shown, and that such a grant will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 3d day of October 1961, that the subject joint request is granted, that the prehearing conference now scheduled for October 6, 1961, is continued to 9:00 a.m., November 6, 1961, and that the hearing now scheduled to commence on October 30, 1961, is continued to 10:00 a.m., November 30, 1961.

Released: October 4, 1961.

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

[F.R. Doc. 61-9683; Filed, Oct. 9, 1961;
8:50 a.m.]

[Docket Nos. 12865, 12866; FCC 61M-1610]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Continuing Hearing Conference

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna heights.

Upon the Hearing Examiner's own motion: *It is ordered*, This 3d day of October 1961, that the prehearing conference scheduled herein for October 10, 1961, be, and the same is hereby rescheduled for October 24, 1961, 9:00 a.m., in the offices of the Commission, Washington, D.C.

Released: October 4, 1961.

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

[F.R. Doc. 61-9682; Filed, Oct. 9, 1961;
8:49 a.m.]

[Docket No. 14275, 14276; FCC 61M-1612]

LITTLE JOE ENTERPRISES (WJOE) AND SARASOTA-CHARLOTTE BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Robert D. Sidwell, tr/ as Little Joe Enterprises (WJOE), Ward Ridge, Florida, Docket No. 14275, File No. BP-14059; Sarasota-Charlotte Broadcasting Corporation, Englewood,

Florida, Docket No. 14276, File No. BP-14211; for construction permits.

It is ordered, This 4th day of October 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 4, 1961, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, November 3, 1961.

Released: October 4, 1961.

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

[F.R. Doc. 61-9684; Filed, Oct. 9, 1961;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-17538]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of October 1961.

In the matter of agreements adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates; Docket 11879, Agreement C.A.B. 14827, R-57 through R-60, Agreement C.A.B. 15340, R-4.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board. The agreements, which have been assigned the above-designated C.A.B. Agreement numbers, amend a number of specific commodity rates, cancel certain rates, and name additional rates.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

C.A.B. 14827: IATA Memorandum
R-57 TC1/Rates 1275, as amended by
TC1/Rates 1283
R-58 TC1/Rates 1278
R-59 TC1/Rates 1279
R-60 TC1/Rates 1280

C.A.B. 15340: SFO Board/5/JT31—Rates 195
R-4

Accordingly, it is ordered:

1. That Agreements C.A.B. 14827, R-57 through R-60, and C.A.B. 15340, R-4, are approved, provided that such approval shall not constitute approval of any specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-9674; Filed, Oct. 9, 1961;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES

Certain Humanely Slaughtered Livestock

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on September 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after September 1, as using humane methods on September 1 or a later date in September, will be listed in a supplemental list. Previously published lists represented establishments reported in August or September 1961 as humanely slaughtering and handling the designated species of livestock on August 1 or some later date in August 1961 (26 F.R. 8259 and 8571). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do	2AG	(*)					
Do	2AT	(*)		(*)			(*)
Do	2AU	(*)		(*)			
Do	2C	(*)	(*)	(*)			(*)
Do	2E	(*)		(*)			
Do	2F	(*)	(*)	(*)	(*)		
Do	2H	(*)	(*)	(*)	(*)		(*)
Do	2HT	(*)	(*)				
Do	2LT	(*)					
Do	2WN	(*)	(*)				
Swift and Co.	3AC	(*)					(*)
Do	3AE	(*)	(*)				(*)
Do	3AF	(*)	(*)				(*)
Do	3AN	(*)	(*)				(*)
Do	3AW	(*)					
Do	3B		(*)	(*)			(*)
Do	3C	(*)	(*)	(*)			(*)
Do	3CC	(*)		(*)			
Do	3D	(*)	(*)	(*)			
Do	3E	(*)	(*)	(*)			
Do	3FF	(*)	(*)	(*)			
Do	3K	(*)					
Do	3L	(*)					(*)
Do	3N	(*)	(*)	(*)			(*)
Do	3NN	(*)	(*)	(*)			(*)
Do	3R	(*)	(*)	(*)			(*)
Do	3T	(*)	(*)	(*)			(*)
Do	3UU	(*)	(*)	(*)			
Do	3W	(*)	(*)	(*)			(*)
Do	3Z	(*)	(*)	(*)			(*)
Do	6C	(*)	(*)	(*)			(*)
Lykes Bros., Inc.	8						
Do	8B						
Pauly Packing Co., Inc.	10						
Hygrade Food Products Corp.	12						
Do	12A	(*)	(*)	(*)			(*)
Do	12C	(*)	(*)	(*)			(*)
Do	12D	(*)	(*)	(*)			(*)
Do	12G	(*)	(*)	(*)			(*)
Do	12P	(*)					
Mickelberrys Food Products Co.	16						
John Morrell and Co.	17						
Do	17A						
Do	17D						
The Cudahy Packing Co of Nebraska	19E	(*)	(*)	(*)			(*)
Wilson and Co., Inc.	20N	(*)	(*)	(*)			(*)
Do	20Q	(*)	(*)	(*)			(*)
Do	20Y	(*)	(*)	(*)			(*)
Swift and Co.	23						
Brander Meat Co.	25						
American Packing Co.	26						
The Sperry and Barnes Co.	27C						
Patrick Cudahy, Inc.	28						
Kreinberg and Krasny, Inc.	28						
Roegelein Provision Co.	30						
Valleydale Packers, Inc.	32						
Armour and Co.	34						
Kenton Packing Co.	35						
Montana Packing Co., Inc.	36						
Pocomoke Provision Co.	37						
Armour and Co.	39						
Sunnyland Packing Co.	40						
Stark Wetzel and Co., Inc.	43						
Do	44						
Idaho Meat Packers	44A						
Consolidated Dressed Beef Co. Inc.	46						
Nevada Meat Packing Co.	47						
Midwestern Beef, Inc.	52						
Sunnyland Packing Co. of Alabama	53						
Glover Packing Co. of Amarillo	56						
Glover Packing Co.	60A						
Weiland Packing Co., Inc.	61						
Malone Packing Co.	63						
Empire Packing Corp.	65						
Somerville Packing Co.	66						
The Quaker Oats Co.	67E						
Minch's Wholesale Meats, Inc.	72						
Armour and Co.	75						
The Braun Brothers Packing Co.	79						
City Packing Co.	80						
The Cudahy Packing Co.	81						
Edgar Packing Co.	84						
Excel Packing Co., Inc.	86						
The E. Kahns Sons Co.	89						
Hygrade Food Products Corp.	90						
Sugardale Provision Co.	92						
The Val Decker Packing Co.	95						
Wm. G. Rehns Sons	96						
John Engelhorn and Sons	97						
A. Kochs Sons	98						
Armour and Co.	100						
Liberty Packing Co.	101						
H. Graver Co.	103						
J. Lynn Cornwell, Inc.	107						
Wilson and Co., Inc.	111						
Hoffman Packing Company, Inc.	112						
Morr Packing Co.	113						
West Coast Meat Co., Inc.	117						
Wilson and Co., Inc.	119						
Marhoefer Packing Co., Inc.	121						
E. J. Archie and Sons, Inc.	122						
City Dressed Beef.	125						
Superior Packing Co.	127						
The Luer Packing Co.	128						
John Roth and Son, Inc.	130						
Tobin Packing Co., Inc.	133						
Armour and Co.	139						

NOTICES

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Edward J. Kluener, Inc.	142	○	○	○				Peters Packing Co., Inc.	341	○	○	○	○	○	○
Steeler Weller Packing Co.	143							State Packing Co., Inc.	344						
Armour and Co.	148							Anza Packing Co.	345						
Carr Packing Co., Inc.	160							Union Packing Co.	351						
Joel E. Harrell and Son, Inc.	162							Sarnies E. Tax Packing Co.	353						
New York State Department of Agriculture	165							Fresno Meat Packing Co.	354						
Swift and Co.	166A							Hill Packing Co.	357						
Camp Packing Co., Inc.	174							Marks Meat Co.	362						
Armour and Co.	177							Meyers Packing Co.	363						
Peerless Packing Co.	180							United Dressed Beef Co.	364						
Swift and Co.	184							Bowling Provision Co., Inc.	365						
The Bath Packing Co.	186							Fischer Packing Co.	372						
Do.	186O							The John Hilberg and Sons Co.	374						
Fort Dodge Packing Co., Inc.	186F							Cross Bros. Meat Packers, Inc.	375						
Seattle Packing Co.	187							Eunge Packing Co., Inc.	376						
Krey Packing Co.	191							Smithfield Packing Co., Inc.	380						
John Morrell and Co.	192							American Store Co.	382						
Hynes Packing Co.	196							Liebmann Packing Co.	384						
United Fryer and Stillman, Inc.	197							Dugdale Packing Co.	388						
George A. Hormel and Co.	198							Both Packing Co.	390						
Do.	199D							Ceebee Packing Co.	394						
Do.	199L							The Jacob Schlaichers Sons Co.	395						
Oudahy Packing Co.	202							Dubuque Packing Co.	396						
Emee Packing Co., Inc.	205							Logan Packing Co.	397						
Heinz Riverside Abattoir, Inc.	210							Watsonville Dressed Beef, Inc.	398						
S. Adams Packing Co.	211							Superior Packing Co., Inc.	399						
Penn Packing Co.	212							Los Banos Abattoir, Inc.	400						
Elburn Packing Co.	213							Neuloff Bros.	404						
Kneip Packing Co.	213C							Endlich Packing Co., Inc.	406						
Fred Doid and Sons Packing Co.	214							The Landy Packing Co.	410						
Lincoln Meat Co.	217							Frosty Morn Meats	413						
York Packing Co., Inc.	220							Philadelphia Boneless Beef Co.	414						
Gwaltney, Inc.	221A							Murray Packing Co.	418						
Armour and Co.	222							The Collins Packing Co.	421						
Hygrade Food Products Corp.	224							Hebron Packing Co., Inc.	423						
Gold Merit Packing Co., Inc.	229							Lone Star Packing Co., Inc.	425						
Walt Schilling and Co., Inc.	235							Monarch Meat Packing Co.	433						
Raskin Packing Co.	236							Queen Packing Co.	435						
P D and J Meats.	240							Schneider Packing Co.	436						
Greenwood Packing Plant.	242							Omaha Dressed Beef Co., Inc.	439						
Iowa Beef Packers, Inc.	245							Prime Packing Co., Inc.	441						
John Morrell and Co.	246							Midwest Packing Co., Inc.	443						
The Danahy Packing Co.	247							Midwest Packing Co., Inc.	448						
Swift and Co., Inc.	249							Swift and Co., Inc.	451						
Frosty Morn Meats	250							Monarch and Co.	459						
Balentina Packing Co., Inc.	258							Lancaster Packing Co.	460						
The Jones Dairy Farm.	268							Litvak Packing Co.	462						
Houston Packing Co.	267							Corn Husker Packing Co.	465						
Elliott Packing Co.	274							Belert Packing Co.	468						
Wilson and Co., Inc.	275							Armour and Co.	471						
American Stores Co.	276							St. Cloud Meat Packing Co.	477						
Agar Packing Co., Inc.	282							East Tennessee Packing Co.	485						
Fiske and Hurwaker Co.	283							Nebraska Beef Co.	487						
Solano Meat Co.	285							Goldring Packing Co., Inc.	489						
Roessler Packing Co. of Erie.	286							Mid. State Packers, Inc.	490						
Western Packing Co.	288							Triangle Meat Distributors, Inc.	494						
Arbogast and Bastian Co.	289							Sloam Falls, S. Dak.	501						
The H. H. Meyer Packing Co.	290							Swift and Co.	505						
Sioux City Dressed Pork, Inc.	292							B. Rothschild and Co.	506						
Gus Jungenhein and Son, Inc.	293							Frosty Morn Meats	507						
Commercial Packing Co.	294							Grieshaber Packing Co.	508						
Waldock Packing Co.	295							The Hull and Dillon Packing Co.	510						
Melton Provision Co.	302							Shen Valley Meat Packers, Inc.	511						
Star Packing Co.	305							Capitol Packing Co.	513						
Survall Packing Co.	307							Pearl Packing Co., Inc.	524						
Do.	305A							Armour and Co.	528						
Star Packing Co.	306							Smallwood Packing Co., Inc.	529						
Melton Provision Co.	311							Rosenthal Packing Co., Inc.	532						
Ideal Packing Co., Inc.	312							Pepier Packing Co.	535						
Busies Packing Co., Inc.	319							Oscar Mayer and Co., Inc.	536						
Stadler Packing Co., Inc.	320							Do.	537A						
Turlock Meat Co.	325							Midwest Packing Co.	537C						
Frisco Packing Co.	327							Greenfield Packing Corp.	542						
C and M Meat Packing Corp.	329							Swift and Co.	548						
Royal Packing Co.	331							Pride Packing Co., Inc.	549						
Sokoll Packing Co.	331A							Platte Packing Co.	550						
Great Western Packing Co., Inc.	334							Salter Packing Co.	551						
Nobles Independent Meat Co.	338							Black Hills Packing Co.	554						
China Valley Meat Packing Co., Inc.	338							Black Hills Rendering Co.	555D						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The Crisby Packing Co.	559	○	○	○	○	○	○	Aurora Packing Co., Inc.	758	○	○	○	○	○	○
D. and W. Packing Co.	560	○	○	○	○	○	○	Wimp Packing Co.	791	○	○	○	○	○	○
Emery Land Co.	561	○	○	○	○	○	○	Baum's Meat Packing	792	○	○	○	○	○	○
Packerland Packing Co., Inc.	562	○	○	○	○	○	○	Max. Bauer Meat Packer	800	○	○	○	○	○	○
John Morell and Co., Inc.	564	○	○	○	○	○	○	Aegean Meat Co., Inc.	808	○	○	○	○	○	○
Texas Meat Packers, Inc.	565	○	○	○	○	○	○	The G. Erhardt Sons, Inc.	810	○	○	○	○	○	○
Elmer Binder & Son, Inc.	569	○	○	○	○	○	○	McFarland, Inc., Inc.	811	○	○	○	○	○	○
Peretta Packing Co., Inc.	571	○	○	○	○	○	○	Midwest Packing Co., Inc.	812	○	○	○	○	○	○
Kingford Packing Co., Inc.	581	○	○	○	○	○	○	William N. Peters, Inc.	813	○	○	○	○	○	○
Empire Packing Co., Inc.	586	○	○	○	○	○	○	Rochester Independent Packer, Inc.	817	○	○	○	○	○	○
City of Austin Municipal Abattoir	590	○	○	○	○	○	○	Henry Meyers Sons, Inc.	822	○	○	○	○	○	○
Swift and Co.	591	○	○	○	○	○	○	Home Packing Co.	823	○	○	○	○	○	○
Harman Packing Co.	596	○	○	○	○	○	○	Hibbs Packing Co.	825	○	○	○	○	○	○
San Antonio Packing Co.	602	○	○	○	○	○	○	Panford Packing Co.	827	○	○	○	○	○	○
Central Packing Co.	606	○	○	○	○	○	○	Berthens Meat Co.	830	○	○	○	○	○	○
Swift and Co.	608	○	○	○	○	○	○	Norman Peters Packing Co.	834	○	○	○	○	○	○
Eastern Oregon Meat Co., Inc.	611	○	○	○	○	○	○	Frederick County Products, Inc.	838	○	○	○	○	○	○
H. H. Keim Co.	613	○	○	○	○	○	○	Herman Kemper Sons	839	○	○	○	○	○	○
General Meat Co.	630	○	○	○	○	○	○	Beafoot Packing Co.	840	○	○	○	○	○	○
Zipron Bros., Inc.	632	○	○	○	○	○	○	G. Bartusch Packing Co.	843	○	○	○	○	○	○
Acorn Bros., Inc.	635	○	○	○	○	○	○	The Alien Packing Co.	845	○	○	○	○	○	○
Auburn Packing Co., Inc.	636	○	○	○	○	○	○	Sioux City Dressed Beef, Inc.	857	○	○	○	○	○	○
Hill Packing Co.	627 E	○	○	○	○	○	○	Shoaland Dressed Beef Co., Division of	857 F	○	○	○	○	○	○
Big Foot Packing Co., Inc.	627	○	○	○	○	○	○	Need.	858	○	○	○	○	○	○
E. A. Miller and Sons Packing Co.	628	○	○	○	○	○	○	Jordan Meat Co.	859	○	○	○	○	○	○
Wm. Schladerberg-T. J. Kurdle Co.	649	○	○	○	○	○	○	Sam McDaniel and Sons, Inc.	860	○	○	○	○	○	○
John Morell and Co.	650	○	○	○	○	○	○	Wells and Davies Packing Co.	862	○	○	○	○	○	○
Nagle Packing Co.	653	○	○	○	○	○	○	Sierra Meat Co.	863	○	○	○	○	○	○
Milwaukee Dressed Beef Co.	654	○	○	○	○	○	○	Gunsborg Beef Co.	867	○	○	○	○	○	○
Wilson and Co., Inc.	655	○	○	○	○	○	○	Genesee Packing Co.	868	○	○	○	○	○	○
Baum's Butchery, Inc.	657	○	○	○	○	○	○	Panier Packing Corp.	880	○	○	○	○	○	○
St. Louis Dressed Beef Co.	659	○	○	○	○	○	○	Vermont Dressed Beef Co., Inc.	882	○	○	○	○	○	○
McCook Packing Corp.	660	○	○	○	○	○	○	Hoosier Veterinary Laboratories, Inc.	912	○	○	○	○	○	○
Quality Meat Packing Co.	661	○	○	○	○	○	○	National Meat Packers, Inc.	917	○	○	○	○	○	○
Globe Packing Co.	663	○	○	○	○	○	○	Valleydale Packers Inc. of Bristol	922	○	○	○	○	○	○
Scottishbutch Packing Co.	667	○	○	○	○	○	○	South Philadelphia Willowbrook, Inc.	923	○	○	○	○	○	○
Crown Dressed Beef Co.	671	○	○	○	○	○	○	Wisonson Packing Co.	924	○	○	○	○	○	○
E. S. Read and Sons, Inc.	672	○	○	○	○	○	○	People's Packing Co.	925	○	○	○	○	○	○
Union Packing Co.	673	○	○	○	○	○	○	Kerber Packing Co.	929	○	○	○	○	○	○
Jacob Baurers Sons, Inc.	678	○	○	○	○	○	○	Taroff Packing Co.	931	○	○	○	○	○	○
Haas Davis Packing Co., Inc.	682	○	○	○	○	○	○	McKenny Meat Co.	932	○	○	○	○	○	○
Nations Brothers Packing Co.	684	○	○	○	○	○	○	E. B. Manning and Son.	934	○	○	○	○	○	○
The William Fockes Sons Co.	685	○	○	○	○	○	○	Voll Packing Co.	938	○	○	○	○	○	○
The Stuher Packing Co.	689	○	○	○	○	○	○	Cappelino Abattoir, Inc.	939	○	○	○	○	○	○
Pierce Packing Co., Inc.	691	○	○	○	○	○	○	Gentian Packing Co., Inc.	941	○	○	○	○	○	○
Marco Packing Co.	692	○	○	○	○	○	○	Delrich Meat Packers, Inc.	944	○	○	○	○	○	○
Bryan Meat Co.	693	○	○	○	○	○	○	Joe Doctormen and Son Packing Co., Inc.	949	○	○	○	○	○	○
Carter Packing Co.	698	○	○	○	○	○	○	Armour and Co.	956	○	○	○	○	○	○
Dana Packing Co.	706	○	○	○	○	○	○	Belable Packing Co., Inc.	959	○	○	○	○	○	○
Central Nebraska Packing Co.	713 E	○	○	○	○	○	○	Great Omaha Packing Co., Inc.	963	○	○	○	○	○	○
Crawford County Packing Co.	717	○	○	○	○	○	○	Virginia Packing Co., Inc.	963	○	○	○	○	○	○
The Joseph N. Rice Co.	719	○	○	○	○	○	○	Earl Flick Wholesale Meats, Inc.	965	○	○	○	○	○	○
Wilmington Packing Co., Inc.	724	○	○	○	○	○	○	T. L. Lay Packing Co.	967	○	○	○	○	○	○
Coast Packing Co.	727	○	○	○	○	○	○	Greely Capitol Packing Co.	969	○	○	○	○	○	○
Decker and Son.	734 E	○	○	○	○	○	○	Hawaiian Meat Co., Ltd.	970	○	○	○	○	○	○
The Quaker Oats Co.	738	○	○	○	○	○	○	Penlin Packing Co., Inc.	974	○	○	○	○	○	○
Jacob Schlaetters Sons Co.	741	○	○	○	○	○	○	Hospers Packing Co., Inc.	981	○	○	○	○	○	○
Sonora Meat Co., Inc.	742	○	○	○	○	○	○	Eagle Packing Co.	985	○	○	○	○	○	○
Pioneer Provision Co.	747	○	○	○	○	○	○	Everett C. Horlein and Son, Inc.	988	○	○	○	○	○	○
Howard Pancer and Co.	749	○	○	○	○	○	○	The Klarer Co.	995 A	○	○	○	○	○	○
Luck Brothers Cooperative Packing Co.	753	○	○	○	○	○	○	Do.	995 C	○	○	○	○	○	○
Seitz Packing Co., Inc.	756	○	○	○	○	○	○	Valley Meat Co.	1009	○	○	○	○	○	○
Philadelphia Dressed Beef Co.	758	○	○	○	○	○	○	Armour and Co.	1035	○	○	○	○	○	○
Schaeke Packing Co., Inc.	761	○	○	○	○	○	○	Landy Packing House.	1044	○	○	○	○	○	○
Karler Packing Co., Inc.	767	○	○	○	○	○	○	The Harris Packing Co.	1175	○	○	○	○	○	○
Sheridan Meat Co., Inc.	768	○	○	○	○	○	○	A. F. Moyer and Sons, Inc.	1311	○	○	○	○	○	○
Earl C. Gibbs, Inc.	770	○	○	○	○	○	○	McGabe Packing Plant.	1312	○	○	○	○	○	○
Cadwell Martin Meat Co.	773	○	○	○	○	○	○	Samuels and Co., Inc.	1313	○	○	○	○	○	○
Modern Meat Packing Co.	774	○	○	○	○	○	○	H. and H. Packing Co.	1315	○	○	○	○	○	○
Atlas Packing Co.	775	○	○	○	○	○	○	Nebraska Iowa Dressed Beef Co.	1318	○	○	○	○	○	○
Dale Packing Co., Inc.	777	○	○	○	○	○	○	Granite State Packing Co.	785	○	○	○	○	○	○
The Cudney Packing Co.	779	○	○	○	○	○	○	Diamond Meat Co., Inc.	788	○	○	○	○	○	○
Diamond Meat Co., Inc.	788	○	○	○	○	○	○	Granite State Packing Co.	785	○	○	○	○	○	○

Done at Washington, D.C., this 4th day
of October 1961.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-9681; Filed, Oct. 9, 1961;
8:49 a.m.]

**Commodity Credit Corporation
SALES OF CERTAIN COMMODITIES**

October 1961 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during October 1962 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, gum turpentine, and tung oil.

Principal changes from the September list are the addition of gum turpentine and a shift to a 1961-crop price support basis in setting minimum prices for general domestic sales of storable corn. Butter has been added to the list of commodities available for barter.

As announced Sept. 13 (press release USDA 2975-61), "certificate" corn is being offered for sale at market prices. The limited offerings of "certificate" barley in the Pacific Northwest (announced Sept. 14, press release USDA 2992-61) have been discontinued because all available stocks in the area have been sold. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require a removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing Authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

The CCC Monthly Sales List, which varies from month to month as addi-

NOTICES

tional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

25, B.C.

All commodities except oats and rye currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, rice (Pearl rough), wheat, corn, barley, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for October 1961 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and made a part of the sale contract thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quan-

tities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

FEDERAL REGISTER

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the commercial invoices, and all copies of the destination control statement to which detail information as to the destination may be made.

Commodity	Sales Price or Method of Sale
Dairy products	<p>Sales are in carlots only in store at storage location of products. For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.</p> <p>Domestic, unrestricted use: announced prices, under LD-20 as amended; 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California.</p> <p>All other States 44.75 cents per pound.</p> <p>Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-33: When sales are made under LD-33, as amended, but not sold under the invitation to bid, will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.</p> <p>Domestic, unrestricted use: announced prices under LD-20 as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound.</p> <p>Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-33: When sales are made under LD-33, as amended above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.</p> <p>Domestic, unrestricted use: announced prices under LD-20 as amended; 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico.</p> <p>Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-33: When sales are made under LD-33, as amended, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.</p> <p>Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-O-16 (sale of upland cotton for unrestricted use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but, in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the domestic market price for such cotton, as determined by CCC.</p> <p>Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-O-6 (revised July 22, 1960), as amended, and NO-O-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but, in no event less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.</p> <p>Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.</p>
Nonfat dry milk	
Cheddar Cheese (standard moisture basis)	
Cotton, upland	
Cotton, extra long staple	
Catalogs	

Sales Price or Method of Sale

Domestic, unrestricted use: Market price basis in store, 1/16 cent not less than the 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Commodity	Unit	Received by—	Examples of minimum prices (exall or exbr)
Wheat, bulk	Bushel	Truck Cents 20	Chicago--- Minneapolis--- Kansas City--- Portland---

Export: (1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under export payment-in-kind program, (2) under announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

▲ available: Evanson, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Domestic, storeable:

A. General Sales: Basis in store³ at 105 percent of the applicable 1961 support price for the class, grade, and quality of the grain shown below applicable to the storage point in involved. For grain in store at other than the point of production the freight from point of production to the present point of storage will be added.

Commodity	Unit	In store at—	Examples of minimum prices
Wheat (commercial area) ²	Bushel	Point of Other prod- uction Cents 4	Chicago--- Minneapolis---

A available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable corn is available from bin sites only under the Livestock Feed Program and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evanson, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

B. Redemption of 1961 Feed Grain Program Certificates: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market prices and at restricted points of delivery as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of corn for such redemption, at any location, whenever such action is deemed necessary.

Available: Through the Evanson, Dallas, Kansas City, and Minneapolis ASCS Commodity Offices.

Nonstoreable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated on the preceding page.

Export:

Under Announcement GR-368 (revised Aug. 31, 1960), as amended, for feed grain export payment-in-kind program, and under announcement GR-212 (revision 2, Jan. 2, 1961), for application to arrangement for barter, approved credit and emergency sales.

▲ available: Evanson, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

See footnotes at end of table.

NOTICES

Commodity	Sales Price or Method of Sale				Commodity				Sales Price or Method of Sale																																																			
Oats, bulk-----	Domestic: Storable: Basis in store 7 at 105 percent of the applicable 1961 support price ⁸ for the class, grade, and quality of the grain plus the amount shown below applicable to the storage point involved. For grain in store at other than the point of production, the freight from point of production to the present point of storage will also be added.				Rye, bulk-----				Domestic, unrestricted; storable: Basis in store at 105 percent of the applicable 1961 support price ¹³ for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.																																																			
Oats-----	<table border="1"> <thead> <tr> <th>Unit</th> <th>In store at—</th> <th colspan="2">Example of minimum prices (exrall or barge)</th></tr> <tr> <th>Point of production</th> <th>Other point</th> <th>Terminal</th> <th>Class and grade</th> </tr> </thead> <tbody> <tr> <td>Cents 6</td> <td>Cents 8</td> <td>Chicago-----</td> <td>No. 3-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$0.83 1/2</td> </tr> </tbody> </table>				Unit	In store at—	Example of minimum prices (exrall or barge)		Point of production	Other point	Terminal	Class and grade	Cents 6	Cents 8	Chicago-----	No. 3-----				\$0.83 1/2	<table border="1"> <thead> <tr> <th>Unit</th> <th>In store at—</th> <th colspan="2">Example of minimum prices (exrall or barge)</th></tr> <tr> <th>Point of production</th> <th>Other point</th> <th>Terminal</th> <th>Class and grade</th> </tr> </thead> <tbody> <tr> <td>Cents 6</td> <td>Cents 8</td> <td>Chicago-----</td> <td>No. 3-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$0.83 1/2</td> </tr> </tbody> </table>				Unit	In store at—	Example of minimum prices (exrall or barge)		Point of production	Other point	Terminal	Class and grade	Cents 6	Cents 8	Chicago-----	No. 3-----				\$0.83 1/2	<table border="1"> <thead> <tr> <th>Unit</th> <th>In store at—</th> <th colspan="2">Example of minimum prices (exrall or barge)</th></tr> <tr> <th>Point of production</th> <th>Other point</th> <th>Terminal</th> <th>Class and grade</th> </tr> </thead> <tbody> <tr> <td>Cents 6</td> <td>Cents 8</td> <td>Chicago-----</td> <td>No. 3-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$0.83 1/2</td> </tr> </tbody> </table>				Unit	In store at—	Example of minimum prices (exrall or barge)		Point of production	Other point	Terminal	Class and grade	Cents 6	Cents 8	Chicago-----	No. 3-----				\$0.83 1/2
Unit	In store at—	Example of minimum prices (exrall or barge)																																																										
Point of production	Other point	Terminal	Class and grade																																																									
Cents 6	Cents 8	Chicago-----	No. 3-----																																																									
			\$0.83 1/2																																																									
Unit	In store at—	Example of minimum prices (exrall or barge)																																																										
Point of production	Other point	Terminal	Class and grade																																																									
Cents 6	Cents 8	Chicago-----	No. 3-----																																																									
			\$0.83 1/2																																																									
Unit	In store at—	Example of minimum prices (exrall or barge)																																																										
Point of production	Other point	Terminal	Class and grade																																																									
Cents 6	Cents 8	Chicago-----	No. 3-----																																																									
			\$0.83 1/2																																																									
Bartley, bulk-----	<p>Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable oats will be available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Storable oats will not be a available for sale by the Minneapolis ASCS Commodity Office.</p> <p>Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above, and the Minneapolis ASCS Commodity Office.</p> <p>Domestic, storable: Basis in store 10 at 105 percent of the applicable 1961 support price¹¹ for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.</p>				<p>Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable oats will be available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Storable oats will not be a available for sale by the Minneapolis ASCS Commodity Office.</p> <p>Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above, and the Minneapolis ASCS Commodity Office.</p> <p>Domestic, storable: Basis in store 10 at 105 percent of the applicable 1961 support price¹¹ for the class, grade, and quality of the grain plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.</p>				<table border="1"> <thead> <tr> <th>Unit</th> <th>Received by—</th> <th colspan="2">Example of minimum prices (exrall or barge)</th></tr> <tr> <th>Truck</th> <th>Rail or barge</th> <th>Terminal</th> <th>Class and grade</th> </tr> </thead> <tbody> <tr> <td>Cents 7</td> <td>Cents 5</td> <td>Minneapolis-----</td> <td>No. 2 or better-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$1.26</td> </tr> </tbody> </table>				Unit	Received by—	Example of minimum prices (exrall or barge)		Truck	Rail or barge	Terminal	Class and grade	Cents 7	Cents 5	Minneapolis-----	No. 2 or better-----				\$1.26																																
Unit	Received by—	Example of minimum prices (exrall or barge)																																																										
Truck	Rail or barge	Terminal	Class and grade																																																									
Cents 7	Cents 5	Minneapolis-----	No. 2 or better-----																																																									
			\$1.26																																																									
Barley-----	<p>Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated storable barley is available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p> <p>Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.</p>				<p>Available: At bin sites through ASCS County Offices. In certain States in which emergency areas have been designated storable barley is available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p> <p>Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS County Offices. At other locations through the ASCS Commodity Offices indicated above.</p>				<table border="1"> <thead> <tr> <th>Unit</th> <th>Received by—</th> <th colspan="2">Example of minimum prices (exrall or barge)</th></tr> <tr> <th>Truck</th> <th>Rail or barge</th> <th>Terminal</th> <th>Class and grade</th> </tr> </thead> <tbody> <tr> <td>Cents 7</td> <td>Cents 5</td> <td>Minneapolis-----</td> <td>No. 2 or better-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>\$1.26</td> </tr> </tbody> </table>				Unit	Received by—	Example of minimum prices (exrall or barge)		Truck	Rail or barge	Terminal	Class and grade	Cents 7	Cents 5	Minneapolis-----	No. 2 or better-----				\$1.26																																
Unit	Received by—	Example of minimum prices (exrall or barge)																																																										
Truck	Rail or barge	Terminal	Class and grade																																																									
Cents 7	Cents 5	Minneapolis-----	No. 2 or better-----																																																									
			\$1.26																																																									
Gum turpentine (bulk in tanks)-----	<p>Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable turpentine is available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p>				<p>Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable turpentine is available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p>				<p>Available: At bin sites through ASCS County Offices. In States in which emergency areas have been designated storable turpentine is available from bin sites only under the Livestock Feed Program, and to stockmen and live-stock (including poultry) owners who use this grain for feeding their live-stock and poultry. At other locations through the Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p>																																																			
Tung oil (as available)-----	<p>Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind programs and under Announcement GR-212 (revision 2, Jan. 9, 1960), for application to arrangement for barter, approved credit and emergency sales.</p> <p>Available: Evansston, Dallas, Kansas City, and Portland ASCS Commodity Offices.</p>				<p>Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1960), for application to arrangements for barter and approved credit and emergency sales.</p> <p>Available: Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p>				<p>Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1960), for application to arrangements for barter and approved credit and emergency sales.</p> <p>Available: Evansston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.</p>																																																			

¹ On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.

² Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent.

³ On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.

⁴ To compute, multiply applicable support price by 105, round product up to nearest whole cent, and add amount shown above and any applicable freight from Woodford County, Illinois.

⁵ Includes paid in freight from Woodford County, Illinois.

⁶ Includes paid in freight from Redwood County, Minnesota.

⁷ On bin sales delivery basis shall be f.o.b. buyers conveyance at the bin site.

⁸ To compute, multiply applicable support price by 105, round product up to nearest whole cent and add amount shown above and any applicable freight from Redwood County, Illinois.

⁹ Includes paid in freight from Woodford County, Illinois.

¹⁰ On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
¹¹ To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored outside the area of production.
¹² On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the site.
¹³ To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on October 4, 1961.

H. D. GODFREY,
*Executive Vice President,
 Commodity Credit Corporation.*

[F.R. Doc. 61-9637; Filed, Oct. 9, 1961; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 193]

OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS

Establishment

There is established in the Office of the Under Secretary for Monetary Affairs an Office of Domestic Gold and Silver Operations. The head of this office shall be known as the Director, Office of Domestic Gold and Silver Operations.

The Under Secretary for Monetary Affairs may from time to time delegate any of the responsibilities imposed upon him by Parts 54, 80, and 92 of Title 31 of the Code of Federal Regulations.

Such personnel, records, equipment, and funds as are determined by the Under Secretary for Monetary Affairs to be related to the performance of the functions transferred to him by the amendments to Parts 54, 80, and 92 of Title 31 of the Code of Federal Regulations issued as of October 10, 1961, are hereby ordered transferred from the Bureau of the Mint to the Office of the Secretary.

Dated: October 9, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-9773; Filed, Oct. 9, 1961;
 10:57 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-189]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued License No. R-82 authorizing American Radiator and Standard Sanitary Corporation to possess and operate at power levels up to 15 watts (thermal) the nuclear reactor located at Mountain View, California. Notice of the proposed action was published in the FEDERAL REGISTER on August 18, 1961, 26 F.R. 7743.

No. 195—6

Dated at Germantown, Md., this 4th day of October, 1961.

For the Atomic Energy Commission.

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

[F.R. Doc. 61-9678; Filed, Oct. 9, 1961;
 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-SW-56]

PROPOSED ALTERATION OF TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Florida West Coast Educational Television, Inc., Tampa, Florida, proposes to increase by 52 feet the overall height of an existing television antenna structure near Tampa, Florida, at latitude 27°55'04" north, longitude 82°22'03" west. The new overall height of the structure would be 601 feet above mean sea level (581 feet above ground).

Objections were made in response to the circularization by the Manager, Peter O. Knight Airport, Tampa, Florida, and the Florida Development Commission, on the basis that the proposed increase in height of the structure would exceed this Agency's TSO-N18 criteria. No objection was made at the FAA Informal Airspace Meeting No. 12 held on June 14, 1961, in Atlanta, Georgia.

The structure is located approximately 5.1 miles east of the Peter O. Knight Airport. The present structure penetrates the criteria contained in Section B.2 of this Agency's TSO-N18, as applied to this airport, by 149 feet; the proposed increase in height of this structure would penetrate this criteria by 201 feet. The present structure penetrates the outer conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 56 feet; the proposed increase in height of this structure would penetrate this criteria by 108 feet. The proposed increase in height of this structure would

require an increase from 1500 feet MSL to 1600 feet MSL for the Low Frequency Range (AL-417-RNG) missed approach procedure for the Peter O. Knight Airport. The Agency study disclosed that these factors would have no substantial adverse effect upon aeronautical operations at this airport.

The structure is located approximately 8.2 miles northeast of MacDill Air Force Base, Tampa, Florida. The proposed increase in height of this structure would require the following changes in instrument approach procedures for MacDill AFB:

1. Range (AL-418-RNG)—Increase procedure turn altitude from 1,500 feet MSL to 1,600 feet MSL and final approach altitude from 1,000 feet MSL to 1,100 feet MSL.

2. ADF (AL-418-ADF)—Increase shuttle altitude from 1,500 feet MSL to 1,600 feet MSL.

3. ILS Runway 22 (AL-418-ILS-RWY 22)—Increase shuttle altitude from 1,500 feet MSL to 1,600 feet MSL.

4. Jet Range (JAL-418-RNG)—All references to 1,500 feet MSL would be increased to 1,600 feet MSL except the missed approach procedure; also, the final approach altitude would be increased from 1,000 feet MSL to 1,100 feet MSL.

5. Jet Range/ADF (JAL-418-RNG/ADF)—Increase penetration turn completion altitude from 1,500 feet MSL to 1,600 feet MSL.

6. Jet Range/ILS Runway 22 (JAL-418-RNG/ILS RWY 22)—Increase penetration turn completion altitude from 1,500 feet MSL to 1,600 feet MSL.

7. Jet VOR/Range (JAL-418-VOR/RNG)—Increase penetration turn completion from 1,500 feet MSL to 1,600 feet MSL, to maintain 1,600 feet MSL until completing procedure turn; also, the final approach altitude would be increased from 1,000 feet MSL to 1,100 feet MSL.

The Agency study disclosed that these changes would have no substantial adverse effect upon aeronautical operations at this airport.

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

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

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination

hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on October 2, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-9647; Filed, Oct. 9, 1961;
8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER, HHFA REGIONAL ADMINISTRATORS, AND REGIONAL DIRECTORS OF URBAN RENEWAL

Delegation of Authority To Execute Requisition Agreements

The Urban Renewal Commissioner, and the HHFA Regional Administrator and the Regional Director of Urban Renewal within his respective Region, each is hereby authorized to execute requisition agreements under section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), securing the payment of the principal of and interest on preliminary loan notes each of which provides that it shall not be valid until the paying agent has executed an agreement appearing on the note to act as paying agent, and under which requisition agreement the United States, among other things:

1. Pledges the full faith and credit of the United States to the aforesaid payment and agrees under section 102(c) of the Act that the payment agreement set forth under subparagraph 2 below shall be construed separate and apart from the pertinent loan contract and shall be incontestable in the hands of a bearer; and

2. Agrees to evidence its promise to pay or cause to be paid each such note by a payment agreement executed on behalf of the United States by the facsimile signature of the Housing and Home Finance Administrator holding office on the date of sale by the local public agency of the particular notes, in substantially the following form:

PAYMENT AGREEMENT

Pursuant to section 102(c) of the Housing Act of 1949, as amended (42 U.S.C. 1452(c)), the United States hereby unconditionally agrees that on the Maturity Date of the within Preliminary Loan Note it will pay or cause to be paid to the bearer thereof the principal of and interest thereon, upon the presentation and surrender of such Note to the Paying Agent designated therein, and the full faith and credit of the United States is pledged to such payment. Under section 102(c) of the Act, this Agreement shall be construed separate and apart from the loan contract referred to in the within Note and shall be incontestable in the hands of a bearer.

In witness whereof, this Agreement has been executed on behalf of the United States by the duly authorized facsimile signature

NOTICES

of the Housing and Home Finance Administrator, as of the Date of Issue of the within Note.

UNITED STATES OF AMERICA
By (Facsimile signature)
Housing and Home Finance Administrator.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

This delegation is effective as of the 10th day of October 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61-9687; Filed, Oct. 9, 1961;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 552]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 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 64459. By order of September 29, 1961, the Transfer Board approved the transfer to Garland L. Gordon, doing business as Appalachian Coach Company, Galax, Va., of a portion of Certificate No. MC 59238, issued February 9, 1955, to Virginia Stage Lines, Incorporated, Charlottesville, Va., authorizing the transportation of passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, over regular routes, between Galax and Roanoke, serving all intermediate points. Raymond H. Warns, Court Square Building, Charlottesville, Va., attorney for applicants.

No. MC-FC 64460. By order of September 29, 1961, the Transfer Board approved the transfer to Garland L. Gordon, doing business as Appalachian Coach Company, Galax, Va., of portions of Certificates Nos. MC 61599 Sub 114 and MC 61599 Sub 121, issued by the Commission July 14, 1955, and September 19, 1961, respectively, to Queen City Coach Company, a corporation, Charlotte, N.C., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over regular routes, between Shoun's, Tenn., and junction unnumbered highway and North Carolina Highway 88, just north of Creston, N.C., serving all intermediate

points; passengers and their baggage, and mail and newspapers, in the same vehicle with passengers, between Galax, Va., and junction North Carolina Highway 89 and 18, serving all intermediate points; passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Laurel Springs, N.C., and junction North Carolina Highways 18 and 89, serving all intermediate points; between Laurel Springs, N.C., and Jefferson, N.C., serving all intermediate points; and between Jefferson, N.C., and junction unnumbered highway and North Carolina Highway 88, just north of Creston, N.C. Raymond H. Warns, Court Square Building, Charlottesville, Va., attorney for applicants.

No. MC-FC 64506. By order of September 28, 1961, the Transfer Board approved the transfer to William Dehlinger, Jr., and Sherrod Smith, a partnership, doing business as Oil Field Trucking Service of Wichita Falls, Abilene, Texas, of Certificate No. MC 3837, issued June 15, 1953, to L. C. Ficklin, doing business as L. C. Ficklin Trucking Company, Wichita Falls, Texas, authorizing the transportation of: Machinery, materials, supplies and equipment incidental to, or used in the construction, development, operations and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points in Oklahoma and Texas. Dan M. Fergus, 336 Hickory Street, Abilene, Tex., attorney for applicants.

No. MC-FC 64508. By order of September 29, 1961, the Transfer Board approved the transfer to Keystone Express Corp., New York, N.Y., of a portion of Certificate No. MC 1579, issued June 6, 1941, to Leroy Essig, doing business as Deluxe Trucking Service, Maspeth, N.Y., authorizing the transportation over irregular routes of general commodities, excluding household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in a specified area in New Jersey and radiator enclosures, between New York, N.Y., on the one hand, and, on the other, Trenton and Camden, N.J., Philadelphia, Pa., and points in New Jersey within 40 miles of Columbus Circle, New York, N.Y. Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 64511. By order of September 27, 1961, the Transfer Board approved the transfer to Stratton Transports, Inc., West Memphis, Ark., of Certificate No. MC 123438, issued April 24, 1961, to Vaughan Winston, doing business as Winston Transportation Company, North Little Rock, Ark., authorizing the transportation of: Iron, steel and steel products, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas; building materials, and such iron and steel products as buckets, tubs, stove pipes and elbows, oil and garbage cans, wire nails, and corrugated roofing, from Memphis, Tenn., to points in Arkansas (except Pine Bluff, Little Rock, Stuttgart, and Camp Joseph T. Robinson, Ark., points on U.S. Highway 70 between Little Rock, Ark., and the Arkansas-Tennessee State

line, points on Arkansas Highway 11 between junction Arkansas Highway 11 and U.S. Highway 70 and Stuttgart, Ark., and points on U.S. Highway 79 between Stuttgart and Pine Bluff, Ark.). James N. Clay, III, 2111 Sterick Building, Memphis, Tenn., attorney for applicants.

No. MC-FC 64512. By order of September 29, 1961, the Transfer Board approved the transfer to Anco Service Co., Inc., Oklahoma City, Okla., of the operating rights in Certificate No. MC 117343, issued March 23, 1959, to Andy J. Nowlin, doing business as Anco Service Company, Oklahoma City, Okla., authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies used in replacing, servicing, or repair of machinery and equipment used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and byproducts, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in a described portion of Arkansas, a described portion in Kansas, and a described portion in Texas. Rufus H. Lawson, 2753 Northwest 22d Street (P.O. Box 7225), Oklahoma City 12, Okla., attorney for applicants.

No. MC-FC 64517. By order of September 29, 1961, the Transfer Board approved the transfer to George Hildebrandt, Inc., Hudson, N.Y., of a portion of Certificate No. MC 110423 issued November 19, 1959, to Pine Hills Dispatch, Inc., Perth Amboy, N.J., authorizing the transportation of fertilizer, in bags, over irregular routes, from Baltimore, Md., to points in Chenango, Delaware, Greene, Otsego, and Schoharie Counties, N.Y.; and from Philadelphia, Pa., to points in Delaware, Greene, and Schoharie Counties, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

No. MC-FC 64519. By order of September 29, 1961, the Transfer Board approved the transfer to Vernon W. Kester and Charles D. Becker, a Partnership, doing business as Pleasant Hill Transfer, Pleasant Hill, Mo., of the operating rights in Certificate No. MC59703, issued March 26, 1956, to L. D. Buckingham, doing business as Pleasant Hill Transfer, Pleasant Hill, Mo., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Pleasant Hill, Mo., and Kansas City, Kans., and over irregular routes, of incubators, from Yates Center, Kans., and Shenandoah, Iowa, to Pleasant Hill, Mo., cut shrubs and flowers, from Pleasant Hill, Mo., to Wichita, Kans., livestock, between Pleasant Hill, Mo., and points within 15 miles of Pleasant Hill, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 75, household goods, between Pleasant Hill, Mo., and points within 15 miles of Pleasant Hill, on the one hand, and, on the other, points in Kansas and Iowa, and used agricultural implements, between Pleasant Hill, Mo., on the one hand, and, on the other, points in Kansas. Carl V. Kretzinger, 510 Professional Building,

Kansas City 6, Mo., attorney for applicants.

No. MC-FC 64522. By order of September 29, 1961, the Transfer Board approved the transfer to Robert Cerny, doing business as Cerny Body & Paint, North Bend, Nebr., of the operating rights in Certificate No. MC 118857 Sub 1, issued by the Commission July 8, 1960, to Bernard W. Kavanaugh and Carroll J. Kavanaugh, a Partnership, doing business as Kavanaugh Brothers, South Sioux City, Nebr., authorizing the transportation, over irregular routes, of wrecked or disabled automobiles, trucks, truck-tractors, and trailers, in truck-away service, using wrecker equipment, only, from points within 750 miles of Sioux City, Iowa, to Sioux City, Iowa. Rodney R. Smith, 1920 Dakota Avenue, South Sioux City, Nebr., attorney for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-9669; Filed, Oct. 9, 1961;
8:48 a.m.]

[No. MC-C-3437]

MOTOR TRANSPORTATION INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 4th day of October 1961.

It appearing that the Civil Aeronautics Board has instituted a proceeding, Economic Regulation Docket No. 12951, 26 F.R. 8037, August 26, 1961, with the view to determining the limits of zones within which air cargo pick-up and delivery services may be provided by air carriers pursuant to appropriate tariffs filed with that Agency under the Federal Aviation Act and that it is desirable, in the public interest and in coordination with the proposed action of the Civil Aeronautics Board, for the Commission to determine and prescribe by regulations the limits within which motor transportation of property may be conducted under the partial exemption in section 203(b)(7a) of the Interstate Commerce Act, without the holding of a certificate or permit under the Interstate Commerce Act and complying with other requirements of that Act;

And it further appearing that by joint petition filed September 25, 1961, the American Trucking Associations, Inc., et al, request the institution by this Commission of a rule making proceeding for the purpose of promulgating rules defining transportation by motor vehicle that is exempt from economic regulation under section 203(b)(7a) of the Interstate Commerce Act; therefore:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 203(b)(7a) and 204(a)(6) of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, for the purpose of determining and prescribing by regulation the circumstances under which and the areas or distances within which motor transportation of property for

compensation, moving in interstate and foreign commerce, is transportation incidental to transportation by aircraft within the meaning of section 203(b)(7a) of the Interstate Commerce Act, including motor collection and delivery of property in and about airports and cities, towns, and areas served by such airports, and the emergency transportation of property between airports and between airports and cities, towns, and areas served by other airports where, due to impracticable flying conditions or other emergency circumstances, the operation of aircraft or the use of the customary airports make impossible or impracticable the movement of the property by air to or from the scheduled airports.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but that motor carriers, air carriers, or any other interested person or persons may participate in the proceeding by submitting for consideration written statements of facts, views, and arguments by filing with the Commission at its office in Washington, D.C., on or before November 15, 1961, five copies of such statements, one copy of which shall be signed. All such statements shall be considered as a part of the record in the proceeding.

And it is further ordered, That a copy of this order be mailed to the Civil Aeronautics Board and to the public service commissions or boards of each state having jurisdiction over motor transportation, that a copy be posted in the office of the Secretary of the Commission for public inspection, and that a notice of the proceeding be delivered to the Director, Office of the Federal Register for publication in the **FEDERAL REGISTER** as notice to all interested persons.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-9670; Filed, Oct. 9, 1961;
8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as

NOTICES

indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N.C.; effective 10-1-61 to 9-30-62 (pants and sport shirts).

Berkron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9-21-61 to 9-20-62 (brassieres).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-61 to 9-30-62 (men's and boys' dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N.C.; effective 10-1-61 to 9-30-62 (men's and boys' overalls, dungarees, and cotton pants).

Carolina Casuals, Inc., Highway 301 South, Wilson, N.C.; effective 9-19-61 to 3-18-62 (ladies' blouses).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9-30-61 to 9-29-62 (ladies' and men's cotton flannel pajamas).

Cluett, Peabody and Co., Inc., 2022 Murphy Avenue SW, Atlanta, Ga.; effective 10-1-61 to 9-30-62 (men's shirts).

Continental Manufacturing Co., Knoxville, Iowa; effective 9-20-61 to 9-19-62 (single pants and allied garments).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 9-20-61 to 9-19-62 (single pants, jackets, and allied garments).

Dale Manufacturing Corp., 905 Columbus Street, Dadeville, Ala.; effective 9-21-61 to 4-20-62 (men's and boys' sport shirts).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10-1-61 to 9-30-62 (men's shirts).

Form-O-Uth Brassiere Co., McLean, Tex.; effective 9-30-61 to 9-29-62 (brassieres and girdles).

Fruit of the Loom, Inc., Second and Popular Streets, Murray, Ky.; effective 9-22-61 to 1-20-62 (work trousers) (replacement certificate).

Gloria Manufacturing Corp., 815-24th Street, Newport News, Va.; effective 9-20-61 to 9-19-62 (children's dresses).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-28-61 to 9-27-62 (men's and boys' work and semidress pants).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-61 to 9-30-62 (ladies' uniforms).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 10-1-61 to 9-30-62 (men's work clothing).

Husin Shirt Co., Inc., 14-16 Rose Street, Ephrata, Pa.; effective 9-22-61 to 4-21-62 (ladies' blouses).

Kayler Manufacturing Co., 822 Anderson Street, New Kensington, Pa.; effective 9-25-61 to 9-24-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and misses' blouses).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 10-1-61 to 9-30-62 (men's shirts).

Old School Manufacturing Co., Inc., Prosperity, S.C.; effective 9-20-61 to 3-19-62 (men's work shirts and pants; ladies' blouses).

Phillips-Van Heusen Corp., Hartford, Ala.; effective 10-1-61 to 9-30-62 (men's dress shirts).

Sagamore Manufacturing Co., Shirt Division, 2 Weaver Street, Fall River, Mass.; ef-

fective 9-20-61 to 9-19-62 (men's and boys' dress shirts).

The Shirtmaster Co., Inc., Abbeville, S.C.; effective 9-22-61 to 9-21-62 (sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10-1-61 to 9-30-62 (men's sport shirts).

Wonder Maid, Inc., Jefferson and Front Streets, Washington, Mo.; effective 9-21-61 to 9-20-62 (women's slips).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

D and M Dress, 120 North State Street, Ephrata, Pa.; effective 9-19-61 to 9-18-62; five learners (children's dresses).

Dalmatia Blouse Co., Herndon, Pa.; effective 9-22-61 to 9-21-62; 10 learners (ladies' dresses).

Emmaus Pajama Co., Inc., 159 Ridge Street, Emmaus, Pa.; effective 9-19-61 to 9-18-62; 10 learners (men's pajamas, woven fabric).

Sally Marks, Limited, Rienzi, Miss.; effective 9-21-61 to 9-20-62; 10 learners (women's blouses and dresses).

Mortensen Apron Co., St. Anthony, Idaho; effective 9-20-61 to 9-19-62; five learners (fancy novelty aprons).

Narragansett Knitting Mills, Inc., 148 Bermon Street, Woonsocket, R.I.; effective 9-20-61 to 3-19-62; eight learners (children's polo shirts).

Pearl Frocks Inc., 320 Fleetwood Street, Coatesville, Pa.; effective 9-19-61 to 9-18-62; 10 learners (ladies' dresses).

Quad Manufacturing Company, 1040 Vernon Street, Huntington, W. Va.; effective 9-23-61 to 9-22-62; 10 learners. No learners may be employed at special minimum wage rates in the production of separate skirts (men's trousers and ladies' sportswear).

Rowker Manufacturing Co., Inc., Tioga Street, Tunkhannock, Pa.; effective 9-22-61 to 9-21-62; 10 learners (ladies' dresses).

Spooner Sportswear, Inc., 115 Elm Street, Spooner, Wis.; effective 9-25-61 to 9-24-62; eight learners (ladies' and girls' sportswear).

Superior Garment Contractors, Inc., Middlesex, N.C.; effective 9-20-61 to 9-19-62; 10 learners (ladies' and children's pedal pushers, shorts; children's blouses).

Susan Sportswear, Inc., 1261 Chestnut Street, Kulpmont, Pa.; effective 9-20-61 to 3-19-62; 10 learners (women's dresses).

Valley Industries, West Point, Ga.; effective 9-21-61 to 9-20-62; five learners (ladies' slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Charles W. Henson Garment Manufacturing Co., Monroe, Ga.; effective 9-21-61 to 3-20-62; 40 learners (men's and boys' work and dress pants).

Henson, Inc., Lawrenceville, Ga.; effective 9-21-61 to 3-20-62; 26 learners (men's and boys' trousers).

Nu-Lift Co. of N.C., Statesville, N.C.; effective 9-22-61 to 3-21-62; 30 learners (brasiers and girdles).

Reidbird Brothers Co., Lumber Street, Buckhannon, W. Va.; effective 9-20-61 to 3-19-62; 50 learners (men's work and dress trousers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

T. E. Brooks and Co., Poplar and Dewey Streets, York, Pa.; effective 9-22-61 to 9-21-62; five learners for normal labor turnover purposes.

General Cigar Co., Inc., White Owl Avenue and Robert Burns Drive, Mahanoy City, Pa.; effective 9-22-61 to 9-21-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Boss Manufacturing Co., Greenville, Ala.; effective 9-20-61 to 6-7-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves) (replacement certificate).

Eisendrath Glove Co., Marinette, Wis.; effective 9-11-61 to 3-10-62; 10 percent of the total number of factory production workers engaged in stitching operations for normal labor turnover purposes (leather dress and nylon knit fabric gloves) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; effective 9-22-61 to 9-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Danville Knitting Mills, Danville, Va.; effective 9-22-61 to 4-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Dayton Division, Dayton, Tenn.; effective 10-1-61 to 9-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; effective 10-1-61 to 9-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Newland Knitting Mills, Newland, N.C.; effective 10-1-61 to 9-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Coopers Incorporated of Georgia, 105 Daniel Street, Millen, Ga.; effective 9-22-61 to 3-21-62; 50 learners for plant expansion purposes (men's and boys' underwear).

Mistee Lingerie, Inc., 320 South Franklin Street, Boyertown, Pa.; effective 9-25-61 to 3-24-62; five learners for normal labor turnover purposes (ladies' lingerie).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 9-19-61 to 1-26-62; 30 additional learners for plant expansion purposes (ladies' and children's underwear) (supplemental certificate).

Van Raalte Company, Inc., Bristol, Vt.; effective 10-3-61 to 10-2-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Triangle Manufacturing Co., Inc., 519 West Pratt Street, Baltimore, Md.; effective 9-21-61 to 3-20-62; four learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operator for a learning period of 320 hours at the rate of \$1.00 an hour; (2) heat sealing machine operator for a learning period of 160 hours at the rate of \$1.00 an hour (fitted furniture covers).

Each learner certificate has been issued upon the representations of the

employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of October 1961.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 61-9660; Filed, Oct. 9, 1961;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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

3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
PROCLAMATIONS:					
3435	9397	992	9508	600	9311, 9335, 9336
3436	9451	997	9406	601	9335, 9336, 9413, 9508, 9548
3437	9451	1026	9309	608	9336
EXECUTIVE ORDERS:				609	9377
10784	9375	319	9513	PROPOSED RULES:	
10965	9451	717	9513	40	9430
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		817	9513	41	9430
Letters, Sept. 30, 1961.	9375	916	9514	42	9430
5 CFR		924	9514	514	9347
6	9382, 9504	927	9415, 9555	600	9325, 9431, 9515, 9555, 9556
6 CFR		985	9514	601	9386, 9515, 9517, 9556
70	9382	1015	9514	602	9431, 9517, 9518, 9556
331	9307	1035	9514	608	9431
332	9307	1070	9555		
333	9307	8 CFR		15 CFR	
351	9307	103	9406	50	9511
352	9307	212	9407	19 CFR	
354	9307	242	9407	6	9550
361	9307	245	9407	21 CFR	
371	9545	249	9407	120	9336, 9337, 9409
372	9545	299	9407	121	9337, 9338, 9410-9412, 9548
375	9308	340	9407	PROPOSED RULES:	
421	9308	340	9407	120	9428
443	9382	9 CFR		121	9428
464	9504	72	9508	22 CFR	
7 CFR		74	9309	41	9548
27	9333	PROPOSED RULES:		42	9548
301	9504	931	9347	24 CFR	
319	9406	10 CFR		201	9311
725	9505	50	9546	203	9311
728	9546	PROPOSED RULES:		207	9312
813	9382	9	9386	213	9313
902	9334	20	9386	220	9313
903	9309	150	9428	221	9315
911	9334	12 CFR		222	9318
922	9505	208	9408	231	9318
933	9506	545	9409, 9547	232	9318
942	9507	PROPOSED RULES:		233	9319
943	9334	563	9557	234	9319
953	9507	14 CFR		234	9320
		60	9547	803	9320
		221	9310	809	9320
		507	9310, 9335	810	9320

26 CFR	Page	36 CFR	Page	49 CFR—Continued	Page
PROPOSED RULES:		251	9376	170	9321
1	9428	37 CFR		PROPOSED RULES:	
28 CFR		PROPOSED RULES:		170	9349
11	9509	1	9514		
29 CFR		39 CFR	9551	50 CFR	
683	9511	168	9551	32	9322, 9323,
699	9550	41 CFR		33	9339, 9345, 9376, 9413, 9512, 9554
PROPOSED RULES:		5-7	9553		9413
601	9555	5-53	9553		
608	9555	43 CFR			
31 CFR		PUBLIC LAND ORDERS:			
54	9551	2423	9385		
80	9551	2513	9385		
92	9551	46 CFR			
202	9338	310	9322		
203	9338	47 CFR			
32 CFR		2	9552		
711	9407	3	9338		
713	9453	7	9552		
730	9529	8	9552		
761	9503	11	9412, 9413		
1459	9338	PROPOSED RULES:			
1471	9503	3	9348, 9514		
1473	9503	49 CFR			
1498	9503	72	9398		
33 CFR		73	9398		
16	9321	74	9404		
17	9321	77	9404		
203	9385	78	9404		

1961-62 Edition**UNITED STATES GOVERNMENT ORGANIZATION MANUAL****[Revised as of June 1, 1961]**

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

Price: \$1.50

Published by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
Government Printing Office,
Washington 25, D.C.



