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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3440

DETERMINATION OF CUBAN SUGAR QUOTA TO SUPPLEMENT THE QUOTA ESTABLISHED BY PROCLAMATION NO. 3401¹

By the President of the United States
of America
A Proclamation

WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended by the act of March 31, 1961, provides that the President shall determine, notwithstanding any other provision of Title II of the Sugar Act of 1948, as amended, the quota for Cuba for the period ending June 30, 1962, in such amount or amounts as he shall find from time to time to be in the national interest, and further provides that in no event shall such quota exceed such amount as would be provided for Cuba under the terms of Title II of the Sugar Act of 1948, as amended, in the absence of section 408(b); and

WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended, further provides that determinations made by the President thereunder shall become effective immediately upon publication in the FEDERAL REGISTER; and

WHEREAS section 408(b)(2) and section 408(b)(3) of the Sugar Act of 1948, as amended, authorize the President, subject to certain requirements, to cause or permit to be brought or imported into or marketed in the United States a quantity of sugar not in excess of the amount by which the quotas which would be established for Cuba under the terms of Title II of such Act exceed the quotas established for Cuba by the President pursuant to section 408(b) of the Act; and

WHEREAS, by Proclamation No. 3401 of March 31, 1961, the President determined the quota for Cuba for the calendar year 1961, to be zero; and

WHEREAS, pursuant to section 408(b)(1) of the Sugar Act of 1948, as amended, I find it to be in the national interest that the amount of the quotas for sugar and for liquid sugar for Cuba pursuant to the Sugar Act of 1948, as amended, for the six-month period ending June 30, 1962, should be zero:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by

section 408(b) of the Sugar Act of 1948, as amended, and section 301 of title 3 of the United States Code, and as President of the United States:

1. Do hereby determine that in the national interest the amount of the quotas for sugar and for liquid sugar for Cuba pursuant to the Sugar Act of 1948, as amended, for the six-month period ending June 30, 1962, shall be zero; and

2. Do hereby continue the delegation to the Secretary of Agriculture of the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Sugar Act of 1948, as amended, such authority to be continued to be exercised with the concurrence of the Secretary of State.

This proclamation shall become effective immediately upon publication in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of December in the year of our Lord nineteen hundred and [SEAL] sixty-one and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-11639; Filed, Dec. 5, 1961;
3:07 p.m.]

Executive Order 10978

ESTABLISHING PRESIDENTIAL AWARDS FOR SIGNIFICANT CONTRIBUTIONS TO THE EXPORT EXPANSION PROGRAM

WHEREAS the level of employment throughout the United States, the strength of our national economy, and our capacity to carry out our international responsibilities can be substantially increased by the establishment of many new and increased foreign markets for a variety of American industrial and farm products; and

WHEREAS it is in the national interest to promote and expand the export trade of the United States; and

WHEREAS there has been established an Export Expansion Program designed to assist American private enterprise, both large and small, to expand greatly the nature and volume of exports; and

WHEREAS it is appropriate to award suitable public recognition to persons,

firms, and organizations making significant contributions to the increase of American exports:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is hereby ordered as follows:

SECTION 1. An award program for significant contributions to the Export Expansion Program is hereby established.

SEC. 2. The Secretary of Commerce, in cooperation with the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the Small Business Administration, and the heads of other Government departments and agencies, shall establish procedures for the nomination of persons, firms, and organizations for awards and the granting of awards, and for such other matters as may be incidental thereto.

SEC. 3. There shall be two types of awards, as follows:

- The President's "E" Award; and
- The President's "E" Certificate of Service.

SEC. 4. The President's "E" Award may be made to persons, firms, and organizations engaged in the marketing of products who make significant contributions to the expansion of the export trade of the United States. It shall consist of a flag having a field of white upon which will appear a blue "E". It shall be further evidenced by an "E" Award Certificate, which shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 5. A special "E" Certificate of Service may be awarded to persons, firms, and organizations who make contributions to export expansion, but who are engaged in activities other than the marketing of products. The special "E" Certificate of Service shall cite the recipient's contribution, and shall be appropriately executed in the name and by the authority of the President.

SEC. 6. A recipient of either type of award may be authorized to issue to his employees a suitably designed pin inscribed with the President's "E", to display a designated style of award emblem in his advertising, and to make other appropriate use of the emblem.

JOHN F. KENNEDY

THE WHITE HOUSE,
December 5, 1961.

[F.R. Doc. 61-11651; Filed, Dec. 5, 1961;
4:35 p.m.]

¹ 26 F.R. 2849.

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

SUBCHAPTER C—PERSONNEL

Miscellaneous Amendments

A. Part 701 is revised to read as follows:

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Sec.

- 701.1 Rules regarding public records.
- 701.2 Official records in civil court.
- 701.3 Production of official records in absence of court order.
- 701.4 Deviations.
- 701.5 Certificates of full faith and credit.

AUTHORITY: §§ 701.1 to 701.5 issued under R.S. 161, secs. 5031, 6011, 70A Stat. 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 5031, 6011. Interpret or apply sec. 3, 60 Stat. 238, Rule 27 of Federal Rules of Criminal Procedure, Rule 44 of Federal Rules of Civil Procedure; 5 U.S.C. 1002, 18 U.S.C. App. Rule 27, 28 U.S.C. App. Rule 44. E.O. 10501, 18 F.R. 7049, 3 CFR 1949-53 Comp. p. 979, as amended; E.O. 10561, 19 F.R. 5963.

§ 701.1 Rules regarding public records.

The following rule is published to state how matters of official record are made available to persons properly and directly concerned except information held confidential within the meaning of the Administrative Procedure Act. (Sec. 3(c), 60 Stat. 238, 5 U.S.C. 1002(c).)

(a) *Application.* Persons properly and directly concerned in any matter acted upon by the Department of the Navy or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002(c)), he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) *Official records.* Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns filed with the Department of the Navy by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts.

The great mass of material relating to the internal operation of the Department of the Navy and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Department of the Navy's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles stated in this section.

(c) *No access.* Without limiting the discretion vested in the Secretary of the Navy by the other provisions of this rule access will not be granted to:

(1) Material classified "Confidential," "Secret," or "Top Secret" within the purview of Executive Order 10501 (18 F.R. 7049) or constituting Restricted Data under the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.).

(2) Material, such as tax returns, which is made confidential by law. (Cf. § 7213, Internal Revenue Code, 26 U.S.C. 7213.)

(3) Documents which in the opinion of the Secretary contain information which would be of possible assistance to a foreign power in time of peace or to an enemy in time of war, or containing information which, in his opinion, for reasons of public policy should not be disclosed to persons outside the naval or military establishments.

(4) Documents, the disclosure of which would involve the violation of a statute or the breach of a legal or moral obligation to keep information confidential.

(5) Intra-governmental memoranda, reports, and documents not prepared for publication or not official records. The foregoing are deemed confidential according to the principles herein stated.

(d) *Proper and direct concern.* The Secretary will also determine whether an applicant is properly and directly concerned with the record to which he seeks access, when it is not specifically covered in this rule.

(e) *Service records.* Officers' and enlisted members' service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e.g., executors, guardians, etc., who present proper proof thereof. See § 701.3(b).

(f) *Death.* Copies of office records or summaries thereof relating to deaths of naval personnel and information relating thereto will ordinarily be furnished upon application to the Judge Advocate General, Navy Department, Washington

25, D.C., to persons properly and directly concerned.

(g) *Inspection.* Access will normally be granted by inspection, at the place where the documents are kept and stored.

(h) *Notification of refusal.* If the Secretary determines that one or the other of the principles stated in this section requires the refusal of a request to make information available, prompt notice of any such refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(i) *Custody.* The Secretary of the Navy has legal custody of all official records of the Department of the Navy, and no subpoena duces tecum directed to any Department of the Navy employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Department of the Navy, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public interest to produce in any proceeding or trial any memorandum or document from Department of the Navy files to which access has not been asked and granted pursuant to this rule, whether a public record or not.

(j) *Government officers.* This rule regarding public records has no application to access to records by officers or employees of other agencies or branches of the Government.

§ 701.2 Official records in civil court.

(a) *Authorization required.* Unless authorized by the Secretary of the Navy or his designee, persons in the naval service and civil employees are prohibited from releasing or producing, in response to subpoenas duces tecum, motions for discovery, or in answer to interrogatories or otherwise, any official records or copies thereof, including the records described in paragraph (b) of this section or classified matter, in a civil court, or in connection with preliminary investigations by attorneys or others. Official records or copies thereof will be produced in such cases when authorized under procedures prescribed in paragraphs (c) through (e) of this section.

(b) *Records of courts-martial and investigations.* The records of proceedings of Navy courts-martial, courts of inquiry, boards of investigation, and the records of investigations and administrative reports are intended solely for use in the Naval Establishment and are privileged. Such records or documents are confidential, for good cause found, within the meaning of the Administrative Procedure Act (5 U.S.C. 1002). The Secretary of the Navy, or his designee, may make such records or information therefrom available to persons properly

and directly concerned whether or not litigation is involved.

(c) *Production of official records in response to court order.* Except as noted in paragraph (d) of this section, in cases where naval records are desired by or on behalf of litigants and where the records are not classified or of a privileged and confidential status as described in paragraph (b) of this section, such parties will be informed that the procedure for the production of the records desired or certified copies thereof is to obtain and forward to the Secretary of the Navy, Navy Department, Washington, D.C., or other custodian of the records, a court order calling for the particular records desired or copies thereof. Compliance with such court orders, after authorization by the Secretary of the Navy or his designee, will be effected by transmitting certified copies of the records to the clerk of the court out of which the process issues or by production of the original records by naval custodian where necessary. Where an original record is produced it will not be removed from the custody of the person producing it but copies may be placed in evidence in the case. Upon the written request of all parties in interest or their counsel records which would be produced in response to a court order as set forth in this paragraph may be furnished without court order.

(d) *Exceptions.* Where not in conflict with the restrictions in paragraphs (a) and (b) of this section relative to confidential matter, the production in Federal, State, Territorial, or local courts, of the service, employment, pay, or medical records (including medical records of dependents) of persons in the naval service is authorized upon receipt of a court order, where litigation is pending without procuring specific authority from the Secretary of the Navy. Where travel is involved, it must be without expense to the Government or to the person producing the records.

(e) *Medical and other records of civilian employees.* Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of Executive Order 10561, 19 F.R. 5963, as implemented by Navy Civilian Personnel Instruction 290.5-7b.¹ Records of civilian employees

¹ NCPI 290.5-7b reads as follows:

b. *Disclosure of medical information.* Copies of medical certificates may be requested by the prospective appointee or employee himself, by other Federal agencies, or by agencies or individuals (such as corporations, State governmental organizations, or private individuals) who are not concerned in the original action. Courts or State law departments may ask for the presentation of medical certificates. These requests should be handled as prescribed below:

(1) Whenever possible, an appointing officer should refer to the Civil Service Commission (central or regional office) any requests he receives for medical certificates and for information from medical certificates and other medical reports retained by the activity. The medical certificate or other medical reports concerned should accompany the referral. The Civil Service Commission decides when and to what extent to comply with requests.

other than medical records may be produced upon receipt of a court order without procuring specific authority from the Secretary of the Navy provided there is not involved any classified or otherwise confidential material such as loyalty and security records. Records relating to compensation benefits administered by the Bureau of Employees' Compensation may not be disclosed except upon the written approval of the Bureau (20 CFR 1.21). Further, in any case of doubt, the matter should be handled in accordance with the general rule under paragraph (a) of this section. Where information is furnished hereunder in response to a court order, it is advisable that certified copies rather than originals be furnished and that, where original records shall be produced, the assistance of the U.S. Attorney or U.S. Marshal be requested so that custody be kept of the records.

§ 701.3 Production of official records in the absence of court order.

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties, may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests except requests for medical records shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 66 of this chapter, as implemented by the Manual of the Medical Department. If in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Navy Civilian Personnel Instruction referred to in § 701.2(e).

(b) *Confidential nature of military personnel records.* Officers' and enlisted men's records are deemed confidential for good cause found within the meaning of the Administrative Procedure Act (5 U.S.C. 1002(c)) except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e.g., executors, guardians, etc., who present proper proof thereof.

(c) *How to address requests for military, medical and other personnel records.* The serviceman, former serviceman, or personal representative may obtain access to the health and medical records of both Navy and Marine Corps

personnel by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington 25, D.C. Applications for Navy and Marine Corps personnel records should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C., or to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington 25, D.C., as appropriate. Applications may be made in person or in writing.

§ 701.4 Deviations.

Any departures from normal procedures set forth in §§701.1 through 701.3 must have prior approval of the Secretary of the Navy (Judge Advocate General).

§ 701.5 Certificates of full faith and credit.

The Judge Advocate General, the Deputy Judge Advocate General and any Assistant Judge Advocate General are hereby authorized each to execute certificates of full faith and credit certifying the signatures and authority of officers of the Department of the Navy.

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN.

B. Part 710 is amended to conform with the current departmental Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen, NAVPERS 15010, July 1961.

1. The citation of authority is revised to read as follows:

AUTHORITY: §§ 710.1 to 710.48 issued under R.S. 161, sec. 5031, 70A Stat. 278, as amended; 5 U.S.C. 22, 10 U.S.C. 5031. Interpret or apply secs. 651, 6951-6974, 70A Stat. 27, 428-436, as amended, sec. 516, 72 Stat. 1439; 10 U.S.C. 516, 651, 6951-6974.

2. Section 710.3 is revised to read as follows:

§ 710.3 Entrance date.

Candidates will be required to enter the Naval Academy late in June or early in July. The fourth class summer program is of nine weeks duration beginning the ninth Tuesday preceding Labor Day. The Academic year begins on the first Wednesday following Labor Day. Each eligible candidate will be notified individually by the Bureau of Naval Personnel of the hour and date he is to report to the Naval Academy for admission.

3. Section 710.7 is revised to read as follows:

§ 710.7 Congressional.

The Vice President, each Senator, each Representative, and the Resident Commissioner of Puerto Rico are individually allowed to have a maximum of five midshipmen attending the Naval Academy at any one time. Applications for nominations or questions regarding them should be addressed to the official from whom you want to obtain the nomination. These members of Congress may nominate a principal and five alternates for each vacancy in their quotas, or they

may designate six candidates for each vacancy in their quotas to compete for such vacancy with the order of merit being determined by the Academic Board of the U.S. Naval Academy. In the latter case, the Academic Board will consider not only the scores on the mental examination but also the candidate's previous academic record, all evidence of character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude, and in general, his predicted ability to develop into a competent naval officer. All candidates should insure that the U.S. Naval Academy is in possession of a transcript of their previous school record (to include academic marks, class standing or estimated standing for the final year), and recommendations from their high school principals, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable and not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate.

4. Sections 710.12 and 710.13 are revised to read as follows:

§ 710.12 Competitive nominations.

There are other sources of nomination, all competitive, which are discussed in the succeeding sections. For each source of competitive nomination, an order of merit will be established by the Academic Board of the U.S. Naval Academy. The results of the entrance examinations will be but one factor in determining the order of merit. Previous school records, all evidence of character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer will be taken into consideration. Each candidate aspiring to be appointed under any of the competitive quotas should insure that the U.S. Naval Academy is in possession of a transcript of his previous school record (to include academic marks, class standing or estimated standing for the final year), and recommendations from their high school principals, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable and not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate.

§ 710.13 Presidential at large.

The President may appoint seventy-five midshipmen each year to be selected by competitive examination from the United States at large. These appointments are limited by law to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Air Force, Marine Corps and Coast Guard, since it is difficult for such people to establish residence in one place in order to obtain a regular congressional nomi-

nation. Adopted sons to be eligible must have been adopted prior to their fifteenth birthday. The Secretary of the Navy is authorized to approve waivers of this policy where adoption proceedings had been initiated but the adoption had not occurred prior to the fifteenth birthday through circumstances beyond the control of the foster parents. Stepsons are not eligible. Applications should be addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D.C. They should contain the full name, date of birth, home address, and present address of the candidate, the full name, grade or rate of his parent, and in the case of an adopted son, evidence as to the date of adoption. There is no limit on the number that may be nominated to compete for appointment from this source.

5. Section 710.21 is revised to read as follows:

§ 710.21 Additional nominations to fill vacancies at the Naval Academy: qualified alternates and competitors.

Admission of candidates under the foregoing quotas and procedures often fails to produce the total number of candidates authorized to enter the Naval Academy in any year. This is caused by failures to pass physical examinations, and by other unforeseeable factors. Title 10, U.S. Code, section 6956 provides for this contingency. Under this law, when it is determined that upon the admission of a new class to the U.S. Naval Academy, the total number of midshipmen will be less than the number authorized for that class, the Secretary of the Navy may within his discretion nominate additional midshipmen to be admitted to provide the number authorized for the new class. Those appointed are selected from qualified candidates holding alternate nominations and other qualified candidates holding competitive nominations as described in §§ 710.6 to 710.20. At least two-thirds of those so appointed must be from among qualified alternate candidates nominated by nominators cited in §§ 710.6 to 710.11 and not more than one-third may be from competitive sources. The Academic Board of the U.S. Naval Academy considers the qualifications of candidates to be selected and forwards a recommended list of qualified candidates, in order of merit, to the Secretary of the Navy. In due course, successful candidates are advised by the Chief of Naval Personnel. In preparing this list, the Academic Board considers not only the scores made by the candidate in his qualifying mental examination, but also his previous school record and all evidence of the candidate's character, citizenship qualities, participation in extracurricular activities, part- or full-time employment, church or club activities, physical aptitude and, in general, his predicted ability to develop into a competent naval officer. Each candidate aspiring to be appointed under this method should insure that the U.S. Naval Academy is in possession of a transcript of his previous school record (to include academic marks, class standing or estimated class standing for the final year), and recommendations

from his high school principal, teachers, extracurricular advisors and coaches. The above documents should be addressed to the Admissions Office, U.S. Naval Academy and should be submitted as early as practicable but not later than March 30. Documents received after this date cannot be considered in the evaluation of the candidate. Although not mandatory, completion of high school credits as set forth in § 710.30 is an important factor. The only candidates eligible for consideration under this law are those found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review the available records and classify in order of merit all the eligible candidates in this category in each year that additional admissions are possible. As processing of candidates under this law must follow the processing of congressional principals and competitors admitted under their various quotas, successful candidates under the provisions of this law cannot expect notification until some time in June, or even later. Appointments made under this law are in addition to and not in lieu of appointments otherwise authorized. For example, an appointment of a senatorial alternate whose principal has already entered is not charged to the Senator.

6. Section 710.29(c) is revised to read as follows:

§ 710.29 Scholastic requirements.

* * * * *

(c) Each candidate must ensure submission of detailed records of all of his completed high school, preparatory school, and college work and lists of any current and/or proposed school courses on the official forms that will be provided by the Navy Department following receipt of the nomination from the member of Congress or other authorized appointment source. These certificates should be filled out and submitted to the Naval Academy by the school or schools concerned as soon as practicable after receipt. When submitted in advance of the completion of current work, the certificate should clearly indicate subjects or courses being pursued at the time the certificate is being submitted. It is extremely important to each candidate that records be supplied promptly and that previous school records include academic marks, class standing or estimated class standing for the final year, and that recommendations from his high school principal, teachers, extracurricular advisors, and coaches be included to help the Naval Academy determine the commissioned officer potential of the candidate. These records and recommendations will be considered in conjunction with the test results in order to establish the priority of candidates in the various competitive lists and for the purpose of selection under the qualified alternate law, and must be received not later than March 30.

7. Section 710.30 is revised to read as follows:

§ 710.30 Acceptable secondary school certificate.

An acceptable secondary school certificate is one from an accredited secondary school, or its equivalent, presenting at least fifteen units of credit for subjects acceptable to the Naval Academy and with grades substantially better than the school's lowest passing grade. Candidates should, insofar as is practicable, include as many as possible of the following studies in their secondary school programs in order to have acceptable secondary school certificates:

(a) Three years of mathematics; the elements of advanced algebra, geometry and trigonometry being essential to the Naval Academy course.

(b) Three years of English.

(c) Two years of a foreign language, preferably modern.

(d) One year of chemistry, with a year of physics, in addition, being desirable.

Additional details on the content of acceptable secondary school certificates are included in Appendix III (§ 710.44).

8. Section 710.31 (a), (e) and (f) is revised to read as follows:

§ 710.31 Scholastic entrance examination method.

(a) Subject to provisions of law, the basic method of qualifying is by presenting an acceptable secondary school certificate and by taking the scholastic entrance examination consisting of the March administration only¹ of the following tests of the College Entrance Examination Board: The Scholastic Aptitude Test (verbal and mathematics sections), the English Composition Test, and either the Intermediate Mathematics Test or the Advanced Mathematics Test. Candidates are encouraged to choose the Mathematics achievement test in which they feel they can attain the higher score. No additional weight is given to results of the test in Advanced Mathematics over those in Intermediate Mathematics. An unacceptable score on any one test is cause for rejection. All candidates for appointment from the various competitive sources and all other candidates not qualifying by the College Certificate Method must take this series of tests; each such duly nominated candidate must register with the College Entrance Examination Board for the March series of tests¹ as promptly as possible after re-

¹ Important change in entrance examination for Naval Academy candidates to enter in June 1962. The Naval Academy will honor College Board scores of candidates for the class to enter in 1962 from any of the following administrations: December 1961, January 1962, March 1962. This is a modification to § 710.31.

Candidates and prospective candidates who undertake the tests required by the Naval Academy at any of the administrations cited above, and who desire that the results be considered for scholastic qualification, should request the College Entrance Examination Board to submit their scores to the U.S. Naval Academy.

The free test card (coded Red Card 7/61-6500) furnished by the Navy Department to

ceiving the necessary instructions from the Bureau of Naval Personnel, Navy Department, Washington, D.C. These instructions will include the provision for payment by the Navy for these tests.

* * * * *

(e) It should be noted that only the March administration of the College Entrance Examination Board tests may be used to establish scholastic qualifications.¹ Administrations earlier or later than the March administration, whether in part or in whole, are not acceptable for scholastic qualification.¹ Duly nominated candidates who have registered for and are unable to report to the March administration because of sickness, injury, weather, or other extenuating circumstances should promptly advise the Chief of Naval Personnel.¹

(f) Satisfactory scores in the March administration of the College Entrance Examination Board tests will be determined by the Academic Board of the Naval Academy.¹ No candidate shall be admitted to the Naval Academy unless in the opinion of the Academic Board he shows the requisite mental qualifications.

9. Sections 710.35 and 710.36 are revised to read as follows:

§ 710.35 Preliminary physical examinations.

(a) Preliminary physical examinations are not required but may be conducted solely for the convenience of candidates and prospective candidates. They serve to reveal obviously disqualifying defects which may prevent admission as midshipman. The results of the preliminary physical examination may not be used for admission to the Academy and all candidates will be required to pass the formal physical examination as set forth in § 710.36 before actual admission to the Academy.

(b) Preliminary physical examinations may be conducted by a private physician. In addition, they may be conducted at any of the places listed in Appendix V (§ 710.46) and will be given to any candidate who presents an authorization from a member of Congress, or who is a son or dependent relative of a member of the Armed Forces and presents a request signed by the member concerned. Candidates who plan to have a preliminary physical examination at an activity listed in Appendix V (§ 710.46) will arrange with the activity for an appointment prior to reporting for the examination. Preliminary physical examinations conducted by private physicians must be at no expense to the Government.

(c) The report of the preliminary physical examination of a candidate, whether a civilian or a member of the Armed Forces, shall be submitted on Standard Form 88 in quadruplicate, and on Standard Form 89 in the candidate's own handwriting in duplicate. The report

Naval Academy candidates who have been duly nominated for appointment may be used for any of the College Board test administrations held in December 1961, January 1962 or March 1962.

Early registration and participation in the College Board tests is encouraged.

shall be distributed as follows: a copy of the Standard Form 88 to the congressman, parent, or guardian who requested the examination; a copy of the Standard Form 88 to the Chief of Naval Personnel (Naval Academy Midshipman Branch), Navy Department, Washington 25, D.C.; a copy of Standard Form 88 and one Standard Form 89 to the Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Maryland; and the original Standard Form 88 and one Standard Form 89 to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington 25, D.C.

§ 710.36 Formal physical examinations.

(a) The formal physical examination will be scheduled at the activities listed in Appendix VI(a) (§ 710.47(a)) during the period September 1, 1961 through February 28, 1962. Every eligible candidate will be notified by the Bureau of Naval Personnel when and where to report for examination. Normally, such an examination will require only one day. Each candidate receiving official notification authorizing him to report for a formal physical examination must bear all expenses for travel and subsistence incident to this examination. In cases of urgent necessity for change in the place and date for the examination, the candidate shall make a written or telegraphic request to the Chief of Naval Personnel, Navy Department, Washington 25, D.C., for change. Those candidates who are unable to obtain a formal physical examination during the foregoing period, will be scheduled for examination during the week beginning March 5, 1962 at activities listed in Appendix VI (a) and (b) (§ 710.47 (a) and (b)).

(b) Candidates are required to notify the Chief of Naval Personnel, Naval Academy Midshipmen Branch, Washington 25, D.C., of any change in medical condition following their formal physical examination which requires hospitalization or the services of a physician.

(c) In order to determine coordination, strength, and endurance of the body musculature a physical aptitude test will be given in conjunction with the formal physical examination. The Physical Aptitude Examination will consist of a series of tests such as sit-ups, pull-ups, push-ups, arm hang, and duck walk. Also included in this battery of tests will be movements which will bring out disqualifying orthopedic defects such as shoulder and knee malfunctions. Failure to obtain a passing grade in this examination will be cause for rejection. See § 710.45(v) for details.

(d) When reporting for formal physical examination it is recommended that each candidate have with him an athletic supporter and shorts suitable for use when undergoing the required physical exercises.

10. Section 710.37 is revised to read as follows:

§ 710.37 Physical reexamination.

(a) Candidates rejected by a medical examining board may be given a reexamination by a Board of Medical Review at United States Naval Hospitals

in Annapolis, Great Lakes, Oakland, Pensacola, the Naval Air Station in Dallas, and at the United States Naval Academy, upon authorization by the Chief of Naval Personnel. Candidates desiring to avail themselves of this privilege must make written request to the Chief of Naval Personnel within ten days after their formal physical examination. The physical reexaminations will be conducted early in May. The cost of travel to and from the reexamination, and subsistence, must be borne by the candidate.

11. Section 710.43 (a) (2) (i) (c) (1) (ii), (a) (2) (ii), (b) (1), (b) (2) (i), and (b) (2) (ii) is revised to read as follows:

§ 710.43 Appendix II—Foreign students.

(a) Appointment from the Republic of the Philippines. * * *

- (2) * * *
- (i) * * *
- (c) * * *
- (1) * * *

(ii) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. See § 710.31. Detailed certificates covering school work will not be required of candidates from the Philippines qualifying by the examination method.

(i) The Government of the Republic of the Philippines should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(b) Appointments from American Republics (other than the United States). (1) Title 10, United States Code, section 6957 provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three persons from any one of such Republics shall receive instruction under authority of this law at the same time. The persons receiving instructions under authority of this law shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exemptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States;

but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Application for appointment under the provisions of this law must be addressed through the appropriate diplomatic channels of the applicant's country. Nominations must reach the State Department in Washington, D.C., by January 1.

(2) The following regulations are established for candidates from American Republics (other than the United States):

(i) Each candidate must:

(a) Be an unmarried, bona fide male citizen of the country transmitting the request, and, unless otherwise approved by the Secretary of the Navy, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(b) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from other American Republics will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth elsewhere in this part (§ 710.34 and § 710.45) before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying it is recommended that telegraphic inquiry be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., U.S.A.

(c) Be proficient in reading, writing, and speaking idiomatic English and meet the following scholastic entrance requirements:

(1) Candidates may qualify for admission by either of the following two methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America. See § 710.32 and Appendix III (§ 710.44).

(ii) Taking the College Entrance Examination Board Scholastic Aptitude Test and achievement tests in English Composition and Intermediate or Advanced Mathematics. See § 710.31. Detailed certificates covering schoolwork will not be required of candidates from the other American Republics.

(2) Candidates from the American Republics will be given the same examination in English Composition as other candidates, but due consideration will be accorded these foreign students when evaluating test results. Each candidate shall submit a certificate from his Government that he is conversant with the literature of his native country and that

he has completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(3) In lieu of this certification, a candidate from an American Republic may produce evidence of having acquired the units for literature from accredited schools of the United States.

(4) See § 710.31 for the sources of information as to time, place, etc., of College Entrance Examination Board tests. The naval attaché or a diplomatic representative of the United States in the candidate's country shall in the cases of all candidates from other American Republics furnish a report as to the candidate's proficiency in the use of idiomatic English.

(ii) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in late June or early July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

12. Section 710.44 (c) and (k) (1) is revised to read as follows:

§ 710.44 Appendix III—Additional details concerning acceptable secondary school certificates and the college certificate method of qualifying scholastically.

(c) Certificate credit. Following is a table of secondary school subjects for which the Naval Academy will allow certificate credit. This list is included in order to permit candidates properly to choose the subjects which they should pursue in high school and to permit a check of the list against courses already completed. An acceptable secondary school certificate is one showing proficiency in at least 15 units of the following subjects.

	Designation	Maximum units allowed
Group I:		
English:		
English I.....	I	4
English II.....	II	
English III.....	III	
English IV.....	IV	
Group II:		
Mathematics:		
Algebra to quadratics.....	A1	1
Algebra, quadratics and beyond.....	A2	1
Algebra, advanced.....	B	1 1/2
Plane geometry.....	C	1
Solid geometry.....	D	1
Plane trigonometry.....	E	1 1/2
Higher mathematics.....		1 1/2
Group III:		
History:		
History, ancient.....	A	1
History, European.....	B	1
History, English.....	C	1
History, United States.....	D	1
History, modern European.....	E	1
History, World.....	F	1

	Designation	Maximum units allowed
Group IV:		
Sciences, drawing, and languages:		
Physics (recitation, laboratory), first year	I	1
Physics (recitation, laboratory), second year	II	1
Chemistry (recitation, laboratory), first year	I	1
Chemistry (recitation, laboratory), second year	II	1
Biology (recitation, laboratory)	I	1
General Science (recitation, laboratory)	I	1
Psychology	I	1
Mechanical drawing, first year	I	1
Mechanical drawing, second year	II	1
French, first year	I	1
French, second year	II	1
French, third year	III	1
Spanish, first year	I	1
Spanish, second year	II	1
Spanish, third year	III	1
German, first year	I	1
German, second year	II	1
German, third year	III	1
Italian, first year	I	1
Italian, second year	II	1
Italian, third year	III	1
Latin, first year	I	1
Latin, second year	II	1
Latin, third year	III	1
Latin, fourth year	IV	1
Group V:		
Miscellaneous:		
Physical geography (recitation, laboratory)		1
Botany (recitation, laboratory)		1
Zoology (recitation, laboratory)		1
Geology		1
Astronomy		1
Physiology		1
Civics		1
Problems of democracy		1
American problems		1
Citizenship		1
Sociology		1
Social science		1
Current events		1/2
Commercial law		1/2
Commercial history		1/2
Commercial arithmetic		1/2
Commercial geography		1/2
Economics		1
Economic history		1/2
Economic geography		1/2
Industrial problems		1/2
Public speaking		1/2
Elementary law		1/2
Advanced arithmetic		1/2
Manual training		1
Journalism		1
Occupations		1/2

§ 710.45 Appendix IV—Physical standards and disqualifying defects.

(a) *General.* * * *

(3) Since a history of having had certain illnesses which are recurrent and/or progressive in nature is disqualifying for entrance and for retention in the U.S. Naval Academy, each candidate is pledged to inform his medical examiner of his complete past medical history in order to gain entrance into the Naval Academy. Any past disqualifying medical condition that is not divulged will be reason for subsequent discharge from the Naval Academy.

(b) *Medical history.* (1) In order to assist the examiner in conducting the physical examination, it is required that a careful history be obtained. An applicant for entry into the U.S. Naval Academy, upon reporting for preliminary physical examination, shall first be required to complete Standard Form 89 (Report of Medical History) in duplicate in his own handwriting. In addition, an applicant reporting for formal physical examination shall be required to complete the Personal History Booklet (Medical Department, USNA).

(2) Candidates who are authorized to report for formal physical examination by the Chief of Naval Personnel will be furnished three blank copies of Standard Form 89 (Report of Medical History). The candidate will be instructed to complete the forms in detail prior to reporting for the physical examination and to present the completed forms to the medical examiner at the time of the examination. In addition, an applicant reporting for formal physical examination shall be required to complete the Personal History Booklet (Medical Department, USNA). This document shall be completed at the examining facility and carefully reviewed and elaborated upon by the medical examiner. Data obtained in the Personal History Booklet will not be reason for physical disqualification unless one of the psychiatric diagnoses listed in paragraph (c) of this section can definitely be established.

(c) *Psychiatric disorders.* * * *

(4) * * *

(i) * * *

(e) Immaturity with symptomatic habit reaction. (Any degree of stuttering, stammering, or lisping is a basis for disqualification as a naval line officer must be capable of clear and effective speech.)

(d) *Weight, height, and miscellaneous considerations.* * * *

(3) * * *

(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy, actinomycosis; authenticated history of rheumatic fever within the previous five years, rheumatic heart diseases, rheumatoid arthritis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; sickle cell anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of any

acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning, allergic manifestations such as hay fever, if more than mild or if likely to cause more than minimal loss of time from duty or if associated with nasal polyps or hyperplastic sinusitis; asthma or a history of asthma, including so-called "childhood" asthma, unless there is a trustworthy history of freedom from seizures since six or seven years of age and provided that seizures prior to that time were not severe or prolonged and did not require extensive therapy; allergic conjunctivitis, allergic dermatoses, or allergic rhinitis particularly if there is associated hyperplastic sinusitis or nasal polyps, or a history thereof, when in the opinion of the examiner, the condition is likely to frequently recur, or to cause more than minimal loss of time from duty or otherwise is of present or future clinical significance.

(e) *The endocrine glands and metabolism.* * * *

(7) Glycosuria if persisting; diabetes mellitus; a history of diabetes mellitus in both parents. If sugar is found in the urine, further specimens, voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained. In the presence of diabetes mellitus in a parent, sibling, or grandparent, a standard glucose tolerance test is required.

(f) *The eyes.* (1) For enrollment in the U.S. Naval Academy a minimum visual acuity of 20/20 each eye is required. No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into the U.S. Naval Academy unless medically indicated. Visual acuity will be measured by using the eye chart furnished as a standard item of medical supply, stock number L6515-598-8075. All visual acuity will be recorded in round numbers without any plus or minus superscription as recommended on the eye chart.

(g) *Color perception.* * * *

(3) Detailed instruction for the administration of the Farnsworth Lantern test, as well as the criteria for passing the test, are engraved on a metal plate which is permanently attached to the instrument and shall be followed without exception. The results of the test shall be recorded in item 64 of the Report of Medical Examination as "Passed FaLant" or "Failed FaLant." In addition, if the examinee makes no errors on the first run of nine pairs of lights and there is no previous history of defective color perception, enter in item 73, Standard Form 88, "FaLant-one-run—no errors." If any errors are made on the first run, or if no errors are made on the first run and there is a history of defective color perception, make two or more additional runs and record the number of errors made on each run separately in item 73 of Standard Form 88.

(k) *Additional rules.* (1) The college certificate must present at least 24 semester hours of credit for subjects acceptable to the Naval Academy, and, as in the case of secondary school certificates, the assigned grades should be substantially above the passing grade. Of the 24 semester hours of credit specified, at least 6 must be in college mathematics selected from college algebra, trigonometry, analytical geometry, calculus, etc., and 6 in college English and/or history. A normal year of college work will embrace approximately 30 semester hours of credit for academic work, and the Academic Board at the Naval Academy looks with disapproval upon an arrangement of college courses designed to do nothing more than meet the minimum requirements.

13. Section 710.45 (a) (3), (b), (c) (4) (ii) (e), (d) (3) (v), (e) (7), (f) (1), (g) (3), (h) (7), (i) (4) and (v) is revised to read as follows:

(h) *The ears.* * * *

(7) Any diminution of auditory acuity in either ear, below 15/15 by whispered or spoken voice. If an audiogram is done the following is disqualifying:

- (i) Loss of more than 15 decibels in the 256, 512, 1024, or 2048 range in either ear.
- (ii) Loss of more than 160 decibels total of 4000 and 8000 ranges in both ears (four readings).

(i) *The skin.* * * *

(4) Psoriasis; ichthyosis, if moderate or severe; chronic lichen planus.

(v) *Physical aptitude.* (1) All candidates for the U.S. Naval Academy will be required to pass the following tests—(For detailed description and illustration of each test see "Description of Administration Procedures for Measuring Physical Aptitude of Candidate" separately distributed to Examining Centers):

(i) *Two pull-ups.* Using an overhand grip on a horizontal bar, pull up from a full hang until the chin is over the bar.

(ii) *Fifteen sit-ups in thirty seconds.* From a full lying position on the back with the hands behind the neck (feet held down by partner) sit up, touch one elbow to the opposite knee and return to lying. Elbow-knee touching must be alternated to each side.

(iii) *Ten push-ups.* With the feet supported sixteen inches (chair height) above the floor, body straight and hands on floor, bend the elbows until chin touches floor and return to locked elbow position.

(2) All candidates to the U.S. Naval Academy will be required to pass both of the following tests:

(i) *Arm hang.* Full length and completely relaxed, hang from a horizontal bar for three full seconds with each hand.

(ii) *Duck walk.* With the hands on the hips, squat deeply with the knees spread and walk ten paces forward.

(3) The above tests should be supervised by a medical officer, preferably one trained in orthopedics.

14. Section 710.46 as far as listing installations in California, Florida, Hawaii, Illinois, Massachusetts, Mississippi, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas and Virginia, is revised to read as follows:

§ 710.46 Appendix V—Installations conducting preliminary physical examinations for the U.S. Naval Academy.

- California:
 - Alameda—U.S. Naval Air Station.
 - Barstow:
 - Station Hosp, US MarCorps.
 - Supply Center.
 - Camp Pendleton USNH.
 - China Lake—Station Hosp, USNOTS.
 - El Centro—USNAAS.
 - Fairfield—Travis AFB.
 - Long Beach—USNAS, Los Alamitos.
 - Los Angeles—USN Recruiting Sta.
 - Moffet Field—USNAS.
 - Monterey—USAH, Fort Ord, NAF & PG Sch.
 - Port Hueneme—Sta Hosp, USNOCB.
 - Riverside—March AFB.
 - San Diego—USNH, USNAS N. Island.

- San Francisco:
 - USN Disp., 50 Fell St.
 - USN Recruiting Sta.
 - Treasure Island—USN Sta.
 - USN Shipyard.
 - Letterman AH.
- Santa Ana—USMCAF.
- Twentynine Palms—Station Hospital, USMCB.
- Vallejo—USNDISP, Mare Island.

- Florida:
 - Florida Group, Atlantic Res Flt.
 - Green Cove Springs.
 - Jacksonville—USNAS.
 - Pensacola—USNAS.
 - Tampa—MacDill AFB.
 - Key West—USNAS.

- Hawaii:
 - Honolulu:
 - Hickam AFB.
 - Tripler Army Hospital.
 - USN Base, Pearl H.
 - USNAS, Barbers Pt.

- Illinois:
 - Belleville—Scott AFB.
 - Chicago—USN Recruiting Station.
 - Glenview USNAS.
 - Great Lakes—USNTC.

- Massachusetts:
 - Ayer—USAH, Fort Devens.
 - Boston:
 - U.S. Army Base.
 - USN Recruiting Sta.
 - Chicopee Falls—Westover AFB.
 - South Weymouth—USNAS.

- Mississippi:
 - Gulfport—USN Const. Batt. Center.

- New York:
 - Albany—USN Recruiting Sta.
 - Buffalo—USN Recruiting Sta.
 - Governors Island—USAH, Ft. Jay.
 - New York City:
 - USNAS, Floyd Bennet Field.
 - USN Recruiting Sta.
 - West Point—U.S. Army Hosp., USMA.

- Pennsylvania:
 - Carlisle—Carlisle Barracks.
 - Mechanicsburg—USN Supply Depot.
 - Middletown—Olmstead AFB.
 - Philadelphia—USN Recruiting Sta.
 - Phoenixville—Valley Forge AH.
 - Pittsburgh—USN Recruiting Sta.
 - Willow Grove—USNAS.

- Rhode Island:
 - Newport—U.S. Naval Station.
 - Quonset Point—Station Hosp., USNAS.

- South Carolina:
 - Beaufort—USNH.
 - Charleston—U.S. Naval Base.
 - Columbia:
 - USAH, Fort Jackson.
 - USN Recruiting Station.
 - Sumter—Shaw AFB.

- Tennessee:
 - Memphis—USNAS.
 - Nashville—USN Recruiting Sta.
 - Smyrna—Stewart AFB.

- Texas:
 - Beeville—USNAAS Chase Field.
 - Corpus Christi—USNAS.
 - Dallas:
 - USNAS.
 - USN Recruiting Sta.
 - El Paso—William Beaumont AH.
 - Houston—USN Recruiting Sta.
 - Killeen—USAH, Fort Hood.
 - Orange—Texas Group, Atlantic Res Flt.
 - San Antonio:
 - Brooke General Hospital, Fort Sam
 - Houston.
 - Randolph AFB.

- Virginia:
 - Newington—DeWitt Army Hospital, Fort Belvoir.
 - Hampton:
 - Fort Monroe.
 - Langley AFB.
 - Lee Hall—USAH, Fort Eustis.
 - Little Creek—USN Amphibious Base.
 - Norfolk—USNAS, USN Station.
 - Oceana—USNAS.
 - Petersburg—USAH, Fort Lee.
 - Quantico—USNH.

15. Sections 710.47 and 710.48 are revised to read as follows:

§ 710.47 Appendix VI—Installations conducting formal physical examinations for the U.S. Naval Academy.

- (a).
 - U.S. Naval Hospital, Chelsea, Mass.
 - U.S. Naval Hospital, St. Albans, Long Island, N.Y.
 - U.S. Naval Hospital, Philadelphia, Pa.
 - U.S. Naval Hospital, Portsmouth, Va.
 - U.S. Naval Hospital, Charleston, S.C.
 - U.S. Naval Hospital, Memphis, Tenn.
 - U.S. Naval Hospital, Pensacola, Fla.
 - U.S. Naval Hospital, Key West, Fla.
 - U.S. Naval Hospital, Jacksonville, Fla.
 - U.S. Naval Hospital, Corpus Christi, Tex.
 - U.S. Naval Hospital, Great Lakes, Ill.
 - U.S. Naval Hospital, San Diego, Calif.
 - U.S. Naval Hospital, Oakland, Calif.
 - U.S. Naval Hospital, Bremerton, Wash.
 - Permanent Board of Medical Examiners, U.S. Naval Academy, Annapolis, Md.

(b) The below installations conduct formal physical examinations only on specified days in the month of March when additional naval medical and dental officers are furnished:

- U.S. Naval Air Station, Dallas, Tex.
- U.S. Naval Air Station, Olathe, Kans.
- Fitzsimons General Hospital, Denver, Colo.
- Tripler General Hospital, Honolulu, Hawaii.

(c) The Station Hospital, U.S. Naval Training Center, Bainbridge, Md., will conduct formal physical examinations on the enlisted candidates attached to the U.S. Naval Preparatory School.

§ 710.48 Appendix VII—Course of instruction.

(a) The course of instruction at the USNA is of 4 years' duration. The curriculum provides a basic education in naval science; science and engineering; and the humanities and social sciences. In addition, there is opportunity for advanced work through validation of college-level courses successfully completed elsewhere, and through a program of elective courses for superior students. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess powers of reason and imagination, and are capable of intense application may reasonably expect to complete the course.

(b) Midshipmen who have taken College Entrance Examination Board Advanced Placement Tests prior to entering the Academy may submit their scores for consideration in validating general education courses at the Naval Academy. Validation entitles midshipmen to substitute elective studies for prescribed courses in which they have demonstrated proficiency. Academic departments will review the advanced placement test scores to determine which midshipmen

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will be eligible to take the validation examinations conducted by these departments soon after a new class enters the Academy. The advanced placement tests are administered in May of each year at College Board examining centers throughout the country. Registration in advance, including payment of fee, is necessary. Information on registration procedures, fees, testing dates,

and examining centers is contained in the bulletin, "Advanced Placement Examinations," available without charge. This bulletin may be obtained by writing to College Board Advanced Placement Examinations at one of the following addresses:

Box 592, Princeton, N.J.
or
Box 27896, Los Angeles 27, Calif.

FOURTH CLASS—FRESHMAN YEAR
SUMMER TERM

Department	Total hours	Subject	Textbook
Executive	21	Orientation	U.S. Naval Academy Regulations. Orientation movies.
Physical Education	46 31	Infantry drill Physical achievement tests. Basic instruction in swimming, boxing and wrestling. Orientation in 9 additional sports.	Physical Education Plebe Summer Drill Manual (revised).
Command	61	Practical seamanship. Basic instruction in knotting, piloting, sailing, visual communications, and handling motor launches and yard patrol craft.	Elementary Seamanship. Seamanship (NavPers 16118B). Bluejacket's Manual.
Weapons	37	Small arms	Moving pictures are employed.
Naval Hygiene	4	Personal hygiene, including social and mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health.	
Engineering	25	General marine engineering, basic shop practices, and elementary drawing.	Graphic Science, by French and Vierck.
Mathematics Science	11 5	Plane trigonometry ¹ Chemistry	College Mathematics, Sisam. Department's Measurements and Mathematical Operations.
English, History, and Government	23	Library and museum orientation. Readings in naval history. Lectures in naval history. Examination.	The Compact History of the United States Navy, by Pratt. Webster's New Collegiate Dictionary. Handbook for Writers, by Leggett Mead, and Charvat (2d ed.).
Foreign Languages	1	Language interviews and assignment to language courses.	
Total	254		

¹ For those midshipmen not offering trigonometry upon entrance.
² Does not include time devoted to mathematics. See note 1.

The basic curriculum
FOURTH CLASS YEAR

FIRST TERM		SECOND TERM		Semester hours
Subject	Hours	Subject	Hours	
Analytic geometry and calculus	5	Mechanics	5	5
Chemistry	4	Physics	5	5
Engineering drawing and descriptive geometry	3	Engineering materials	3	3
Composition and literature	3	U.S. foreign policy and geography	3	3
Foreign language	3	Foreign language	2½	2½
Physical education	1	Seapower	¼	¼
Executive	1	Physical education	¼	¼
		Executive	1	1
	20			20
SECOND TERM		FIRST TERM		Semester hours
Subject	Hours	Subject	Hours	
Analytic geometry and calculus	5	Differential equations ²	3½	3½
Chemistry	4	Electrical science I	3¾	3¾
Statistics	2	Basic thermodynamics	4	4
Composition and literature	3	United States Government	2	2
Foreign language	3	Piloting and navigation	3½	3½
Shipboard orientation and fleet tactics	¾	Weapons components	2¼	2¼
Physical education	1	Physical education	½	½
Executive	1	Executive	1	1
	19¾			20½
THIRD CLASS YEAR		SECOND TERM		Semester hours
Subject	Hours	Subject	Hours	
Calculus ¹	5	Electrical science II	4	4
Physics	5	Basic fluid mechanics	4	4
Strength of materials	3	Economics and speech	2¾	2¾
Modern European history	3	Leadership	2½	2½
Foreign language	2½	Navigation	3	3
Physical education	¾	Gunfire control systems	2¼	2¼
Executive	1	Physical education	½	½
	20¼	Executive	1	1
				20

¹ Includes 1½ semester hours of probability and statistics.

² Includes ½ semester hour of spherical trigonometry.

FIRST CLASS YEAR

Subject	Semester hours
Electrical science III	3
Applied fluid mechanics	3
Naval history	3½
Leadership	2½
Naval operations	3¾
Underwater systems and digital computers	2½
Naval hygiene	¾
Physical education	½
Executive	1
	20¼

SECOND TERM

Electrical science IV	3
Applied thermodynamics	3
Advanced composition and literature	3¾
Naval operations	4½
Meteorology	1
Missile systems and ballistic missile trajectories	2½
Physical education	½
Executive	1
	19¾

C. Part 720 is revised to read as follows:

PART 720—PROCEEDINGS IN CIVIL COURTS

- Sec. 720.1 Delivery when personnel beyond territorial limits of the requesting State.
- 720.2 Delivery when personnel within territorial limits of the requesting State.
- 720.3 Agreement required prior to delivery to State authorities.
- 720.4 Delivery of personnel to Federal authorities.
- 720.5 Authority of the Director, Office of the Judge Advocate General, West Coast.
- 720.6 Delivery of personnel to foreign authorities.
- 720.7 Personnel released by civil authorities on bail or on their own recognition.
- 720.8 Service of process upon personnel of the Naval Establishment.
- 720.9 Personnel of the Naval Establishment subpoenaed as witnesses in State or local courts.
- 720.10 Personnel of the Naval Establishment subpoenaed as witnesses in Federal courts.
- 720.11 Naval prisoners as witnesses or parties in civil courts.
- 720.12 Departures from provisions of this part require approval of the Secretary of the Navy.

AUTHORITY: §§ 720.1 to 720.12 issued under R.S. 161, secs. 814, 5031, 6011, 70A Stat. 41, 278, 375, as amended; 5 U.S.C. 22, 10 U.S.C. 814, 5031, 6011.

§ 720.1 Delivery when personnel beyond territorial limits of the requesting State.

(a) General. In all cases in which the delivery of any person in the Navy or Marine Corps is wanted by State, Commonwealth or local civil authorities for trial, and such person is not attached to or serving at a naval or Marine Corps activity within the requesting State or Commonwealth, or aboard a ship within the territorial waters of said requesting

State or Commonwealth, a requisition for the delivery of the person must be made by the Governor of such State or Commonwealth, addressed to the Secretary of the Navy, showing that the person desired is charged with a crime in that State or Commonwealth, for which he could be extradited under the Constitution of the United States, the enactments of Congress, or the laws of the State or Commonwealth desiring his delivery. Such requisition should be forwarded to the Secretary of the Navy (Judge Advocate General) for examination, together with the appointment of the agent of the State or Commonwealth to whom the delivery is to be made. If the papers allege that the person is a fugitive from the justice of that State or Commonwealth and that he is charged with an extraditable crime, as aforesaid, and the papers are otherwise found to be in due form, the Secretary of the Navy (Judge Advocate General) will send the necessary authorization to the designated agent permitting him to take the person into custody upon compliance with § 720.3.

(b) *JAG authority.* The Judge Advocate General, the Deputy and Assistant Judge Advocate General, any Assistant Judge Advocate General and, within the limits indicated in § 720.5 and subject to instructions of the Judge Advocate General, the Director, Office of the Judge Advocate General, West Coast, are authorized each to act for the Secretary of the Navy in the performance of his functions under paragraph (a) of this section, §§ 720.2(b), 720.4(a) and 720.12.

§ 720.2 Delivery when personnel within territorial limits of the requesting State.

(a) *General.* In cases in which the delivery of any person in the Navy or Marine Corps is requested by State or local civil authorities of a State or the Commonwealth of Puerto Rico (as distinguished from civil authorities of the Federal Government), and such person is attached to or serving at a naval or Marine Corps Station or other naval or Marine Corps place within the requesting State or Commonwealth, or aboard a ship within the territorial waters of such State or Commonwealth, commanding officers are authorized to deliver such person when a proper warrant is presented. Warrants reciting that the individual is a fugitive from another State or jurisdiction (commonly known as fugitive warrants) are considered an attempt to circumvent the provisions of § 720.1 and are not "proper warrants" within the meaning of this section; delivery will be refused upon presentation thereof.

(b) *Disciplinary proceedings pending.* When disciplinary proceedings involving military offenses are pending or the person is undergoing a sentence of a court-martial, commanding officers must obtain specific authority from the Secretary of the Navy (Judge Advocate General) to deliver personnel to State, Commonwealth or local authorities.

§ 720.3 Agreement required prior to delivery to State authorities.

(a) *General.* In every case in which the delivery of any person in the Navy or Marine Corps to the civilian authorities of a State, for trial, is authorized, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that conforms to the agreement as set forth in paragraph (b) of this section. When indicating in the agreement the naval or Marine Corps activity to which the person delivered is to be returned by the State, care should be taken to designate the closest appropriate activity which possesses special court-martial jurisdiction. The Department considers this agreement substantially complied with when the man is furnished transportation back to a naval or Marine Corps activity as set forth herein and necessary cash to cover his incidental expenses en route thereto, and the Department of the Navy so informed. Any departure from the agreement set forth in paragraph (b) of this section must have prior approval from the Secretary of the Navy (Judge Advocate General).

(b) *Form of agreement.* The following is suggested as a form of agreement acceptable to the Department in cases referred to in paragraph (a) of this section.

In consideration of the delivery of _____, United States Navy (Name of person delivered) (United States Marine Corps), to _____ at _____, for trial upon the charge of _____, I hereby agree pursuant to the authority vested in me as _____, that _____, United States Navy (Name of person delivered) (United States Marine Corps) will be transported to the State of _____ without expense to him or the United States and that the Commanding Officer of the _____ will be notified immediately of the outcome of the trial and that the said _____ will be returned to the _____, or to such place as the Secretary of the Navy shall designate, or transportation issued thereto, without expense to the United States or to the person delivered immediately upon dismissal of the charges or completion of the trial in the event he is acquitted, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of the case, provided that the Department of the Navy shall then desire his return.

§ 720.4 Delivery of personnel to Federal authorities.

(a) *Authority to deliver.* Commanding officers are authorized to deliver personnel to Federal authorities on presentation of a proper warrant in all cases except those in which disciplinary proceedings are pending or the person is undergoing a sentence of a court-martial or when in the opinion of the commanding officer unusual circumstances exist which warrant reference of the matter to the Secretary of the Navy (Judge Advocate General).

(b) *Agreement not required of Federal authorities.* An agreement as to expenses will not be exacted as a condition to the delivery of personnel to Federal

authorities for trial. Men desired by Federal authorities for trial will be called for and taken into custody by a United States marshal or deputy marshal. In the event that the person delivered is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return, the man will be returned to the naval service and the necessary expenses paid from an appropriation under the control of the Department of Justice.

§ 720.5 Authority of the Director, Office of the Judge Advocate General, West Coast.

In the Eleventh, Twelfth, Thirteenth, Fourteenth and Seventeenth Naval Districts, the Director, Office of the Judge Advocate General, West Coast, is authorized to act for the Secretary of the Navy under § 720.2(b), under § 720.3(a) if the delivery involved is within the scope of § 720.2, and under § 720.4(a).

§ 720.6 Delivery of personnel to foreign authorities.

Except when provided for by agreement between the United States and the foreign government concerned, commanding officers are not authorized to deliver persons in the Department of the Navy to foreign authorities. When a request for delivery of personnel is received, in a country with which the United States has no agreement or when the commanding officer is in doubt, advice should be sought from the Judge Advocate General.

§ 720.7 Personnel released by civil authorities on bail or on their own recognizance.

A person in the Navy or Marine Corps arrested by Federal or State civil authorities and released on bail or his own recognizance has a duty to return to his parent organization. Accordingly, where a person in the Navy or Marine Corps is arrested by Federal or State authorities and returns to his ship or station on bail, or upon his own recognizance, the commanding officer shall normally grant him leave of absence to appear for trial on the date set, upon verification of the attending facts, date of trial, and approximate length of time that should be covered by the leave of absence; provided, such absence will not prejudice the best interests of the naval service. Nothing in this section is to be construed as permitting the person arrested and so released to avoid the obligations of his bond or his recognizance solely by reason of his being in the service.

§ 720.8 Service of process upon personnel of the naval establishment.

(a) *Within the jurisdiction.* Commanding officers afloat and ashore are authorized to permit service of process of Federal, State, Territorial, or local courts upon naval personnel or civilians named therein and located within the jurisdiction of the court out of which the process issues, but such service should not be allowed without the permission of

the commanding officer first being obtained. (Personnel serving aboard vessels located within the territorial waters of the State out of which the process issues are considered within the jurisdiction of the court for the purpose of service of process.) In cases where the exigencies of the service would jeopardize or limit personnel from defending themselves in litigation, service of process will not be permitted until conditions permit. The commanding officer shall permit the service of process except in unusual cases where compliance with the mandate of the process would seriously prejudice the public interest. Where practicable, commanding officers will require that the process be served in their presence, or that of an officer designated by them. Where service of process by mail is sufficient, the process may be mailed to the person named therein. In all cases commanding officers will insure that the nature of the process is explained to the person concerned.

(b) *Where service is not allowed.* Where service of process is not permitted, a report of such refusal to permit service and the reasons therefor shall be forwarded by letter to the Secretary of the Navy (Judge Advocate General).

(c) *Personnel beyond the jurisdiction of the court.* Where a person in the naval service, or a civilian, is beyond the jurisdiction of the court issuing the process, the commanding officer will permit service or delivery of the process under the same conditions as noted in paragraph (a) of this section for whatever legal effect it may have. At the same time the commanding officer or his designee will advise the person being served that he is not required to indicate acceptance of service in writing, or otherwise, although he may do so voluntarily, and further advise him to consult legal counsel. Where process is forwarded to a commanding officer with the request that it be delivered to a person within his command, he may deliver it to the person named therein, provided he voluntarily accepts it. In such cases the commanding officer will insure that the serviceman or civilian concerned is informed that he is not required to accept service of the process but may do so voluntarily. The commanding officer is not required to act as a process server, and when the person named in the process does not voluntarily accept the process it should be returned to the forwarder with the advice that the person named therein refuses to accept it.

(d) *Service of process of foreign courts.* (1) Usually, the question of the amenability of persons in the Department of the Navy, stationed in a foreign country, to the service of courts of that country will have been settled by an agreement between the United States and the foreign country concerned. (For example, in the countries of the signatory parties, amenability to service of civil process is governed by paragraphs 5(g) and 9 of Article VIII of the NATO Status of Forces Agreement, TIAS 2846, 4 UST 1792, 1808.) Where service of process on a person in the Department of the Navy is attempted in

a country with which the United States has not made an agreement on this subject, advice should be sought from the Judge Advocate General.

(2) Usually, persons in the Department of the Navy are not required to accept service of process outside the geographic limits of the jurisdiction of the court from which the process issued. In such cases acceptance of the service is not compulsory but service may be voluntarily accepted in accordance with paragraph (c) of this section. In exceptional cases, where the United States has agreed that service of process will be accepted by persons in the Department in the Navy located outside the geographic limits of the jurisdiction of the court from which the process issued, the provisions of the agreement and of paragraph (a) of this section will govern.

(e) *Leave of absence to be granted persons served with process.* In those cases where personnel under his command are served with process as noted in paragraph (a) of this section or accepted service of process as noted in paragraph (c) of this section, the commanding officer is authorized and will normally grant leave of absence to the person upon whom the process is served in order to permit him to obey the same, unless the public interest would be seriously prejudiced by his absence. In such cases, a full report of the matter should be made to the Secretary of the Navy (Judge Advocate General) prior to the date set for appearance of the person served, where possible.

§ 720.9 Personnel of the Naval Establishment subpoenaed as witnesses in State or local courts.

Where personnel of the Naval Establishment, service personnel or civilian employees, are subpoenaed to appear as a witness in State or local courts, and are served in the manner described under either of the conditions set forth in § 720.8, the provisions of § 720.8(e) apply.

§ 720.10 Personnel of the Naval Establishment subpoenaed as witness in Federal courts.

(a) *Witnesses on behalf of Federal Government.* Where naval personnel are required to appear as witnesses in a Federal court to testify on behalf of the Federal Government, the Bureau of Naval Personnel or the Commandant of the Marine Corps, as the case may be, will direct the activity to which the person is attached to issue Temporary Additional Duty Travel Orders to the person concerned. The charges for such orders will be borne by the activity to which the required witness is attached. Payment to witnesses will be as provided by the Joint Travel Regulations and U.S. Navy Travel Instructions. If the required witness is to appear in a case where the Department of the Navy is not a party in interest, the Department of the Navy will be reimbursed in accordance with the procedures outlined in the Navy Comptroller Manual, section 046278.

(b) *Witnesses on behalf of nongovernmental parties—(1) Criminal actions.*

Where naval personnel are served with a subpoena to appear as a witness for a defendant in a criminal action and the fees and mileage required by Rule 17(d) of the Federal Rules of Criminal Procedure are tendered, the commanding officer is authorized to issue the person subpoenaed permissive orders authorizing attendance at the trial at no expense to the Government, unless the public interest would be seriously prejudiced by his absence, in which case a full report of the circumstances will be made to the Judge Advocate General. In those cases where fees and mileage are not tendered as required by Rule 17(d) of the Federal Rules of Criminal Procedure, but the person subpoenaed still desires to attend, the commanding officer is authorized to issue permissive orders at no cost to the Government, as above; however, such persons should be advised that an agreement as to reimbursement for any expenses incident to travel, lodging, and subsistence should be effected with the party desiring their attendance and that no reimbursement should be expected from the Government.

(2) *Civil actions.* Where naval personnel are served with a subpoena to appear as a witness on the behalf of a nongovernmental party in a civil action brought in a Federal court, the provisions of § 720.8 apply.

§ 720.11 Naval prisoners as witnesses or parties in civil courts.

(a) *Criminal actions.* In those instances where the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case, a request for such person's attendance should be submitted to the Secretary of the Navy (Judge Advocate General). Upon receipt of such a request, authority will be given, in a proper case, for the production of the requested naval prisoner in court without resort being had to a writ of habeas corpus ad testificandum.

(b) *Civil actions.* The Department of the Navy will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness, in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department of the Navy will allow the deposition of such naval prisoner to be taken in the case.

§ 720.12 Departures from provisions of this part require approval of the Secretary of the Navy.

Any departures from normal procedures set forth in this part must have prior approval of the Secretary of the Navy (Judge Advocate General).

By direction of the Secretary of the Navy.

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

DECEMBER 1, 1961.

[F.R. Doc. 61-11591; Filed, Dec. 6, 1961;
8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment) Department of Agriculture

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 52]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

COST-SHARE PAYMENTS

Section 750.169(b) (1) of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby further amended by adding at the end thereof the following: "Notwithstanding any other provision of this subparagraph, cost-share payments other than for practice A-7 are not required to be refunded if a loss of control occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

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

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11618; Filed, Dec. 6, 1961; 8:51 a.m.]

[Amdt. 17]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

COST-SHARE PAYMENTS

Section 750.526(b) (1) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7897, as amended, is hereby further amended by adding at the end thereof the following: "Notwithstanding any other provision of this subparagraph, cost-share payments other than for practice A-7 are not required to be refunded if a loss of control occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

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

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-11619; Filed, Dec. 6, 1961; 8:51 a.m.]

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

PART 937—NECTARINES GROWN IN CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1961-62 Fiscal Period

Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount to \$122,000.

It is, therefore, ordered, That paragraph (a) of § 937.204 *Expenses and rate of assessment for the 1961-62 fiscal period* (26 F.R. 4838) is hereby amended by deleting therefrom the amount \$118,605 and substituting in lieu thereof the amount \$122,000. As amended paragraph (a) of § 937.204 reads as follows:

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1961, and ending February 28, 1962, will amount to \$122,000.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rate of assessment heretofore established by the Secretary (26 F.R. 4838); (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable nectarines from the beginning of such period and such rate of assessment shall be sufficient to provide funds for the payment of committee expenses; and (3) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

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

Dated: December 1, 1961, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 61-11586; Filed, Dec. 6, 1961; 8:47 a.m.]

[§ 938.303, Amdt. 1]

PART 938—POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 938.303 (26 F.R. 6834), delete paragraph (a) and in lieu thereof substitute new paragraph (a) as set forth below.

§ 938.303 Limitation of shipments.

(a) *Minimum grade and size requirements—*(1) *Round varieties.* U.S. No. 2, with 75 percent U.S. No. 1 quality, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 6 ounces minimum weight, or

U.S. No. 1, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

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

Dated: December 1, 1961, to become effective December 13, 1961.

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

[F.R. Doc. 61-11587; Filed, Dec. 6, 1961; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

Miscellaneous Amendments

Notice is hereby given of amendment of the regulations to provide for access by private industry to certain classified technology which does not disclose details of weapon systems, military operational techniques and requirements. The Commission has found that good cause exists why the regulations in this part should be made effective without the customary 30-day period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. Section 25.15(b) is amended by adding subparagraph (4) as follows:

(4) An application for an access permit authorizing access to Confidential and Secret Restricted Data in categories C-90, Nuclear Reactors for Ram-Jet Propulsion; C-91, Nuclear Reactors for Rocket Propulsion; C-92a, Systems for Nuclear Auxiliary Power (SNAP-Isotopic Program); C-92b, Systems for Nuclear Auxiliary Power (SNAP-Reactor Program); C-93a, Advanced Concepts for Future Application (Reactor Experiments); and C-93b, Advanced Concepts for Future Application (Conversion Devices); will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the particular field or fields of work for which access is requested, i.e., C-90, C-91, C-92a, C-92b, C-93a, and C-93b and is directly engaged in or proposes to engage in a substantial research and development program in such field or fields of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the particular field or fields of work preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering or other professional services to be used by that permittee in

a study or research and development program for which said permittee received access.

2. Appendix A is amended by adding the following:

C-90 *Nuclear Reactors For Ram-Jet Propulsion*. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of materials under conditions of high temperature, high gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

d. Classified Defense Information other than Restricted Data.

C-91 *Nuclear Reactors For Rocket Propulsion*. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion, i.e., missile propulsion, theory and/or design, test philosophy procedures and/or results.

b. Design, fabrication technology and evaluation of performance or characteristics of material, components, or subsystems of nuclear rocket reactors.

c. Controls, control systems and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high gas flows, or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of payload and aerodynamic characteristics.

d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

e. Classified Defense Information, other than Restricted Data.

C-92 *Systems For Nuclear Auxiliary Power (SNAP)*. This category includes information on:

a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device when developed by the AEC.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept program which should be reported in C-93.

C-93 *Advanced Concepts for Future Application*.

C-93a *Reactor Experiments*. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category, i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

a. Theory, design, and performance, either estimated or actual.

b. Design details, composition and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation and shielding).

c. Material (metals, ceramics and compounds) development, alloying, cladding, corrosion, erosion, radiation studies and fabrication techniques.

d. Chemistry, including chemical engineering, processes and techniques. Reactor-physics, engineering and criticality studies.

C-93b *Conversion Devices*. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

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

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-11557; Filed, Dec. 6, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airways and Associated Control Areas, Positive Control Route Segments and Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter certain por-

tions of various VOR Federal airways in the Los Angeles, Calif., area. These actions are necessitated by the temporary relocation of the Los Angeles VOR.

Operation of the Los Angeles VOR has historically been marginal and has steadily deteriorated since its construction. The Flight Standards Service of the Federal Aviation Agency (FAA) has advised that this condition will continue. Therefore, action is being taken to temporarily relocate the Los Angeles VOR to a site at latitude 33°57'04" N., longitude 118°24'18" W., a distance of approximately 1.7 statute miles from the present site, while corrective action is being taken to improve the operation of the existing facility.

The airway alterations in the vicinity of Los Angeles required by the commissioning of the temporary facility will include portions of Victor 25, Victor 23, Victor 210, Victor 8, Victor 165, Victor 1522, and Victor 1549. A local intersection and a portion of a positive control route segment will be redefined. Additional airway segments and their associated control areas and jet routes will shift with the relocation of the VOR using the same radials of the various facilities involved, but will not require redescription in the Regulations of the Administrator.

In altering Victor 23 and Victor 165, the lateral separation between these two coincident airway segments and a segment of Victor 25 in this area is reduced to less than acceptable limits and, for this reason, these segments of the airways are herein designated as 6 miles wide between the Long Beach VORTAC and the Dana Point intersection to provide the desired lateral separation.

Since these amendments are minor in nature and impose no additional burden on any person, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 26 F.R. 4052, 26 F.R. 7803) "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 138° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC," is deleted and "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 139° radials via the Long Beach VORTAC," is substituted therefor.

2. In the text of § 600.6023 (14 CFR 600.6023, 26 F.R. 572, 1209, 4052) "From

the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC, excluding the portion below 2,000 feet MSL outside the United States; Long Beach, Calif., VOR;" is deleted and "From the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC excluding the portion below 2,000 feet MSL outside the United States; INT of the Long Beach VORTAC 135° and the Santa Catalina VOR 075° radials; thence 6-mile wide airway via the Long Beach, Calif., VOR;" is substituted therefor.

3. In the text of § 600.6165 (14 CFR 600.6165) "the Oceanside, Calif., VOR to the Long Beach, Calif., VOR," is deleted and "the Oceanside, Calif., VOR; INT of the Long Beach VORTAC 135° and the Santa Catalina VOR 075° radials; thence a 6-mile wide airway to the Long Beach VOR," is substituted therefor.

4. In the text of § 600.6210 (14 CFR 600.6210, 26 F.R. 8626) "From the point of INT of the Los Angeles VOR 236° and the Long Beach, Calif., VOR 266° radials via the Los Angeles, Calif., VOR; point of INT of the Los Angeles VOR 057° and the Daggett VOR 235° radials; point of INT of the Daggett VOR 235° and the Hector VOR 265° radials;" is deleted and "From the INT of the Los Angeles, Calif., VOR 236° and the Long Beach, Calif., VOR 266° radials via the Los Angeles VOR; INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; INT of the Daggett VORTAC 234° and the Hector VOR 265° radials;" is substituted therefor.

5. In the text of § 600.6008 (14 CFR 600.6008, 26 F.R. 8170) "including a N alternate from the Long Beach VORTAC to the Mormon Mesa VOR via the INT of the Long Beach VORTAC 024° and the Los Angeles VOR 057° radials, the INT of the Los Angeles VOR 057° and the Daggett VOR 235° radials, the Daggett, Calif., VOR, and the Las Vegas, Nev., VOR;" is deleted and "including a N alternate from the Long Beach VORTAC to the Mormon Mesa VOR via the INT of the Long Beach VORTAC 024° and the Los Angeles VOR 061° and the Daggett VORTAC 234° radials; Daggett, Calif., VORTAC; Las Vegas, Nev., VORTAC;" is substituted therefor.

6. In the text of § 600.1522, 26 F.R. 1083) "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR;" is deleted and "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; Daggett VORTAC;" is substituted therefor.

7. In the text of § 600.1549 (26 F.R. 1087) "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 059° and the Daggett, Calif., VOR 233° radials; Daggett VOR;" is deleted and "From the Los Angeles, Calif., VOR a 12-mile wide airway via the INT of the Los Angeles VOR 061° and the Daggett, Calif., VORTAC 234° radials; Daggett VORTAC;" is substituted therefor.

8. In § 601.7001 (14 CFR 601.7001) Barstow Intersection is amended to

read: Barstow Intersection: The INT of the Hector, Calif., VORTAC 265° and the Daggett, Calif., VORTAC 234° radials.

9. In § 601.8001 (26 F.R. 1094, 4194) VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.), is amended to read: VOR Federal airway No. 1522 (Los Angeles, Calif., to New York, N.Y.) (See § 600.1522 of this Chapter). The portion of VOR Federal airway No. 1522 from the INT of the Los Angeles, Calif., 061° and the Long Beach, Calif., VORTAC 024° radials to the Kremmling, Colo., VORTAC.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

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

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11608; Filed, Dec. 6, 1961;
8:49 a.m.]

[Airspace Docket No. 61-FW-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Associated Control Areas

On September 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8598) stating that the Federal Aviation Agency proposed to designate a segment of low altitude VOR Federal airway No. 437 from Daytona Beach, Fla., direct to Savannah, Ga., and to designate the control areas associated with this segment of Victor 437 to extend upward from 7,500 feet above the surface, based on the minimum reception altitude between the VOR navigational facilities at Daytona Beach and Savannah.

Subsequent to publication of the notice, it has been determined that based on the minimum reception altitude between the VOR navigational facilities at Daytona Beach and Savannah, it will be necessary to establish a 7,500-foot MSL floor on only that segment of the proposed airway between the Marion intersection (INT of the Daytona Beach VOR 360° and the Jacksonville, Fla., VORTAC 144° radials) and the Sea Island intersection (INT of the Jacksonville VORTAC 027° and the Savannah VORTAC 182° radials). The floor on the balance of the proposed airway segment would be established at 700 feet above the surface. This would conform to the floor of the segments of VOR Federal airway No. 3E between Daytona Beach and the Marion intersection and between the Sea Island intersection and Savannah.

Victor 437 will be designated in part from the Daytona Beach VOR to the Savannah VORTAC to include the addi-

tional airspace between lines diverging from the Daytona Beach VOR to points of tangency to a circle with a radius of 8.7 miles centered at latitude 30°43'50" N., longitude 81°06'45" W., within the circumference of said circle, and between lines tangent to that circle converging to the Savannah VORTAC. This configuration will be in accordance with Agency policy for offshore and control areas for airways utilizing navigational aids separated by 90 or more statute miles.

In both Part 600 and Part 601 of the Regulations of the Administrator, reference is made to exclusions of airspace from Victor 437 and its associated control areas. In the interest of conformity, this docket will define all of the exclusions in the description of the airway. The control areas associated with Victor 437 will be described as "all of Victor 437 including a west alternate". Thus the description of the control areas associated with Victor 437 will automatically exclude that airspace not desired.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Air Transport Association of America concurred with the proposed amendments. No other comments were received on the proposals within the allotted period.

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

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

1. Section 600.6437 (14 CFR 600.6437, 26 F.R. 9156) is amended to read:

§ 600.6437 VOR Federal airway No. 437 (Daytona Beach, Fla., to Florence, S.C.).

From the Daytona Beach, Fla., VOR via the Savannah, Ga., VORTAC; Charleston, S.C., VORTAC; INT of the Charleston VORTAC 029° and the Florence, S.C., VOR 179° radials; to the Florence VOR, including a W alternate from the Charleston VORTAC direct to the Florence VOR, and including the airspace between lines diverging from the Daytona Beach VOR to points of tangency to a circle with a radius of 8.7 statute miles centered at latitude 30°43'50" N., longitude 81°06'45" W., within the circumference of said circle and between lines tangent to that circle converging to the Savannah VORTAC. The portion of this airway below 7,500 feet MSL between the Marion, Fla., INT (INT of the Daytona Beach VOR 360° and the Jacksonville,

Fla., VORTAC 144° radials) and the Sea Island, Ga., INT (INT of the Jacksonville VORTAC 027° and the Savannah VORTAC 182° radials), the portion of this airway below 4,500 feet MSL between the Savannah VORTAC and the Charleston VORTAC, and the portion of the W alternate above 12,000 feet MSL between the Charleston VORTAC and the Florence VOR are excluded.

2. Section 601.6437 (14 CFR 601.6437, 26 F.R. 9156) is amended to read:

§ 601.6437 VOR Federal airway No. 437 control areas (Daytona Beach, Fla., to Florence, S.C.).

All of VOR Federal airway No. 437 including a W alternate.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11560; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-203]

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

Alteration of Control Area Extension and Revocation and Designation of Reporting Points

On January 17, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 342) stating that the Federal Aviation Agency proposed to alter the Wilmington, N.C., control area extension.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Although not mentioned in the notice, action is taken herein to delete and add reporting points associated with this control area extension. These changes are required on the part of air traffic management to facilitate the management of air traffic and do not assign or reassign the use of navigable airspace.

No adverse comments were received regarding the proposed amendments.

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

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

the notice, the following actions are taken:

1. Section 601.1150 (14 CFR 601.1150) is amended to read:

§ 601.1150 Control area extension (Wilmington, N.C.).

Within a 5-nautical mile radius of the Carolina Beach, N.C., RBN (latitude 34°06'22" N., longitude 77°57'42" W.), within a 5-nautical mile radius of the Bimini, Bahamas, RBN (latitude 25°42'32" N., longitude 79°16'33" W.), within a 23-nautical mile radius of a point at latitude 29°53'15" N., longitude 78°39'15" W., and the area within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nautical mile radius areas to the E and W sides of the 23-nautical mile radius area centered on latitude 29°53'15" N., longitude 78°39'15" W., excluding that portion below 2,000 feet MSL which lies outside the United States and that portion below 7,000 feet MSL within and overlying the Nassau, Bahamas, control area.

2. In the text of § 601.5001 (14 CFR 601.5001, 26 F.R. 5575) delete the following:

Azalea INT: The INT of the 109° bearing of the Charleston, S.C., RBN and the 195° bearing of the Wilmington (Carolina Beach), N.C., RBN.

Gateway Intersection: The intersection of the east course at the Jacksonville, Fla., radio range and a line bearing 195° True from the Wilmington (Carolina Beach), N.C., nondirectional radio beacon.

Snapper Intersection: The intersection of the northeast course of the Melbourne, Fla., radio range and a line bearing 14° True from West Palm Beach, Fla., radio range station.

3. In the text of § 601.5001 (14 CFR 601.5001) add the following:

Azalea INT: INT of a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN and a line bearing 109° from the Charleston, S.C., RBN.

Barracuda INT: INT of a line bearing 055° from the Melbourne, Fla., RR and a line bearing 008° from the Bimini, Bahamas, RBN.

Bimini, Bahamas, RBN.

Gateway INT: INT of a line bearing 090° from the Jacksonville, Fla., RR and a line bearing 189° from the Wilmington (Carolina Beach), N.C., RBN.

Halibut INT: INT of a line bearing 008° from the Bimini, Bahamas, RBN and a line bearing 090° from the West Palm Beach, Fla., RR.

4. In the text of §§ 601.7001, 601.7003, 601.7004 (14 CFR 601.7001, 26 F.R. 1079) add the following:

Azalea INT: INT of the Charleston, S.C., VORTAC 109° and the Wilmington, N.C., VORTAC 189° radials.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

(Sec. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11563; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-181]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS**Alteration of Jet Route and Designation of Jet Advisory Areas**

On October 6, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9431) stating that the Federal Aviation Agency (FAA) proposed to alter the segment of Jet Route No. 53 between Jacksonville, Fla., and Spartanburg, S.C., by designating it via the Jacksonville VORTAC 343° True radial to its intersection with Jet Route No. 85, thence overlying J-85 to the Spartanburg VOR; and to designate radar jet advisory areas on Jet Route No. 51 from Jacksonville to Columbia, S.C., and on J-53 from its intersection with Jet Route No. 81 east of Orlando, Fla., to Spartanburg.

Subsequent to the issuance of the notice the FAA had determined that in the interest of more efficient handling of traffic in this area, both J-85 and J-53 should be designated via the Augusta, Ga., VOR. The Strategic Air Command Oil Burner "Gun Load" route terminates over the Augusta VOR at flight level 270. Additionally, standard instrument departures from Charleston, S.C., AFB and Shaw, S.C., AFB require climbs to the west passing near the Augusta VOR. These procedures necessitate numerous requests for position reports over Augusta from traffic operating on J-53 and J-85 so that non-radar separation between converging aircraft may be provided. Therefore, action is taken herein to realign the segment of J-85 from the Alma, Ga., VORTAC to the Spartanburg VOR via the Augusta VOR; and the segment of J-53 from the Jacksonville VORTAC to the Augusta VOR via the intersection of the Jacksonville VORTAC 343° and the Augusta VOR 189° True radials.

The Department of the Army interposed no objection provided that necessary safety procedures are adopted which will insure that aircraft utilizing J-53 do not penetrate Restricted Area R-3005. It is incumbent upon pilots to fly J-53 along the direct courses between the navigational aids or fixes defining this route and to remain clear of published restricted areas. No adverse comments were received regarding the proposed amendments.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 7079) the text of Jet Route No. 53 is amended as follows: "INT of the Jacksonville 343° and the Augusta, Ga., 180° radials;" is deleted and "INT of the

Jacksonville 343° and the Augusta, Ga., 189° radials;" is substituted therefor.

2. In § 602.100 *Jet routes* (26 F.R. 7079) the text of Jet Route No. 85 is amended as follows: "Spartanburg, S.C.;" is deleted and "Augusta, Ga.; Spartanburg, S.C.;" is substituted therefor.

3. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following is added:

Jet Route No. 51 jet advisory area. Radar—Jacksonville, Fla., to Columbia, S.C.

4. In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) Jet Route No. 53 jet advisory area is amended to read:

Jet Route No. 53 jet advisory area. Radar—Key West, Fla., to the United States/Canadian Boundary.

These amendments shall become effective 0001 e.s.t., January 11, 1962.

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

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11561; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-WA-155]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS**Designation of Jet Advisory Areas**

On September 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 8910) stating that the Federal Aviation Agency proposed to designate radar jet advisory areas on Jet Route No. 6 from Amarillo, Tex., to Memphis, Tenn.; on Jet Route No. 8 from Oklahoma City, Okla., to Tulsa, Okla.; and on Jet Route No. 21 from Oklahoma City, Okla., to Duluth, Minn.

No adverse comments were received regarding the proposed amendments.

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

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

In § 602.200 *Enroute jet advisory areas* (26 F.R. 7079) the following changes are made:

1. Jet Route No. 6 jet advisory area is amended to read:

Jet Route No. 6 jet advisory area. Radar—Hector, Calif., to Prescott, Ariz.; from Amarillo, Tex.; to Memphis, Tenn.

2. In Jet Route No. 8 jet advisory area "Tulsa, Okla." is deleted and "Oklahoma City, Okla." is substituted therefor.

3. In Jet Route No. 21 jet advisory area "Oklahoma City, Okla." is deleted

and "Duluth, Minn." is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 11, 1962.

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

Issued in Washington, D.C., on December 1, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11562; Filed, Dec. 6, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-59]

PART 608—SPECIAL USE AIRSPACE**Alteration of Restricted Areas**

The purpose of these amendments to § 608.24 of the regulations of the Administrator is to alter the time of designation and to change the using agency of the Fort Chaffee, Ark., Restricted Areas R-2401 and R-2402.

The current time of designation of R-2401 and R-2402 is 0500 to 2200, c.s.t., Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30. The current using agency is Commanding General, Fort Sill, Okla.

The Department of the Army has stated an urgent requirement for a change in the time of designation of these restricted areas to continuous due to the recent increase in the size of the Army requiring the Fort Chaffee Army Training Center to be operated on a full-time basis. In addition, the Department of the Army has requested a change in the using agency to reflect the proper command exercising control over all of the training conducted in these restricted areas.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 608.24 Arkansas (26 F.R. 7190) is amended as follows:

1. In R-2401 Fort Chaffee, Ark., "Time of designation. 0500 to 2200 c.s.t. Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30." is deleted and "Time of designation. Continuous." is substituted therefor. "Using agency. Commanding General, Fort Sill, Okla." is deleted and "Using agency. Commanding General, Fort Chaffee, Ark." is substituted therefor.

2. In R-2402 Fort Chaffee, Ark., "Time of designation. 0500 to 2200, c.s.t., Monday through Saturday, July 1 through August 31; and 0500 to 1800, c.s.t., Saturday and Sunday, September 1 through June 30." is deleted and "Time of designation. Continuous." is substituted

RULES AND REGULATIONS

therefor. "Using agency. Commanding General, Fort Sill, Okla." is deleted and "Using agency. Commanding General, Fort Chaffee, Ark." is substituted therefor.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

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

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

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-11607; Filed, Dec. 6, 1961;
8:49 a.m.]

[Airspace Docket No. 61-WA-231]

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 608 of the regulations of the Administrator is to designate a temporary restricted area near Carlsbad, N. Mex.

The Atomic Energy Commission has advised the Federal Aviation Agency that on December 10, 1961, an underground nuclear device will be detonated at latitude 32°15'46" N., longitude 103°51'51" W.

They have further advised that a possibility exists that this detonation may vent itself above the surface. If such a condition occurs, a hazard to aircraft, in the form of radioactive debris, may exist within a 25-nautical mile radius of the detonation site extending clockwise from a true bearing of 320° to a true bearing of 200° and within a 10-nautical mile radius extending clockwise from a true bearing of 200° to a true bearing of 320° to an altitude of 12,000 feet MSL.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of safety and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days' notice.

In Part 608 (26 F.R. 7187) the following temporary restricted area is added:

CARLSBAD, N. MEX.

Boundaries. The airspace within a radius of 25 nautical miles of a center point at latitude 32°15'46" N., longitude 103°51'51" W., extending clockwise from a true bearing of 320° from the center point to a true bearing of 200° from the center point, and within a radius of 10 nautical miles of the center point extending clockwise from the true bearing of 200° to the true bearing of 320°.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. From 0800 MST, Dec. 10, 1961, to 1600 MST, Dec. 10, 1961, unless sooner terminated by NOTAM.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Atomic Energy Commission, Carlsbad, N. Mex.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

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

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-11655; Filed, Dec. 6, 1961;
9:29 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8060 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Rothenberg, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.-820 *Direct buyers*; § 13.822 *Lowered price to buyers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Joseph Rothenberg, Inc., Buffalo, N.Y., Docket 8060 c.o., Sept. 20, 1961; Richard B. Yankee et al. doing business as Yankee Brokerage Company, Kansas City, Mo., Docket 8084 c.o., Sept. 29, 1961; Albin P. Crutchfield doing business as Albin Crutchfield, Titusville, Fla., Docket 8129 c.o., Sept. 20, 1961; Francis Carl Ford doing business as F. C. Ford Brokerage Co., Lakeland, Fla., Docket 8131 c.o., Sept. 20, 1961; Walden-Sparkman, Inc. et al., Dover, Fla., Docket 8143 c.o., Sept. 29, 1961; Robert Warren Crum doing business as Bob Crum, Tampa, Fla., Docket 8204 c.o., Sept. 29, 1961; and William Manis Company, Tampa, Fla., Docket 8215 c.o., Sept. 22, 1961]

In the Matters of Joseph Rothenberg, Inc., a Corporation; Richard B. Yankee and Beulah M. Yankee, Individually and as Copartners Doing Business as Yankee Brokerage Company; Albin P. Crutchfield, an Individual Doing Business as Albin Crutchfield; Francis Carl Ford, an Individual Doing Business as F. C. Ford Brokerage Co.; Walden-Sparkman, Inc., a Corporation, and P. D. Walden, John B. Simpson, and W. B. Sparkman, Jr., Individually and as Officers of Said Corporation; Robert Warren Crum, Individually and as a Copartner Doing Business as Bob Crum; and William Manis Company, a Corporation

Consent orders requiring seven brokers of citrus fruit and produce—one in Buffalo, N.Y., one in Kansas City, Mo., and five in Florida—to cease violating section 2(c) of the Clayton Act by accepting from Florida suppliers unlawful brokerage on their own purchases for resale, such as a discount at the rate of 10 cents per 1½ bushel box, or equivalent, or a lower price reflecting such commission.

By a separate "Decision and Order" in each of these seven matters, identical orders were issued requiring all of the respondents listed in the above caption

and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, to forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

Reports showing compliance with the identical orders in these seven matters were required as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with these orders.

Issued: September 20, 1961 (Dockets 8060, 8129, 8131); September 22, 1961 (Docket 8215); September 29, 1961 (Dockets 8084, 8143, 8204).

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-11566; Filed, Dec. 6, 1961;
8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Registration of Real Estate Company Securities

On April 18, 1961, notice of a proposed rule for the use of a new Form S-11 under the Securities Act of 1933 was published in the FEDERAL REGISTER (26 F.R. 3280). After consideration of all suggestions and comments made by interested persons regarding the proposed rule and the form, the Securities and Exchange Commission decided to adopt it substantially as proposed. Accordingly, Part 239, Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 239.18 as follows:

§ 239.18 Form S-11 for registration of securities of certain real estate companies.

All persons seeking registration after December 1, 1961, under the Securities Act of 1933 of (a) securities issued by real estate investment trustees, as defined in section 856 of the Internal Revenue

nue Code or (b) securities issued by the issuers whose business is primarily that of acquiring and holding for investment real estate or interest in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment shall file a registration statement on Form S-11. This form shall not be used by any issuer which is an investment company registered or required to register under the Investment Company Act of 1940. This form with instructions thereto was promulgated by the Commission in Securities Act Release No. 4422, dated October 26, 1961, which is incorporated herein by reference. Applicants for registration and other interested persons may obtain copies of Form S-11 with instructions thereto from the Publications Distribution Unit, Office of Records and Service, Securities and Exchange Commission, Washington 25, D.C., or from any Regional Office of the Commission. Copies may also be inspected in any of the Commission's public reference rooms.

(Sec. 6, 48 Stat. 78, 15 U.S.C. 77f; sec. 7, 48 Stat. 78, 15 U.S.C. 77g; and sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

Form S-11 and § 239.18 shall become effective December 1, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 1, 1961.

[F.R. Doc. 61-11577; Filed, Dec. 6, 1961; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55525]

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

Exemption for Bona Fide Gifts From Members of Armed Forces; Termination

To reflect the expiration on June 30, 1961, of the Act of December 5, 1942 (Public Law 790, 77th Congress, secs. 1 and 2, 56 Stat. 1041 (50 U.S.C. App. 846, 847)), as amended and extended, the Customs Regulations are amended as follows:

Section 54.3 and footnote 1 to Part 54 are deleted.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 2, 1961.

A. GILMORE FLUES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 61-11597; Filed, Dec. 6, 1961; 8:48 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-3-Chloro-4-Methyl-2-Oxo-2H-1-Benzopyran-7-Yl Phosphorothioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on meat of cattle, goats, horses, poultry, sheep, and swine at 1 part per million. Instructions for the use of this pesticide include a warning against treatment of lactating dairy animals.

Data in the petition show that when the pesticide is used as proposed, no residue will result in eggs. There is no basis for fixing a tolerance for the pesticide in eggs and milk at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (5) is amended by adding as the third item in the list of cholinesterase-inhibiting compounds the name "O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate."

2. Part 120 is amended by adding thereto the following new section:

§ 120.189 Tolerances for residues of O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate.

Tolerances are established for residues of O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate in or on raw agricultural commodities as follows:

One part per million in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.
Zero in eggs, milk.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 28, 1961.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-11590; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Eligible Loans; Use of Proceeds for Shelters

In § 201.6 paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 201.6 Eligible loans.

* * * * *

(e) *Use of proceeds—shelters.* (1) Before disbursing the proceeds of a loan to finance the construction of a civil defense shelter:

(i) The lender shall obtain a Statement of Eligibility issued by the Commissioner indicating that the proposed shelter is eligible for financing as a Title I Property Improvement Loan.

(ii) The shelter shall be inspected to determine that it is constructed in substantial conformance with the plans and specifications used by the Commissioner

as a basis for issuing the Statement of Eligibility.

(2) The lender shall certify that the shelter is constructed in substantial conformance with the plans and specifications.

(3) The provisions of subparagraphs (1) (ii) and (2) of this paragraph shall not become effective until December 15, 1961.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C., December 1, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-11604; Filed, Dec. 6, 1961;
8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

Construction Contracts; Bids and Awards

Sections 210.1, 210.2, and 210.3 are revised, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 210.1 Advance notice to prospective bidders.

In connection with all construction contracts estimated to cost \$100,000 or more for which an invitation is scheduled to be issued, an advance notice to prospective bidders will be prepared sufficiently in advance of the actual issuance of the invitation to stimulate interest on the part of the greatest possible number of contractors. Advance notices may also be prepared on projects estimated to cost less than \$100,000 and for supplies where considered desirable. ENG Form 3132-R or ENG Form 3133-R [set out in paragraphs 205 and 206, Appendix A, Engineer Contract Instructions (ER 1180-1-1)] will be used to send advance notices to prospective bidders. Lengthy notices may be reproduced and mailed using ENG Form 3133-R as a foldover wrapper fastened with a wire staple. Advance notices will contain the information required by ENG Form 3132-R, but additional information may be added as appropriate. The advance notices will:

(a) Describe the proposed work in sufficient detail to permit prospective general contractors, subcontractors and suppliers to determine reasonably whether the work is of a nature and volume to warrant their buying plans;

(b) Specify the date by which bidders should return the request card in order to receive a complete bid set;

(c) State the various locations (offices) where plans will be on public dis-

play, available for inspection without charge; and

(d) Include for construction contracts a statement as to the approximate value of the proposed construction. That statement of value shall be in increments as follows: (1) Less than \$25,000; (2) the nearest multiple of \$25,000 up to \$100,000; (3) the nearest multiple of \$100,000 from \$100,000 to \$1 million; (4) the nearest multiple of \$500,000 for from \$1 million to \$10 million; (5) over \$10 million for all projects of greater estimated value.

Information on several projects for which invitations are scheduled to be issued may be grouped in one advance notice provided that information on any project or projects is not unduly delayed in order to be grouped with others. When an advance notice is used to circulate bidders, copies of the invitation, when issued, will be furnished only to those prospective bidders who have returned a request card indicating a desire to submit a bid.

§ 210.2 Notice of award.

The successful bidder will be notified in writing of the acceptance of his bid. Under construction contracts, this notice may accompany the contract papers which are forwarded for execution. To avoid error, or confusing the notice of award with a notice to proceed, the notice of award will be substantially in the following format:

You are hereby notified that your bid dated _____ in the sum of \$_____ covering _____ is accepted. A formal contract will be prepared for execution. Acceptable performance and payment bonds (if required) must be furnished upon execution of the formal contract. If approval of the contract is required by its express terms, the contract is not fully executed until such approval is obtained.

Under supply contracts a written award mailed (or otherwise furnished) to the successful bidder either on Standard Form 26 or Standard Form 33, results in a binding contract without further action by either party.

§ 210.3 Notice to proceed.

(a) *General.* When the contract specifies the time when the contractor is to proceed with the work under the contract, a notice to proceed will not be required. However, in any case where the contract requires the issuance of a notice to proceed the notice will fix the time for the commencement of the work and also, if appropriate, will fix the time for the completion of the work. The notice to proceed should be issued on a form letter, reproduced on local letterhead paper from a master copy, which will preclude repetitive typing of stereotype data. The notice to proceed will be executed in a sufficient number of copies to meet the contract distribution requirements in paragraph 30-206, Engineer Contract Instructions (ER 1180-1-1), and will bear the contract number in the upper right-hand corner of the notice.

(b) *Contractor's acknowledgment.* When a notice to proceed is issued, the

contractor will acknowledge receipt thereof by signing and dating all copies of the acknowledgment and returning all but one copy to the contracting officer.

(c) *Proceeding before approval of bonds.* It is not necessary to delay commencement under the contract pending approval of bonds by The Judge Advocate General. Such action will be at the discretion of the contracting officer. In the event exceptions are taken to the bonds the contractor will immediately take steps to remove such exceptions or submit new bonds.

(d) *Commencing performance.* Contractors in no case will be required to commence performance prior to the commencement date fixed in the contract or in the notice to proceed. If they voluntarily do so and the contract is not ultimately signed, or approved when required, such action is at their own risk and without liability on the part of the Government. Contractors will not be required to commence performance until:

(1) Performance and payment bonds have been furnished, when required;

(2) The award has been approved, when approval is required; and

(3) Notice to proceed has been forwarded to the contractor where required.

[Regs., ENGGC-U, Nov. 27, 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11558; Filed, Dec. 6, 1961;
8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2; Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

New York, N.Y., Commercial Zone

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of November, A.D. 1961.

It appearing, that on November 9, 1951, the Commission Division 5, made and filed its report, 53 M.C.C. 451, on further hearing in No. MC-C-2, and on reconsideration in Ex Parte No. MC-37, describing the zone adjacent to and commercially a part of New York, N.Y., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303 (b)(8)) and removing in certain respects the exemption as to transportation by motor vehicle within such zone;

It further appearing, that by petition filed February 29, 1960, the Pennsylvania Railroad Company seeks modification so as to restore the exemption in certain respects; and good cause appearing therefor:

It is ordered, That the said proceedings be, and they are hereby, reopened for further consideration.

It is further ordered, That § 170.1 as prescribed in the order entered in these proceedings on November 9, 1951 (49 C.F.R. 170.1) be, and it is hereby, vacated and set aside, and the following is hereby substituted in lieu thereof:

§ 170.1 New York, N.Y.

(a) The application of § 170.16 Commercial zones determined generally, with exceptions, is hereby extended to New York, N.Y.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce Act, of transportation by motor vehicle in interstate or foreign commerce, performed wholly within the zone the limits of which are defined in paragraph (a) of this section, is hereby removed as to all such transportation except (1) transportation which is performed wholly within the following territory: The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N.Y., and Englewood, N.J., the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield Borough, Bergen County, N.J.; and that part of Hudson County, N.J., east of Newark Bay and the Hackensack River; (2) transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent, movement by water carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, those points in the City of Newark, N.J., identified as follows: All points in that area within the corporate limits of the City of Newark, N.J., west of Newark Bay and bounded on the south by Bound Creek, and the boundary line, between the City of Newark and the City of Elizabeth, N.J., on the west by New Jersey Highway 25, and on the north by the property of the Pennsylvania Railroad Company; and (3) transportation which is performed in respect of a shipment which has had a prior or will have a subsequent, movement by rail carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, points in Kearny, N.J., within an area bounded on the north by the main line of New Jersey City branch of the Pennsylvania Railroad Company, on the south and east by Fish House Road and Pennsylvania Avenue and on the west by the property line of the Pennsylvania Railroad TrucTrain Terminal.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective January 4, 1962,

and shall continue in effect until the further order of the Commission.

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

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-11593; Filed, Dec. 6, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Sand Lake National Wildlife Refuge, South Dakota; Upland Game

On page 9999 of the FEDERAL REGISTER of October 25, 1961, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Sand Lake National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

This amendment, because of the urgency of maintaining a balanced pheasant population, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 30, 1961.

Section 32.21 is amended by the addition of the following area as one where the hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

SOUTH DAKOTA

Sand Lake National Wildlife Refuge.

[F.R. Doc. 61-11567; Filed, Dec. 6, 1961; 8:45 a.m.]

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wisconsin

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 500 acres or 10 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, yellow perch, bullheads, and other minor species permitted under State regulations.

(b) Open season: January 1, 1962 through February 15, 1962; daylight hours only.

(c) Daily creel limits: Northern pike—5; yellow perch and bullheads—no limit; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) One dip net per person may be used for the taking, catching or killing of rough fish, except suckers.

(4) No person while operating a dip net for rough fish shall fish for fish in any other manner at that time.

(5) All ice fishing tip-ups must be identified with the name of the owner.

(6) It shall be unlawful for any person to cut, use or maintain a hole larger than 12 inches in diameter or square for the taking of fish in any manner through the ice, except for dip-netting.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

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

(3) The provisions of this special regulation are effective to February 16, 1962.

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

DECEMBER 1, 1961.

[F.R. Doc. 61-11600; Filed, Dec. 6, 1961; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-5]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Alteration of Proposals

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-NY-5 on March 18, 1961 (26 F.R. 2319), it was stated that the Federal Aviation Agency proposed to revoke low altitude Blue Federal airway No. 56, its associated control areas and reporting points between Norfolk, Va., and Washington, D.C.; realign the segment of low altitude VOR Federal airway No. 156 from the Richmond, Va., VOR to the Cape Charles, Va., VOR via a VOR to be installed approximately January 1, 1962, near Harcum, Va., at latitude 37°30'00" N., longitude 76°32'30" W.; and designate a segment of low altitude VOR Federal airway No. 33 from the Nottingham, Md., VOR to the Deep Creek, Va., Intersection, via the intersection of the Nottingham VOR 175° and the Patuxent, Md., VOR 227° True radials, thence via the proposed Harcum, Va., VOR. Further, it was stated that the Federal Aviation Agency proposed to designate the control area associated with these segments of Victor 33 and Victor 156 to extend upward from 1,200 feet above the surface.

Subsequent to the publication of the notice, it has been determined that the following alterations to the original proposal are necessary:

(a) Align Victors 33 and 156 via the Harcum, Va., VOR at a new site which has been selected at latitude 37°26'54" N., longitude 76°42'43" W. The original site chosen for the Harcum VOR has been proven unsuitable.

(b) Alter the alignment of Victor 33 from Nottingham to the new Harcum VOR via the intersection of the Nottingham VOR 174° and the Harcum VOR 003° True radials. This will provide lateral separation with the Dahlgren, Va., Complex, Restricted Area R-6613.

(c) Defer application of Amendment 60.21 to Part 60 of the Civil Air Regulations to the control area associated with these segments of Victors 33 and 156 until such time as all control areas associated with the other airways in the vicinity of Norfolk, Cape Charles, Nottingham, and Richmond can be altered by applying Amendment 60-21. The control area associated with the altered segments of Victors 33 and 156 would extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views

or arguments, the date for filing such material will be extended to December 29, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-5 is extended to December 29, 1961. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

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 December 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-11564; Filed, Dec. 6, 1961;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), notice is hereby given of the intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed

amendment to Area Director, U.S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Section 221.12 is amended to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1962 and subsequent years until further notice, are hereby fixed as follows:

For the assessable nondistrict area under constructed works on all Government-operated units excepting Co-burn ditch, per acre.....	\$3.10
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit, per acre.....	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre....	1.30
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, nonirrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works, per acre.....	.15
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932), per acre.....	.75

PERCY E. MELLS,
Area Director.

[F.R. Doc. 61-11568; Filed, Dec. 6, 1961;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS AND DEVICES

Prescription-Drug Labeling Requirements; Extension of Time for Filing Views and Comments

A proposed revision of § 1.106(b)(3) was published in the FEDERAL REGISTER of November 10, 1961 (26 F.R. 10601). It provided 30 days for the filing of comments.

On the basis of representations made to him by the interested industry, the Commissioner of Food and Drugs has determined that more time is necessary

for the industry groups to evaluate the proposal and submit comments. The Commissioner therefore orders that the time for filing comments be extended to January 9, 1962.

Dated: December 1, 1961.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 61-11588; Filed, Dec. 6, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 622) has been filed by Pabst Brewing Company, Milwaukee 1, Wisconsin, proposing the issuance of an amendment to the food additive regulations to provide for the safe use of not less than 3 grams of bacitracin and not less than 1 gram of procaine penicillin alone, or in combination with amprolium or zoalene in medicated poultry feed for growth promotion, provided that the total antibiotic used does not exceed 50 grams per ton of finished feed.

Dated: November 27, 1961.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 61-11589; Filed, Dec. 6, 1961; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

CERTAIN INDUSTRIES IN PUERTO RICO

Minimum Piece Rates

Pursuant to authority in section 6(a) (2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a) (2)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby propose to revise Schedule A and Schedule B of 29 CFR 545.13 by increasing the piece rates appearing thereon commensurate with increases in the minimum hourly wage rates now applicable under the Fair Labor Standards Amendments of 1961 (Public Law 87-30) and the wage orders issued under them for the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (26 F.R. 10130), the handkerchief, square scarf, and art linen industry in Puerto Rico (26 F.R. 10130) and the children's dress and related products industry in Puerto Rico (26 F.R. 9819).

These revisions also add new operations No. 21.1, 21.2, 22.2, and 22.3 which are proposed on the basis of production time studies conducted in Puerto Rico with a representative group of home workers.

Any person interested in these proposals may file a written statement of data, views and arguments regarding them with the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, 14th Street and Constitution Avenue NW., Washing-

ton 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

It is proposed that the revised schedules shall read as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO¹

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
		<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	
1	Arenilla (seed stitch), close, 1/2" squares.....	84.00	75.60	81.60	Per dozen squares.
2	Arenilla (seed stitch), scattered, 1/2" squares.....	42.00	37.80	40.80	Do.
3	Arrows, filled in, 1/4".....	21.00	18.90	20.40	Per dozen.
4	Back stitch on yokes, armholes, etc.....	2 46.67	2 42.00	58.33	Per yard.
5	Basting bias with cord.....	23.10	20.80	22.44	Do.
6	Basting darts before sewing.....	2 24.36	2 21.93	30.62	Do.
7	Basting for fagoting.....	6.32	5.69	6.14	Do.
8	Basting hems, 1" to 6" wide.....	2 14.00	2 12.60	17.50	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.....	12.10	10.89	11.75	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per in.ch.....	2 8.76	2 7.89	10.96	Do.
11	Bias piping, joined, double, over 10 stitches per inch.....	28.00	25.20	27.20	Do.
12	Bias piping, joined, single, over 10 stitches per inch.....	35.00	31.50	34.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.....	42.19	37.97	40.98	Do.
14	Blanket stitch, folding included, 18 stitches per inch.....	79.33	71.40	77.07	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.....	2 9.15	2 8.23	11.39	Per dozen.
16	Buttonhole, stamped, 3/4" long.....	2 30.19	2 27.18	37.70	Do.
17	Buttonhole, stamped, 1/2" long.....	2 40.13	2 36.12	50.21	Do.
18	Buttonhole stitch, close.....	63.00	56.70	61.20	Per yard.
19	Buttonhole stitch for joining seams.....	63.00	56.70	61.20	Do.
20	Cord, twisted, over basting.....	7.00	6.30	6.80	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.....	9.60	8.63	9.33	Per yard.
21.1	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1" or more.....	1.75			Do.
21.2	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1".....	3.94			Do.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.....	3.94	3.55	3.82	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).....	4.83	4.83	4.91	Do.
22.2	Hand cutting material underneath straight or nearly straight outline.....	1.34			Do.
22.3	Hand cutting material underneath irregular outline.....	2.00			Do.
23	Dots, baby, not finished off, 2 to 3 stitches.....	5.83	5.26	5.67	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.....	9.24	8.32	8.97	Do.
25	Eyelets, up to 1/8" diameter.....	15.60	14.05	15.15	Do.
26	Eyelets, 3/16" diameter.....	28.00	25.20	27.20	Do.
27	Fagoting, straight lines.....	97.50	87.75	94.71	Per yard.
28	Fagoting, twisted lines.....	46.67	42.00	45.33	Do.
29	Feather stitch, 12 stitches per inch.....	46.67	42.00	45.33	Do.
30	Feather stitch cord.....	24.56	22.10	23.86	Do.
31	Flat fell seams, first seam by machine.....	2 27.35	2 24.61	34.14	Do.
32	Flat roll.....	2 21.23	2 19.10	26.50	Do.
33	French knots, not finished off.....	2.92	2.63	2.83	Per dozen.
34	French seams, over 12 stitches per inch.....	2 17.50	2 15.76	21.87	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.....	2 11.56	2 10.41	14.46	Do.
36	Furuncos, with tape.....	105.00	94.50	102.00	Do.
37	Furuncos, without tape.....	84.00	75.60	81.60	Do.
38	Guariquenas.....	7.00	6.30	6.80	Per dozen.
39	Half roll (with colored or emb. thread).....	22.96	20.66	22.31	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.....	2 12.24	2 11.01	15.29	Do.
41	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.....	2 31.31	2 28.19	39.14	Do.
42	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.....	86.80	78.12	84.32	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.....	45.56	41.00	44.26	Do.

¹ See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.

² Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

PROPOSED RULE MAKING

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO 1—Continued

No.	Operation		Children's dress and related products industry	Unit of payment
	Women's and children's underwear and women's blouse and neckwear industry	Children's dress and related products industry		
44	Lace, joined with whipping stitch.			
45	Lace, sewed on with hemming stitch or round roll.			
46	Leaves, open, 1/4" long.			
47	Leaves, open, 3/8" to 1/2" long.			
48	Leaves, simple.			
49	Leaves, solid, not finished off, 1/8" long.			
50	Leaves, solid, not finished off, 1/4" long.			
51	Leaves, solid, not finished off, 3/8" to 1/2" long.			
52	Leaves, solid, finished off, 5/8" to 3/4" long.			
53	Loops, knitted, 1/4" long.			
54	Loops, knitted, 1/2" to 1 1/2" long.			
55	Loops, made with buttonhole stitch.			
56	Mouthing and basting to garment, including pinning and basting to garment, first seam with running stitch, felled with hemming stitch.			
57	Overcasting seams.			
58	Pasadas, short, 1/4" to 8" long.			
59	Patches, sewed on with single point de ture.			
59.1	Patches, rectangular, sewed on with blind stitch, up to 1 1/2 inch.			
59.2	Patches, sewed on with solid cord, cutting and basting included.			
60	Pin stitch, thread drawing not included, 1 inch squares.			
61	Point de ture double, with embroidery thread.			
62	Point de ture plain, with embroidery thread.			
63	Randa, bundles twisted but not tied, thread drawing not included.			
64	Randa, don Gonzales, thread drawing not included.			
65	Randa, Mexican, tied at center only, thread drawing not included.			
66	Ribbing setting ends of.			
67	Rolling armholes and reboques.			
68	Rose bands, worm stitch, 4 worms, 1 or 2 colors or tones.			
69	Running stitch on darts, 8 to 10 stitches per inch.			
70	Running stitch for felling, very close stitch.			
71	Running stitch on hems up to 1" wide, 12 stitches per inch.			
72	Running stitch on lace.			
73	Running stitch for plain sewing.			
74	Scallops, plain, cutting included.			
75	Shadow stitch, up to 3/4" wide.			
76	Shell, 4 to 5 stitches per inch.			
77	Shirring, material to be measured before shirring.			
78	Shirring and basting lace edging, material to be measured after shirring.			
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.			

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND AER LINES INDUSTRY IN PUERTO RICO 1

No.	Operation		Children's dress and related products industry	Unit of payment
	Women's and children's underwear and women's blouse and neckwear industry	Children's dress and related products industry		
99	Aremillas (seed stitch), close, 1/2" squares.			
100	Aremillas (seed stitch), scattered, 1/2" squares.			
101	Basting face for setting with straight sewing stitch.			
102	Basting face for setting with straight sewing stitch.			
103	Basting and folding them on edges up to 1 1/2" hem.			
103.1	Blind hemstitch.			
104	Buttonhole stitch, 16 stitches per inch.			
105	Buttonhole stitch, 24 to 30 stitches per inch.			
106	Chain stitch, 8 stitches per inch.			
107	Chain stitch, 8 stitches per inch.			
108	Cord, twisted, over basting.			
109	Cord or embroidery solid, without filling, up to 1/4" thick.			
110	Cronching or flat cord, 4 stitches per inch.			
111	Cross stitch, 6 crosses per inch.			
112	Cut work with buttonhole stitch, 24 to 30 stitches per inch.			
113	Diamonds, filled in, 1/4" to 3/8" wide.			
114	Dots, baby, not finished off, 2 to 3 stitches.			
114.1	Dots, large, not filled in, finished off, 12 stitches.			
115	Dots, large, filled in, finished off, over 12 stitches.			
116	Dots, large, not filled in, finished off, over 12 stitches.			
117	Dots, large, filled in, finished off, over 12 stitches.			
118	Dots, large, not filled in, finished off, over 12 stitches.			
119	Dots, large, filled in, finished off, over 12 stitches.			

1 These piece rates have been set on the basis of O. N. T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO 1—Continued

No.	Operation		Children's dress and related products industry	Unit of payment
	Women's and children's underwear and women's blouse and neckwear industry	Children's dress and related products industry		
80	Shoulder straps, set with buttonhole stitch, up to 3/4" x 1/4", measured after turning, sewing tickets set with hemming stitch, cutting tickets included.			
81	Smocking, in front, both sides.			
82	Snaps, set with buttonhole stitch, 1/4" to 1/2" wide up to 6" long.			
83	Solid cord stitch on cores and embroidery.			
84	Solid cord stitch to sew on lace.			
85	Spiders, 4 legs.			
86	Spiders, 8 legs.			
87	Tucks, set for fagoting.			
88	Tucks stamped, 1/4" to 1/2" wide up to 6" long.			
89	Tucks, pin, stamped up to 7" long.			
90	Tucks, pin, unstamped up to 6" long.			
91	Turning belts, machine sewn, 29" x 1 1/2", measured after turning.			
92	Turning belts, machine sewn, 60" x 1 1/2", measured after turning.			
93	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning.			
94	Turning shoulder straps, 14 1/2" x 1 1/4", measured after turning.			
95	Turning belts, machine sewn, 60" x 1 1/2", measured after turning.			
96	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning.			
97	Turning shoulder straps, 14 1/2" x 1 1/4", measured after turning.			

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND AER LINES INDUSTRY IN PUERTO RICO 1

No.	Operation		Children's dress and related products industry	Unit of payment
	Women's and children's underwear and women's blouse and neckwear industry	Children's dress and related products industry		
99	Aremillas (seed stitch), close, 1/2" squares.			
100	Aremillas (seed stitch), scattered, 1/2" squares.			
101	Basting face for setting with straight sewing stitch.			
102	Basting face for setting with straight sewing stitch.			
103	Basting and folding them on edges up to 1 1/2" hem.			
103.1	Blind hemstitch.			
104	Buttonhole stitch, 16 stitches per inch.			
105	Buttonhole stitch, 24 to 30 stitches per inch.			
106	Chain stitch, 8 stitches per inch.			
107	Chain stitch, 8 stitches per inch.			
108	Cord, twisted, over basting.			
109	Cord or embroidery solid, without filling, up to 1/4" thick.			
110	Cronching or flat cord, 4 stitches per inch.			
111	Cross stitch, 6 crosses per inch.			
112	Cut work with buttonhole stitch, 24 to 30 stitches per inch.			
113	Diamonds, filled in, 1/4" to 3/8" wide.			
114	Dots, baby, not finished off, 2 to 3 stitches.			
114.1	Dots, large, not filled in, finished off, 12 stitches.			
115	Dots, large, filled in, finished off, over 12 stitches.			
116	Dots, large, not filled in, finished off, over 12 stitches.			
117	Dots, large, filled in, finished off, over 12 stitches.			
118	Dots, large, not filled in, finished off, over 12 stitches.			
119	Dots, large, filled in, finished off, over 12 stitches.			

1 See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates. 2 Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

PROPOSED RULE MAKING

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO¹—Continued

No.	Operation	Dolles			Napkins			Table scarves			Squares			Table cloths		
		8"x16"	10"x14"	12"x18"	12"x12"	15"x15"	18"x18"	17"x36"	17"x45"	17"x54"	36"x36"	45"x45"	54"x54"	54"x72"	72"x72"	72"x90"
179	Half roll, cambric and crash, at 3.17 cents per dozen inches	1.52	1.52	1.90	1.52	1.90	2.28	3.36	3.93	4.50	4.56	5.70	6.84	7.98	9.12	10.26
180	Hand or French rolling, 10 stitches or less per inch, cambric, and crash, at 2.05 cents per dozen inches	.99	.99	1.23	.99	1.23	1.48	2.18	2.54	2.91	2.96	3.69	4.43	5.17	5.91	6.65
181	Hemming stitch over pasada, measuring all around edge: Cambric, at 1.94 cents per dozen inches ²	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
182	Crash, at 1.82 cents per dozen inches ²	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
183	Second seams, for separate borders, measuring all around edge: Cambric, at 1.94 cents per dozen inches ²	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29
184	Crash, at 1.82 cents per dozen inches ²	.87	.87	1.09	.87	1.09	1.31	1.93	2.25	2.58	2.62	3.27	3.93	4.58	5.24	5.89
185	Second seams, for separate borders, with French corners, measuring all around edge: Cambric, at 2.17 cents per dozen inches ²	1.04	1.04	1.30	1.04	1.30	1.57	2.31	2.70	3.09	3.13	3.91	4.70	5.48	6.26	7.05
186	Crash, at 1.94 cents per dozen inches ²	.93	.93	1.16	.93	1.16	1.40	2.06	2.41	2.76	2.79	3.49	4.19	4.89	5.59	6.29

No.	Operation	Cents	Unit of payment
<i>Scallop cutting</i>			
187.4	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves: Small, measuring from 3/16" up to but not including 5/8", along outside edge.	29.12	Per dozen scallops.
187.5	Medium, measuring from 5/8" up to but not including 7/8", along outside edge.	36.67	Do.
187.6	Large, measuring from 7/8" to and inclusive of 1 1/4", along outside edge.	55.00	Do.
<i>Needlepoint operations^{6,7}</i>			
200	Compact florals, figures and landscapes	30.16	Per 1,000 stitches.
201	Scattered florals	32.48	Do.
202	Scattered florals consisting of borders or garlands only	34.80	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	32.48	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	34.80	Do.
205	2.32 cents must be added to the above piece rates to cover thumb-tack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

lyze the data, views, comments, or arguments received on or before November 24, 1961 from interested parties regarding the proposed users charges or fees. The aforesaid extension of time does not extend the time within which interested parties may submit their data, views, comments, or arguments, and no consideration will be given to any material not submitted by the close of business on November 24, 1961.

Dated: December 4, 1961.

By order of the Maritime Administrator and the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 61-11598; Filed, Dec. 6, 1961; 8:48 a.m.]

¹ See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

² Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

⁶ Exceptions. These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit Point.
6. Stamped grospoint.

⁷ Definitions. (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. (2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

Signed at Washington, D.C., this 29th day of November 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-11432; Filed, Dec. 6, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 221, 298, 299]

ESTABLISHMENT OF USER CHARGES OR FEES

Extension of Time for Study of Comments

In F.R. Doc. 61-9709 appearing in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9600), as amended by the notice in F.R. Doc. 61-10763 appearing

in the FEDERAL REGISTER issue of November 10, 1961 (26 F.R. 10601) notice of proposed rule making was issued under 46 CFR Parts 201, 206, 221, 298, 299 relative to the establishment of user charges or fees.

Pursuant to action of the Maritime Administrator and the Maritime Subsidy Board taken on December 1, 1961, notice is hereby given that the effective date of the proposed rule is extended to the close of business on March 1, 1962. The aforesaid extension of the effective date from January 1, 1962 to March 1, 1962, is made in order to afford the Maritime Administrator and the Maritime Subsidy Board an opportunity to study and ana-

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-3368]

RECORDS TO BE MAINTAINED AND PRESERVED BY REGISTERED INVESTMENT COMPANIES AND OTHERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration, pursuant to sections 31, 38(a), and the other sections noted below, of the Investment Company Act of 1940 ("Act"), a proposal to amend Rules 31a-1 and 31a-2 (§§ 270.31a-1 and 270.31a-2) and to adopt a new Rule 31a-3 (§ 270.31a-3) thereunder. The proposed rules relate to records to be maintained and preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

Section 31(a) of the Act provides that every registered investment company, and every underwriter, broker, dealer or

investment adviser which is a majority-owned subsidiary of such a company, shall maintain and preserve for such period or periods as the Commission may prescribe by rules and regulations such accounts, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Act and of the auditor's certificates relating thereto. It also provides that every investment adviser not a majority-owned subsidiary of, and every depositor of, any registered investment company, and every principal underwriter for any registered investment company other than a closed-end investment company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such accounts, books, and other documents as are necessary or appropriate to record such person's transactions with such registered company.

Section 38(a) of the Act authorizes the Commission to issue rules necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act. Among the matters with which the Commission is concerned under the Act, and in respect of which the Commission deems it necessary and appropriate that adequate records shall be maintained, are affiliations of directors of a registered investment company (section 10); prohibitions against deviating from the registered investment company's investment policy as recited in its registration statement filed with the Commission pursuant to section 8, except pursuant to specified procedures (section 13(a)); and compliance with the requirements governing advisory and underwriting contracts and renewals thereof (section 15). Section 36 of the Act authorizes the Commission to bring an action in an appropriate court to remove, for gross misconduct or gross abuse of trust, any person serving or acting for any registered investment company as officer, director, member of an advisory board, investment adviser, depositor, or, in the case of a registered company other than a closed-end company, as principal underwriter. In addition, the Commission is authorized, under section 42(e) of the Act, to bring an action in an appropriate court to enjoin any person from engaging in any act or practice constituting a violation of any provision of the Act or of any rule, regulation, or order thereunder.

Section 270.31a-1 as now in effect prescribes in general terms the accounts, books, and other documents required of every registered investment company and certain of the persons enumerated in section 31(a) of the Act, as well as the required periods of time the various records shall be kept by them. Section 270.31a-2 as now in effect prescribes, also in general terms, the recordkeeping requirements of other persons enumerated in section 31(a), together with the minimum periods of retention thereof.

As a result of the experience gained by the Commission in its administration and enforcement of the Act, including the experience derived from staff inspections of registered investment companies

and certain affiliated persons, it appears to the Commission that its existing rules regarding the foregoing matters lack sufficient specificity and detail. Accordingly, the Commission deems it to be in the public interest and in the interest of investors to amend the existing §§ 270.31a-1 and 270.31a-2 by prescribing, with greater specificity and detail, the records required to be kept in securities transactions and by prescribing the keeping of certain memoranda and documents not previously required. The Commission also deems it to be in the public interest and in the interest of investors to adopt a new § 270.31a-3 setting forth certain requirements in circumstances where the records which are required to be maintained and preserved pursuant to the provisions of §§ 270.31a-1 and 270.31a-2 are prepared or maintained by an agent on behalf of the persons required to maintain and preserve such records.

Sections 270.31a-1 and 270.31a-2 reflecting the proposed amendments, and the proposed new § 270.31a-3, read as follows:

§ 270.31a-1 Records to be maintained by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

(a) Every registered investment company, and every underwriter, broker, dealer, or investment adviser which is a majority-owned subsidiary of such a company, shall maintain and keep current the accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940 and of the auditor's certificates relating thereto.

(b) Every registered investment company shall maintain and keep current the following books, accounts, and other documents:

(1) Journals (or other records of original entry) containing an itemized daily record in detail of all purchases and sales of securities (including sales and redemptions of its own securities), all receipts and deliveries of securities (including certificate numbers if such detail is not maintained by custodian), all receipts and disbursements of cash and all other debits and credits. Such records shall show for each such transaction the name and quantity of securities, the unit and aggregate purchase or sale price, commission paid, the market on which effected, the trade date, the clearance date, and the name of the person through or from whom purchased or received or to whom sold or delivered. Such records shall show for all dividends receivable the ex-dividend dates with respect to securities for which such date has been set by a securities exchange or a national securities association, and record dates with respect to other securities.

(2) General and auxiliary ledgers (or other records) reflecting all asset, liability, reserve, capital, income and expense accounts, including:

(i) Separate ledger accounts (or other records) reflecting the following:

- (a) Securities in transfer;
- (b) Securities in physical possession;
- (c) Securities borrowed and securities loaned;
- (d) Monies borrowed and monies loaned (together with a record of the collateral therefor and substitutions in such collateral);
- (e) Dividends and interest received;
- (f) Dividends receivable and interest accrued.

Instruction: (a) and (b) of this subdivision shall be stated in terms of securities quantities only; (c) and (d) of this subdivision shall be stated in dollar amounts and securities quantities as appropriate; (e) and (f) of this subdivision shall be stated in dollar amounts only.

(ii) Separate ledger accounts (or other records) for each portfolio security and separate ledger accounts (or other records) for each broker dealer, bank or other person with or through which transactions in portfolio securities are effected, or through which deliveries of such securities are effected, showing (as of trade dates) (a) the quantity and unit and aggregate price for each purchase, sale, receipt, and delivery of securities and commodities for such accounts, (b) all contractual commitments to purchase or sell or deliver or receive securities or other property with respect to such accounts, and (c) all other debits and credits for such accounts. Securities positions and money balances in such ledger accounts (or other records) shall be brought forward periodically but not less frequently than at the end of fiscal quarters. Any portfolio security, the salability of which is conditioned, shall be so noted. A memorandum record shall be associated with each portfolio security account setting forth the amount and declaration, ex-dividend, record and payment dates of each dividend declared thereon. The record of each account with a broker-dealer, bank or other person in addition to the above shall reflect with respect to each transaction the amount of any commission or other fee associated with such transaction.

(3) Separate ledger accounts (or other records), which may be maintained by a transfer agent or registrar, showing for each shareholder of record of the investment company the number of shares of capital stock of the company held. In respect of share accumulation accounts (arising from periodic investment plans, dividend reinvestment plans, deposit of issued shares by the owner thereof, etc.), details shall be available as to the dates, number of shares and prices of each such accumulation.

(4) A securities record or ledger reflecting separately for each portfolio security as of trade date all "long" and "short" positions carried by the investment company for its own account and showing the location of all securities long and the off-setting position to all securities short. The record called for by this paragraph shall not be required in circumstances under which all portfolio securities are maintained under a single custody agreement by a bank or a member of a national securities exchange.

(5) Corporate charters, certificates of incorporation, by-laws, and minute

books of stockholders', directors' committee, and advisory board or advisory committee meetings.

(6) A memorandum of each brokerage order, and of any other instruction, given by or in behalf of the investment company for, or in connection with, the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall include the name of the broker, the terms and conditions of the order or instructions and of any modification or cancellation thereof, the time of entry or cancellation, the price at which executed, and the time of receipt of report of execution. The memorandum shall indicate the name of the person who placed the order on behalf of the investment company and the name of the person who authorized the placing of the order.

(7) A memorandum of all other portfolio purchases or sales showing details comparable to those prescribed in subparagraph (6) of this paragraph.

(8) A record of all puts, calls, spreads, straddles, and other options in which the investment company has any direct or indirect interest or which the investment company has granted or guaranteed, containing, at least, an identification of the security, the number of units involved, the option price, the date of maturity, the date of issuance, and the person to whom issued.

(9) A record of the proof of money balances in all ledger accounts in the form of trial balances. Such trial balances shall be prepared currently at least once a month.

(10) A record showing, in specific terms, the basis for the placing of orders among brokers or dealers for the purchase and sale of portfolio securities of the investment company. Indicate whether the placing of such orders was based, in whole or in part, on (i) the sale of the investment company's shares by such brokers or dealers, (ii) the supplying of services or benefits by such brokers or dealers to the investment company or its investment adviser or principal underwriter, or any persons affiliated therewith, or (iii) any considerations other than those based on the technical qualifications of the brokers or dealers as such.

(11) A record of all instructions or advice, whether written or oral, given either directly by the investment company or indirectly by or through its investment adviser or principal underwriter, governing the division of brokerage commissions paid by the investment company on transactions in its portfolio securities. This record shall include the identities of the persons responsible for the giving of such instructions or advice, the identities of the persons by whom and to whom such division of brokerage commissions is to be made, and the basis for determining such division.

(12) A record in the form of an appropriate memorandum identifying the person or persons making or authorizing decisions to purchase or sell portfolio securities. There shall be retained as part of such record any memorandum, recommendation, or instruction supporting or authorizing the transaction.

(13) A separate file by security title of all advisory material received from the investment adviser, any advisory board or advisory committee, or any other persons from whom the investment company accepts investment advice, other than material which is furnished solely through uniform publications distributed generally.

(14) The term "other records" as used in the expression "ledger account (or other records)" shall be construed to include, where appropriate, copies of voucher checks, confirmations, or similar documents which reflect the information required by the applicable rule or rules in appropriate sequence and in permanent form, including similar records developed by the use of automatic data processing systems.

(c) Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall maintain in the form prescribed therein such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934.

(d) Every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end investment company, shall maintain such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(e) Every investment adviser which is a majority-owned subsidiary of a registered investment company shall maintain in the form prescribed therein such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940.

(f) Every investment adviser not a majority-owned subsidiary of a registered investment company shall maintain such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

§ 270.31a-2 Records to be preserved by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.

(a) Every registered investment company shall:

(1) Preserve permanently, the first two years in an easily accessible place, all books and records required to be made pursuant to subparagraphs (1) through (5) of § 270.31a-1(b);

(2) Preserve for a period not less than six years from the end of the fiscal year in which any transactions occurred,

the first two years in an easily accessible place, all books and records required to be made pursuant to subparagraphs (6) through (14) of § 270.31a-1(b) and all vouchers, memoranda, correspondence, checkbooks, bank statements, cancelled checks, cash reconciliations, cancelled stock certificates, and all schedules evidencing and supporting each computation of net asset value of the investment company shares, and other documents required to be maintained by § 270.31a-1(a) and not enumerated in § 270.31a-1(b).

(b) Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall preserve for the periods prescribed therein such accounts, books and other documents as are required to be preserved by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934.

(c) Every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company, shall preserve for a period of not less than six years such accounts, books and other documents as are required to be maintained by brokers and dealers by rule adopted under section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(d) Every investment adviser which is a majority-owned subsidiary of a registered investment company shall preserve for the periods prescribed therein such accounts, books and other documents as are required to be preserved by investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940.

(e) Every investment adviser not a majority-owned subsidiary of a registered investment company shall preserve for a period of not less than six years such accounts, books and other documents as are required to be maintained by registered investment advisers by rule adopted under section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section:

(1) After a record, book or other document has been preserved for three years, a photograph or film thereof may be substituted therefor for the balance of the required time; and

(2) Any record, book or other document may be destroyed in accordance with a plan previously submitted to and approved by the Commission. A plan shall be deemed to have been approved by the Commission if notice to the contrary has not been received within 90 days after submission of the plan to the Commission.

§ 270.31a-3 Records prepared by agent to be property of principal.

(a) If the records required to be maintained and preserved pursuant to

the provisions of §§ 270.31a-1 and 270.31a-2 are prepared or maintained by an agent on behalf of the person required to maintain and preserve such records, said person shall obtain from the agent an agreement in writing to the effect that such records are the property of the person required to maintain and preserve such records and will be surrendered promptly on request.

(b) In cases where a bank acts as custodian, transfer agent, or dividend disbursing agent, compliance with this section shall be considered to have been met if such agent agrees in writing to make any records relating to such service available upon request.

(Secs. 31, 38(a), 54 Stat. 838, 841, 15 U.S.C. 80a-30, 80a-37)

All interested persons are invited to file, in triplicate, views and comments with respect to the proposed new rules. They should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before January 12, 1962. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

NOVEMBER 28, 1961.

[F.R. Doc. 61-11578; Filed, Dec. 6, 1961;
8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued an amendment, set forth below, to Facility License No. DPR-2, as amended. The license authorizes Commonwealth Edison Company to operate the dual cycle, boiling water type nuclear reactor designated as the "Dresden Nuclear Power Station" and located in Grundy County, Illinois. The amendment authorizes Commonwealth Edison to receive, possess and use source material as fuel for operation of the Dresden facility.

After consideration by the Advisory Committee on Reactor Safeguards and the Hearing Examiner, the use of source material as part of the fuel for this facility was approved by the Commission at the time of issuance of License No. DPR-2. However, the authorization to possess, use and store the necessary quantities of source material was inadvertently omitted from the operating license. The purpose of this amendment is to correct this inadvertent omission.

By application for amendment dated September 1, 1961, Commonwealth Edison noted the aforementioned omission and requested this amendment to License No. DPR-2. The Commission has reviewed the licensee's submittal of September 1, 1961 and concurs in the licensee's request for amendment.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended results in no change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR, Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see Commonwealth Edison's application for amendment dated September 1, 1961, on file at the

Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of November 1961.

For the Atomic Energy Commission.

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

[Amendment to License No. DPR-2]

Facility License No. DPR-2, as amended, which authorizes Commonwealth Edison Company to operate the dual cycle, boiling water type nuclear reactor designated as the "Dresden Nuclear Power Station" and located in Grundy County, Illinois, is further amended in the following respects:

1. Subparagraph 2.C. is redesignated as subparagraph 2.D. and a new subparagraph 2.C. is added to read as follows:

C. Pursuant to the Act and Title 10 CFR, Chapter I, Part 40, "Licensing of Source Material", to receive, possess and use source material as fuel for operation of the facility; and

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 30th day of November 1961.

For the Atomic Energy Commission.

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

[F.R. Doc. 61-11556; Filed, Dec. 6, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The First Virginia Corporation, which is a bank holding company located in Arlington, Virginia, for the prior approval of the Board of the acquisition by applicant of 28,000 (80 percent) or more of the voting shares of Farmers and Merchants National Bank, Winchester, Virginia.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond

limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 1st day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-11565; Filed, Dec. 6, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13212 etc.]

AMERICAN AIRLINES, INC., ET AL.

Economy Fares; Notice of Prehearing Conference

In the matter of economy fares proposed by American Airlines, Inc., Continental Air Lines, Inc. and Trans World Airlines, Inc.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on December 14, 1961 at 10 a.m. e.s.t. in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., December 4, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-11602; Filed, Dec. 6, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

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 November 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 November 1, as using

humane methods on November 1 or a later date in November will be listed in a supplemental list. Previously published lists represented establishments reported in October or November 1961 as humanely slaughtering and handling the designated species of livestock on October 1 or some later date in October 1961 (26 F.R. 10242, 10613, and 11300). 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 establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AD						
Do	2AT	⊙				⊙	
Do	2AU						
Do	2B						
Do	2C						
Do	2E						
Do	2H						
Do	2HT						
Do	2I/T						
Do	2J/T						
Do	2WN						
Do	3A						
Do	3AC						
Do	3AE						
Do	3AF						
Do	3AN						
Do	3AW						
Do	3B						
Do	3C						
Do	3CO						
Do	3D						
Do	3E						
Do	3F						
Do	3FF						
Do	3K						
Do	3L						
Do	3N						
Do	3NN						
Do	3R						
Do	3S						
Do	3T						
Do	3U						
Do	3W						
Do	3X						
Do	3Y						
Do	3Z						
Lykes Bros., Inc	6						
Panly Packing Co., Inc	10						
Hygrade Food Products Corp	12A						
Do	12B						
Do	12C						
Do	12D						
Do	12G						
Do	12P						
Do	16						
Mickelberrys Food Products Co.	17						
John Morrell and Co.	17A						
Do	17B						
Do	17D						
C. Finkbeiner, Inc	18						
The Cudahy Packing Co.	19						
The Cudahy Packing Co. of Nebraska	19E						
Wilson and Co., Inc	20A						
Do	20B						
Do	20Q						
Do	20Y						
Do	23						
Swift and Co.	25						
Brander Meat Co.	26						
The Sperry and Barnes Co.	27C						
Patrick Cudahy, Inc	28						
Kreinberg and Krasny, Inc.	30						
Roegelein Provision Co.	32						
Valleydale Packers, Inc.	34						
Kenton Packing Co.	36						
Pocomoke Provision Co.	39						
Armour and Co.	40						
Sunnyland Packing Co.	43						
Stark Wetzel and Co., Inc.	44						
Do	44A						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Idaho Meat Packers	46						
Consolidated Dressed Beef Co., Inc	47						
Lackawanna Beef and Provision Co.	49						
Nevada Meat Packing Co.	52						
Midwestern Beef, Inc.	53						
Sunnyland Packing Co. of Alabama	58						
Glover Packing Co. of Amarillo	60						
Glover Packing Co.	60A						
Welland Packing Co., Inc.	61						
Empire Packing Corp.	65						
Somerville Packing Co.	66						
The Quaker Oats Co.	67E						
Minch Wholesale Meats, Inc.	72						
Eastern Packing Co.	74E						
Armour and Co.	75						
The Braun Brothers Packing Co.	79						
City Packing Co.	80						
The Cudahy Packing Co.	81						
Hill Packing Co.	83E						
Edgar Packing Co.	84						
Excel Packing Co., Inc.	86						
Utica Veal Co., Inc.	88						
The E. Kahns Sons, Co.	89						
Hygrade Food Products Corp.	90						
Sugarale Provision Co.	92						
Sonyo Packing Co.	93						
The Al Decker Packing Co.	95						
John Engelhorn and Sons	97						
A. Kohls Sons	98						
Armour and Co.	100						
Liberty Packing Co.	101						
Swift and Co.	104						
Wilson and Co.	107						
J. Lynn Cornwell, Inc.	110						
Hoffman Packing Co., Inc.	112						
Morris Packing Co., Inc.	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						
Peyton Packing Co., Inc	128						
Superior Packing Co.	127						
John Roth and Son, Inc.	130						
Tobin Packing Co., Inc.	133						
Ottawa Packing Co.	135						
Armour and Co.	139						
Edward J. Klueener, Inc.	142						
R. B. Rice Sausage Co., Inc.	144						
Siegel Weller Packing Co.	153						
Kansas City Dressed Beef Co.	156						
Armour and Co.	158						
Missouri Farmers Assn. Packing Division	159						
Do	159A						
Joel E. Harrell and Son, Inc.	162						
New York State College of Agriculture	165						
Swift and Co.	166A						
Camp Packing Co., Inc.	174						
Armour and Co.	177						
Peerless Packing Co.	180						
Montrose Beef Co.	181						
Swift and Co.	184						
Do	186C						
Do	186F						
Do	187						
Fort Dodge Packing Co., Inc.	191						
Seaford Packing Co.	192						
Key Packing Co.	196						
John Morrell and Co.	197						
Hyfco Packing Co.	198						
Ulysses Fryer and Stillman, Inc	199						
George A. Hornal and Co.	199A						
Do	199D						
Do	199I						
Do	199N						
Mid Valley Co., Inc.	201						
Cudahy Packing Co.	202						
Emge Packing Co., Inc.	205						
Central Packing Co., Inc.	208						
Heinz Riverside Abattoir, Inc.	210						
S. Adams Packing Co.	211						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Penn Packing Co.	212	(*)				(*)	
Elburn Packing Co.	213						
Kneip Packing Co.	213C	(*)					
Fred Dold and Sons Packing Co.	214	(*)					
Lincoln Meat Co.	217	(*)					
York Packing Co., Inc.	220	(*)					
Gwalney, Inc.	221A	(*)					
Armour and Co.	222	(*)					
Hygrade Food Products Corp.	224	(*)					
Do.	224B	(*)					
Gold Merit Packing Co., Inc.	232	(*)					
Walt Schilling and Co., Inc.	235	(*)					
Raskin Packing Co.	237	(*)					
Armour and Co.	238	(*)					
P. D. and J. Meats.	240	(*)					
Greenwood Packing Plant.	242	(*)					
I. Klayman & Co.	243	(*)					
Iowa Beef Packers, Inc.	245	(*)					
John Morrell and Co.	246	(*)					
The Danahy Packing Co.	247	(*)					
Swift and Co.	249	(*)					
Frosty Morn Meats, Inc.	250	(*)					
Balentine Packing Co., Inc.	258	(*)					
The Jones Dairy Farm.	263	(*)					
Pacific Meat Co., Inc.	267	(*)					
Houston Packing Co.	271	(*)					
Elliott Packing Co.	274	(*)					
Wilson and Co., Inc.	275	(*)					
American Stores Co.	279	(*)					
Bookey Packing Co.	281	(*)					
Agar Packing Co., Inc.	282	(*)					
Figge and Hutwelker Co.	285	(*)					
Solano Meat Co.	286	(*)					
Roesler Packing Co. of Erie.	288	(*)					
Western Packing Co.	289	(*)					
Arbogast and Bastian Co.	290	(*)					
The H. H. Meyer Packing Co.	291	(*)					
San Jose Meat Co.	292	(*)					
Sioux City Dressed Pork, Inc.	298	(*)					
Gus Juengling and Son, Inc.	299	(*)					
Waldoek Packing Co.	301	(*)					
Great Falls Meat Co.	302	(*)					
Commercial Packing Co., Inc.	305	(*)					
Union Packing Co.	305A	(*)					
Do.	306	(*)					
Star Packing Co.	306A	(*)					
Survall Packing Co.	307	(*)					
Melton Provision Co.	311	(*)					
Ideal Packing Co., Inc.	312	(*)					
Webb Packing Co.	316	(*)					
Greater New York Packing Co., Inc.	317A	(*)					
Estes Packing Co.	319	(*)					
Stadler Packing Co., Inc.	320	(*)					
Turlock Meat Co.	325	(*)					
Frisco Packing Co.	327	(*)					
C. and M. Meat Packing Corp.	329	(*)					
Royal Packing Co.	331	(*)					
Sokolik Packing Co.	332	(*)					
Shapiro Packing Co., Inc.	334	(*)					
Great Western Packing Co., Inc.	335	(*)					
Nobles Independent Meat Co.	336	(*)					
Chino Valley Meat Packing Co., Inc.	340	(*)					
Des Moines Packing Co.	341	(*)					
Peters Packing Co., Inc.	344	(*)					
State Packing Co., Inc.	345	(*)					
Anza Packing Co.	351	(*)					
Union Packing Co.	351	(*)					
Samuels, E. Tex. Packing Co.	353	(*)					
Fresno Meat Packing Co.	354	(*)					
Vernon Calhoun Packing Co.	355	(*)					
Hell Packing Co.	357	(*)					
Marks Meat Co.	362	(*)					
Meyers Packing Co.	363	(*)					
United Dressed Beef Co.	365	(*)					
James Allan and Sons.	369	(*)					
Westport Packing Corp.	372	(*)					
Sawling Packing Co., Inc.	374	(*)					
The John Hilberg and Sons Co.	375	(*)					
Cross Bros. Meat Packers, Inc.	376	(*)					
Emge Packing Co., Inc.	380	(*)					
Smithfield Packing Co., Inc.	382	(*)					
American Stores Co.	384	(*)					
Liebmann Packing Co.	388	(*)					
Dugdale Packing Co.	390	(*)					
Oldmans Farm Sausage Co., Inc.	392	(*)					
Roth Packing Co.	394	(*)					
The Jacob Schlachters Sons Co.	395	(*)					
Dubouche Packing Co.	396	(*)					
Vogson Packing Co.	397	(*)					
Watson Dressed Beef, Inc.	398	(*)					
Superior Packing Co.	399	(*)					
Los Banes Abattoir.	400	(*)					
Nedhoff Bros.	410	(*)					
Neudach Packing Co., Inc.	413	(*)					
The Wulky Packing Co.	414	(*)					
Frosty Morn Meats.	414	(*)					
Philadelphia Boneless Beef Co.	418	(*)					
Marx Packing Co., Inc.	421	(*)					
E. W. Lathrop, Inc.	422	(*)					
The Collins Packing Co.	423	(*)					
Hebron Packing Co., Inc.	425	(*)					
Leone Star Packing Co.	433	(*)					
Monah Meat Packing Co.	435	(*)					
Onoda Packing Corp.	438	(*)					
Schneider Packing Co.	439	(*)					
Omaha Dressed Beef Co., Inc.	441	(*)					
Prime Packing Co., Inc.	443	(*)					
Del Curto Meat Co.	445	(*)					
Peerless Packing Co., Inc.	448	(*)					
Midwest Packing Co.	451	(*)					
Deyvitt Packing Corp.	456	(*)					
Swift and Co.	459	(*)					
Morris Rifkin and Sons, Inc.	460	(*)					
Pioneer Provision Co.	461	(*)					
Lancaster Packing Co.	462	(*)					
Litvak Packing Co.	465	(*)					
Bevvar Packing Co.	467	(*)					
Corn Husker Packing Co.	468	(*)					
Eckert Packing Co.	471	(*)					
Armour and Co.	477	(*)					
Eldridge Packing Co.	478	(*)					
Middletown Beef Co., Inc.	483	(*)					
St. Cloud Meat Packing Co.	485	(*)					
East Tennessee Packing Co.	487	(*)					
Memphis Butchers Association, Inc.	488	(*)					
Nebraska Beef Co.	489	(*)					
Goldring Packing Co., Inc.	490	(*)					
Mid State Packers, Inc.	494	(*)					
Triangle Meat Distributors, Inc.	497	(*)					
Heim Brothers Packing Co.	499	(*)					
Sioux Falls, S. Dak.	501	(*)					
Swift and Co.	505	(*)					
B. Rothschild and Co.	506	(*)					
Frosty Morn Meats.	507	(*)					
Grunsfelder Packing Co.	508	(*)					
Armour and Co.	509	(*)					
The Hull and Dillion Packing Co.	510	(*)					
Shen Valley Meat Packers, Inc.	511	(*)					
Capitol Packing Co.	513	(*)					
Charles Miller and Co.	517	(*)					
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)					
Amour and Co.	528	(*)					
Smallwood Packing Co., Inc.	529	(*)					
Omaha Packing Co.	532	(*)					
Rosenthal Packing Co., Inc.	535	(*)					
Pepper Packing Co.	536	(*)					
Oscar Mayer and Co., Inc.	537A	(*)					
Do.	537C	(*)					
Midwest Packing Co.	538	(*)					
Greenell Packing Corp.	542	(*)					
United Dressed Meat, Inc.	546	(*)					
Swift and Co.	548	(*)					
Piute Packing Co.	550	(*)					
Salter Packing Co.	551	(*)					
Black Hills Packing Co.	554	(*)					
Springfield Rendering Co.	555D	(*)					
Mid South Packers, Inc.	557	(*)					
The Cudaby Packing Co.	559	(*)					
D. and W. Packing Co.	560	(*)					
Emery Land Co.	561	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Packerland Packing Co., Inc.	562	()	()			()	
John Morrell and Co.	564	()	()			()	
Texas Meat Packers, Inc.	565	()	()			()	
Elmer Binder & Son, Inc.	566	()	()			()	
Frosty Morn Meats, Inc.	576	()	()			()	
Armour and Co.	579	()	()			()	
Kingsford Packing Co., Inc.	581	()	()			()	
Stahl Meyer Inc.	583	()	()			()	
Dukeland Packing Co., Inc.	585	()	()			()	
Empire Packing Co., Inc.	586	()	()			()	
City of Austin Municipal Abattoir	590	()	()			()	
Swift and Co.	591	()	()			()	
Harman Packing Co.	596	()	()			()	
San Antonio Packing Co.	602	()	()			()	
Central Packing Co.	611	()	()			()	
Eastern Oregon Meat Co., Inc.	613	()	()			()	
National Tea Co.	614	()	()			()	
Donner Packing Co.	617	()	()			()	
Kummer Packing Co.	618	()	()			()	
Acme Meat Co., Inc.	623E	()	()			()	
Hill Packing Co.	627	()	()			()	
Big Foot Packing Co., Inc.	628	()	()			()	
E. A. Miller and Sons Packing Co., Inc.	630	()	()			()	
H. H. Klein Co.	632	()	()			()	
General Meat Co.	633	()	()			()	
Ebner Bros. Packers	635	()	()			()	
Zipron Bro., Inc.	636	()	()			()	
Auburn Packing Co., Inc.	645	()	()			()	
R. and C. Packing Co.	647	()	()			()	
Bird Provision Co.	648	()	()			()	
Spencer Packing Co.	649	()	()			()	
Wm. Schluderberg-T. J. Kurdie Co.	650	()	()			()	
John Morrell and Co.	651	()	()			()	
Nagle Packing Co.	653	()	()			()	
Milwaukee Dressed Beef Co.	654	()	()			()	
Wilson and Co., Inc.	655	()	()			()	
Baums Bologna, Inc.	657	()	()			()	
St. Louis Dressed Beef Co.	659	()	()			()	
Quality Meat Packing Co.	661	()	()			()	
Globe Packing Co.	663	()	()			()	
Crown Packing Co.	666	()	()			()	
Scottsbluff Packing Co.	667	()	()			()	
San Joaquin Packing Co.	671	()	()			()	
E. S. Read and Sons, Inc.	672	()	()			()	
Union Packing Co.	673	()	()			()	
Jacob Bauers Sons, Inc.	678	()	()			()	
Armour and Co.	680	()	()			()	
Haas Davis Packing Co., Inc.	682	()	()			()	
Nations Brothers Packing Co.	684	()	()			()	
The William Fockes Sons Co.	685	()	()			()	
The Stueber Packing Co.	689	()	()			()	
Pierce Packing Co., Inc.	691	()	()			()	
Marco Packing Co.	692	()	()			()	
Bryan Meat Co.	693	()	()			()	
Kramer Beef Co.	695	()	()			()	
Carrier Packing Co.	698	()	()			()	
Dana Packing Co.	706	()	()			()	
Central Nebraska Packing Co.	713E	()	()			()	
Crawford County Packing Co.	717	()	()			()	
The Joseph N. Rice Co.	719	()	()			()	
Wilmington Packing Co., Inc.	720	()	()			()	
Coast Packing Co.	724	()	()			()	
Swift and Co.	726	()	()			()	
Decker and Son	727	()	()			()	
The Quaker Oats Co.	734E	()	()			()	
Jacob Schlaichers Sons Co.	739	()	()			()	
Sonora Meat Co., Inc.	741	()	()			()	
Howard Fancero and Co.	747	()	()			()	
Ruchdt Bros.	749	()	()			()	
Luck Brothers Cooperative Packing Co.	753	()	()			()	
Monroe Packing Co., Inc.	755	()	()			()	
Seltz Packing Co., Inc.	756A	()	()			()	
Philadelphia Dressed Beef Co.	758	()	()			()	
Schnake Packing Co., Inc.	761	()	()			()	
Sardier Packing Co.	767	()	()			()	
Sheridan Meat Co., Inc.	768	()	()			()	
Earl C. Gibbs Inc.	770	()	()			()	
Cadwell Martin Meat Co.	773	()	()			()	
Modern Meat Packing Co.	774	()	()			()	
Atlas Packing Co.	775	()	()			()	
Date Packing Co., Inc.	777	()	()			()	
Bryan Brothers Packing Co.	780	()	()			()	
Diamond Meat Co., Inc.	783	()	()			()	
Granite State Packing Co.	786	()	()			()	
Aurora Packing Co., Inc.	788	()	()			()	
Temp Packing Co.	791	()	()			()	
Baums Meat Packing	792	()	()			()	
Max Bauer Meat Packer	800	()	()			()	
Peets Meat Co., Inc.	809	()	()			()	
The G. Erhardt Sons, Inc.	810	()	()			()	
Martland, Inc.	811	()	()			()	
William N. Peters, Inc.	813	()	()			()	
Rochester Independent Packer, Inc.	817	()	()			()	
Henry Meyers Sons, Inc.	822	()	()			()	
Hibbs Packing Co.	823	()	()			()	
Fennel Packing Co.	825	()	()			()	
Perford Packing Co.	827	()	()			()	
Erison Packing Co.	828	()	()			()	
Berthens Meat Co.	830	()	()			()	
Northwest Packing Co.	834	()	()			()	
John M. Peters Packing Co.	836	()	()			()	
Not Barring Packing Co. of Ark., Inc.	837B	()	()			()	
Fraser's Country Products, Inc.	838	()	()			()	
Hernan Kempers Sons	839	()	()			()	
Reelfoot Packing Co.	840	()	()			()	
G. Bertinas Packing Co.	843	()	()			()	
Sioux City Packing Co.	845	()	()			()	
Siouxland Dressed Beef Co., Division of Neesh	857	()	()			()	
Jordan Meat and Livestock Co.	857F	()	()			()	
Sam McDaniel and Sons, Inc.	858	()	()			()	
Walks and Davies Packing Co.	859	()	()			()	
Sierra Meat Co.	860	()	()			()	
Gunsberg Beef Co.	862	()	()			()	
Genesee Packing Co.	867	()	()			()	
Palmer Packing Corp.	868	()	()			()	
Vermont Dressed Beef Co., Inc.	880	()	()			()	
Walden Packing Co., Inc.	883	()	()			()	
William Davies Co., Inc.	886	()	()			()	
O'Neill Packing Co., Inc.	888A	()	()			()	
Sambol Packing Co.	897	()	()			()	
Tobin Packing Co., Inc.	892	()	()			()	
Vernon Calhoun Packing Co.	897	()	()			()	
Meats, Inc.	899	()	()			()	
Sigman Meat Co., Inc.	909	()	()			()	
Hansen Packing Corp.	901A	()	()			()	
Hoosier Veterinary Laboratories, Inc.	912	()	()			()	
Chiappetti Packing Co.	916	()	()			()	
National Meat Packers, Inc.	917	()	()			()	
Valleydale Packers, Inc., of Bristol	922	()	()			()	
Wisconsin Packing Co.	924	()	()			()	
Peoples Packing Co.	925	()	()			()	
Kerber Packing Co.	929	()	()			()	
Tarpoif Packing Co.	931	()	()			()	
McKenney Meat Co.	932	()	()			()	
E. B. Manning and Son	934	()	()			()	
Volz Packing Co.	938	()	()			()	
Cappellino Abattoir, Inc.	939	()	()			()	
Wilson and Co., Inc.	940	()	()			()	
Gentner Packing Co., Inc.	941	()	()			()	
Delrich Meat Packers, Inc.	944	()	()			()	
Whitehall Packing Co.	946	()	()			()	
M. Brizer & Co.	948	()	()			()	
Joe Doctorman and Son Packing Co., Inc.	949	()	()			()	
Armour and Co.	956	()	()			()	
Reliable Packing Co., Inc.	959	()	()			()	
Greater Omaha Packing Co., Inc.	960	()	()			()	
Earl Flick Wholesale Meats, Inc.	965	()	()			()	
T. L. Lay Packing Co.	967	()	()			()	
Greeley Capitol Packing Co.	969	()	()			()	
Hawaii Meat Co. Ltd.	970	()	()			()	
National Food Stores, Inc.	981	()	()			()	
Retz Meat Products Co.	983	()	()			()	
Hosper Packing Co.	985	()	()			()	
Eagle Packing Co.	987	()	()			()	
Everett C. Horlein and Son, Inc.	988	()	()			()	
The Klarer Co.	995	()	()			()	
Do.	995A	()	()			()	
Do.	995C	()	()			()	
Valley Meat Co.	1009	()	()			()	
Armour and Co.	1085	()	()			()	
Browns Packing House.	1154	()	()			()	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175					(*)	
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			
Samuels and Co., Inc.	1315	(*)					
H. and H. Packing Co.	1315	(*)				(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					

Done at Washington, D.C., this 1st day of December 1961.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 61-11615; Filed, Dec. 6, 1961;
8:50 a.m.]

Agricultural Stabilization and Conservation Service

SUGAR BEET WAGES AND PRICES IN STATES OTHER THAN CALIFORNIA; 1962 CROP

Notice of Hearings and Designation of Presiding Officers

Pursuant to the authority contained in sections (c) (1) and (c) (2) of Section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq), notice is hereby given that public hearings will be as follows:

At Pocatello, Idaho, on December 8, in the Bannock Hotel, beginning at 9:30 a.m.;
At Fargo, North Dakota, on December 11, in the Student Union Bldg., North Dakota State University, beginning at 10:00 a.m.;
At Detroit, Michigan, on December 14, in the Fort Shelby Hotel, beginning at 9:30 a.m.

It has been found necessary, in view of other commitments, to fix dates for the hearings in the near future so that both representatives of industry and government could be present at these hearings. In view of this an emergency exists and it is determined that reasonable periods of notice for these hearings shall be the periods of time between publication of this notice in the FEDERAL REGISTER and the dates specified for the hearings.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c) (1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets for the 1962 crop in States other than California, on farms with respect to which applications for payments under the Act are made, and (2), pursuant to the provisions of section 301(c) (2) of the Act, fair and reasonable prices for the 1962 crop of sugar beets in States other than California, to be paid under purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

To obtain the best possible information, the Department requests that all

interested parties appear at the hearings to express their views and to present appropriate data with respect to wages and prices.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

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

ROBERT G. LEWIS,
Deputy Administrator, Price
and Production, Agricultural
Stabilization and Conserva-
tion Service.

[F.R. Doc. 61-11616; Filed, Dec. 6, 1961;
8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management ALASKA

Redelegation of Authority by Land Office Manager

NOVEMBER 30, 1961.

By authority contained in section 2.1 Bureau Order Number 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager in matters listed in section 2.6 of Part II, to the Chief, Lands Section, authority to take action for the Manager in matters listed in section 2.9 of Part II, and to the Operations Manager authority within his specified area of responsibility to take action for the Manager in matters listed in Part II as follows:

SEC. 2.2 *General and miscellaneous matters.* * * *

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats and other records.

SEC. 2.3 *Fiscal affairs.* * * *

(a) *Bonds.* * * *

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the Manager's jurisdiction.

* * * * *
(c) *Repayment.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount

required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Part 217.

SEC. 2.4 *Cadastral engineering.* * * *

(a) (4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.6 *Minerals.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

SEC. 2.9 *Land use.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

WARNER T. MAY,
Land Office Manager,
Anchorage Land Office.

Approved:

ROGER R. ROBINSON,
Alaska State Director,
Bureau of Land Management.

[F.R. Doc. 61-11594; Filed, Dec. 6, 1961;
8:48 a.m.]

[Group 355]

ARIZONA

Notice of Filing of Plat of Survey

NOVEMBER 30, 1961.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., on January 5, 1962:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 25 W.,
 Sec. 24, lots 6, 7, 8, 9, 10, 11, 12;
 Sec. 25, lots 24, 25, 26, 27, 28, 29;
 Sec. 26, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
 13, 14, 15;
 Sec. 27, lots 1, 2, 3;
 Sec. 34, lots 1, 2;
 Sec. 35, lots 15, 16, 17, 18, 19, 20, 21, 23, 24.

The areas described aggregate 1,373.35 acres of public lands.

2. The above lands are nearly level bottom lands and the soils are sandy loam.

3. Lots 6, 7, 8, 9, 10, 11 and 12 sec. 24, lots 24, 25, 26, 27, 28 and 29 sec. 25, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 sec. 26, lots 1, 2 and 3 sec. 27, lots 1 and 2 sec. 34, lots 15, 16, 17, 18, 19, 20, 21, 23 and 24 sec. 35, were withdrawn by Secretary's Order of January 31, 1903 for the Colorado River Project.

Lots 24, 25, 26, 27, 28 and 29 sec. 25, lots 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 sec. 26, and lots 1 and 2 sec. 27, were withdrawn by Executive Order 2711 for the Cocopah Indians.

Lots 25, 26, 27, 28 and 29 sec. 25, and lots 15, 16, 17, 18, 19, 20, 21, 23 and 24 sec. 35, were withdrawn by Secretary's Order of July 20, 1905 for the Yuma Project.

Any of the above lands embraced within a strip of land 60 feet wide along the Mexican boundary line and along the shore where a water line forms the boundary, are reserved from all disposition by Proclamation of May 27, 1907.

4. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 61-11601; Filed, Dec. 6, 1961;
 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 29, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 012060 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for administrative sites in the Payette National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

WARREN ADMINISTRATIVE SITE

T. 22 N., R. 6 E.

Unit No. 1

Beginning at corner No. 1 of the original Ranger Station as shown on the official plat approved September 18, 1922, which point bears N. 07°53' W., 813.03 feet from the east quarter corner of section 11; thence N. 34°-15' E., 121.30 feet to corner No. 2; thence S. 49°25' E., 266.44 feet to corner No. 3; thence S. 34°53' W., 122.7 feet to corner No. 4; thence N. 49°05' W., 265.26 feet to the point of beginning, containing 0.74 acre and located wholly within the following subdivisions:

Sec. 11: E½NE¼
 Sec. 12: W½NW¼

Unit No. 2

Beginning at a point N. 0°01' W., 660 feet from the west quarter corner of section 12 thence N. 0°01' W., 149.2 feet to a point on the south boundary of the present administrative site; thence S. 49°05' E., 118.26 feet; thence S. 34°53' W., 50 feet; thence S. 47°15' E., 44.80 feet; thence N. 41°36' E., 173.56 feet; thence S. 49°25' E., 40.68 feet; thence S. 41°39' W., 397.68 feet; thence N. 52°40' W., 317.31 feet; thence east 278.4 feet to the point of beginning, containing 1.29 acres, more or less and located wholly within the following subdivisions:

Sec. 11: E½NE¼
 Sec. 12: W½NW¼

Unit No. 3

Beginning at a point which bears N. 0°-01' W., 660 feet from the east quarter corner of section 11; thence west 278.4 feet; thence N. 34°15' E., 276.9 feet to a point on the south side of a plotted alley; thence S. 49°05' E., 162.04 feet along the south boundary of the alley to a point on the section line between sections 11 and 12; thence S. 0°01' E., 122.7 feet along said section line to the point of beginning, containing 0.91 acre, more or less, and located wholly within the following subdivision:

Sec. 11: Tract No. 7 of Warren Town-site

Unit No. 4

Beginning at a point of the intersection of the section line between sections 11 and 12 and the north boundary of the original administrative site bearing N. 0°01' W., 968.90 feet from the west quarter corner of section 12; thence N. 0°01' W., along said section line 77.81 feet; thence S. 49°36' E., 70.67 feet; thence S. 41°51' E., 104.29 feet; thence S. 44°21' E., 193.49 feet; thence S. 41°39' W., 28.50 feet; thence N. 49°25' W., 315.62 feet along the north boundary of said administrative site to the point of beginning, containing 0.35 acre, more or less, and located wholly within the following subdivision:

Sec. 12: W½NW¼

Unit No. 5

Beginning at a point on the section line between sections 11 and 12 which bears S. 0°01' E., 330 feet from the quarter corner common to sections 11 and 12; thence N. 89°59' E., 660 feet; thence S. 0°01' E., 660 feet; thence S. 89°59' W., 660 feet; thence N. 0°01' W., 660 feet to the point of beginning, containing 10 acres, more or less. Also beginning at a point N. 07°17'48" E., 582.21 feet from the west quarter corner of section 12; thence S. 39°06' E., 151.50 feet; thence S. 26°17' E., 47.70 feet; thence S. 22°02' E., 718 feet; thence S. 35°29' W., 100 feet to a point which bears S. 50°37' E., 520 feet from the west quarter corner of section 12, containing 0.70 acre, more or less. These areas are

located wholly within the following subdivisions:

Sec. 12: SW¼NW¼, NW¼SW¼

The above units total 13.99 acres.

BIG CREEK ADMINISTRATIVE SITE

Beginning at a point N. 51°12' E., 3408.5 feet from the corner common to Secs. 26, 27, 34, 35, T. 21 N., R. 9 E., B.M.; thence N. 60°00' W., 105.1 feet; thence N. 54°56' W., 197.3 feet; thence S. 51°13' E., 106 feet; thence N. 65°18' W., 363.6 feet; thence S. 72°42' W., 495.9 feet; thence N. 62°01' W., 55 feet; thence N. 29°51' E., 557.9 feet; thence N. 52°37' E., 1115.3 feet; thence N. 20°21' E., 1593 feet; thence N. 11°47' E., 224.8 feet; thence N. 27°13' E., 1044.3 feet; thence S. 53°11' E., 494.4 feet; thence S. 22°03' W., 3975.5 feet to the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 21 N., R. 9 E.,
 Sec. 23: S½SE¼;
 Sec. 26: W½NE¼, SE¼NW¼, NE¼SW¼.
 Totalling 58.9 acres, more or less.

SOUTH FORK ADMINISTRATIVE SITE

T. 21 N., R. 7 E.,
 Sec. 10: Lots 3, 4;
 Sec. 11: Lot 5, NW¼SW¼.
 Totalling 104.19 acres.

COTTONTAIL LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 6 E.,
 Sec. 32: W½SW¼NW¼NE¼, E½SE¼-NE¼NW¼.
 Totalling 10 acres.

The areas described aggregate 187.08 acres in Idaho and Valley Counties, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-11569; Filed, Dec. 6, 1961;
 8:46 a.m.]

COLORADO

Notice of Filing of Colorado Protraction Diagram

DECEMBER 1, 1961.

Notice is hereby given that the following protraction diagram has been placed in the open files of this office and is available to the Public for information only; and not until officially filed as indicated herein will it become the basic record for the description of land for authorized use. This diagram will be officially filed at 10:00 a.m., on January 10, 1962, in the Colorado Land Office, Gas and Electric Building, 910 15th Street, Denver, Colorado.

In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), all oil and gas offers to lease lands shown on this protracted survey, filed at or subsequent to 10:00 a.m. on January 10, 1962, must describe the lands only according to the Section, Township, and Range shown on the approved protracted survey.

COLORADO PROTRACTION DIAGRAM No. 3

(Approved October 10, 1961, Revised November 20, 1961)

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 86 W.,
 Secs. 3 through 9; 18; 29 through 32.
 T. 1 N., R. 87 W.,
 Secs. 1 through 23; 28 through 33; Sec. 34,
 W½.

NOTICES

ALASKA

Redelegation of Authority By Land Office Manager

NOVEMBER 6, 1961.

By authority contained in section 2.1 Bureau Order No. 684 of August 28, 1961 (26 F.R. 8216), I hereby redelegate to the Chief, Minerals Section, authority to take action for the Manager in matters listed in section 2.6 of Part II, to the Chief, Lands Section, authority to take action for the Manager in matters listed in section 2.9 of Part II, and to the Operations Manager authority within his specified area of responsibility to take action for the Manager in matters listed in Part II as follows:

SEC. 2.2 *General and miscellaneous matters.* * * *

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats and other records.

SEC. 2.3 *Fiscal affairs.* * * *

(a) *Bonds.* * * *

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the Manager's jurisdiction.

* * * * *

(c) *Repayments.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374): and repayments under 43 CFR Part 217.

SEC. 2.4 *Cadastral engineering.* * * *

(a) (4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.6 *Minerals.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail: (1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose; (2) the land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed; (3) the application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) the requested land area does not meet legal requirements of compactness, contiguity, or acreage; (5) the application was not successful in a public drawing held to establish priorities of conflicting applications.

SEC. 2.9 *Land use.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail: (1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose; (2) the land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed; (3) the application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) the requested land

area does not meet legal requirements of compactness, contiguity, or acreage; (5) the application was not successful in a public drawing held to establish priorities of conflicting applications.

DANIEL A. JONES,
Land Office Manager,
Fairbanks Land Office.

Approved: November 6, 1961.

R. R. ROBINSON,
Alaska State Director,
Bureau of Land Management.

[F.R. Doc. 61-11595; Filed, Dec. 6, 1961;
8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 27, 1961.

The Department of the Army has filed an application, Serial Number A.056148 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for ammunition storage.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 6th and Cordova, Anchorage, Alaska.

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

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

The lands involved in the application are:

EKLUITNA VALLEY

T. 16 N., R. 1 E., S.M.,
Sec. 26: W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 28: SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33: N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing approximately 1,210 acres.

ROGER R. ROBINSON,
State Director.

[F.R. Doc. 61-11596; Filed, Dec. 6, 1961;
8:48 a.m.]

Office of the Secretary
PROCUREMENT AND CONTRACTING
Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Section 50 of Secretary's Order 2509, as amended (17 F.R. 793; 19 F.R. 7417; 22 F.R. 5778), is revoked.

T. 1 N., Rs. 88 and 89 W.,
All.

T. 2 N., R. 86 W.,
Secs. 5 through 8; 17 through 21; 27 through 34.

T. 2 N., R. 87 W.,
Secs. 1 through 3; 10 through 17; 20 through 36.

T. 2 N., R. 88 W.,
Secs. 4 through 9; 15 through 36.

T. 2 N., Rs. 89, 90 and 91 W.,
All.

T. 1 S., Rs. 87, 88 and 89 W.,
All.

T. 2 S., Rs. 87, 88 and 89 W.,
All.

T. 2 S., R. 90 W.,
Sec. 4, W $\frac{1}{2}$; Sec. 5, E $\frac{1}{2}$.

T. 3 S., R. 88 W.,
All.

T. 4 S., R. 88 W.,
Sec. 7, S $\frac{1}{2}$; Sec. 18, N $\frac{1}{2}$.

T. 5 S., R. 88 W.,
All.

Copies of these diagrams are for sale at one dollar and fifty cents (\$1.50) per sheet, and may be obtained from the:

United States Department of the Interior,
Bureau of Land Management,
Colorado Land Office,
Gas and Electric Building,
910—15th Street,
Denver 2, Colorado

LOWELL M. PUCKETT,
State Director.

[F.R. Doc. 61-11571; Filed, Dec. 6, 1961;
8:46 a.m.]

[Classification No. 79]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 892.36 acres in Cochise County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 22 S., R. 22 E.,
Sec. 9: lots 1-4 incl., E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 23: SE $\frac{1}{4}$ NW $\frac{1}{4}$.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. The lands are affected by 113 preference right applications, as provided for by 43 CFR 257.5, which will be processed as soon as possible.

Dated: November 24, 1961.

MARTIN W. BUZAN,
Acting State Director,
P.O. Box 148, Phoenix, Arizona.

[F.R. Doc. 61-11572; Filed, Dec. 6, 1961;
8:46 a.m.]

PART 205—GENERAL DELEGATIONS
CHAPTER 11—PROCUREMENT AND CONTRACTING

205.11.1 *Contracts—supplies or services—A. Delegation.* The head of such bureau and other Departmental office, and the Director of Administrative Services, Office of the Secretary, may enter into procurement contracts and amendments or modifications thereof.

B. Exercise of authority. Contracts may be entered into under this authority unless specifically prohibited by statute.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 30, 1961.

[F.R. Doc. 61-11570; Filed, Dec. 6, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[Agency Bulletin 61-18]

REDESIGNATION OF PACIFIC REGION

1. *Redesignation.* The Hawaiian Region is hereby redesignated the Pacific Region.

2. *Effective date.* This Bulletin is effective this date. It amends Agency Bulletin 61-9 of July 1, 1961, and the pro-

visions of any other directive not consistent herewith.

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

N. E. HALABY,
Administrator.

[F.R. Doc. 61-11559; Filed, Dec. 6, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 165]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

NOVEMBER 15, 1961.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
New-----	Collingwood, Ontario-----	1870 kilocycles 1D/0.5N-----	DA-N	U	III	EIO 11-1-62.
CFGM-----	Richmond Hill, Ontario (change in call letters from CJRH).	1810 kilocycles 10D/2.5N-----	DA-1	U	III	
New-----	Montreal, Province of Quebec---	1570 kilocycles 10-----	DA-1	U	II	EIO 11-1-62.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11609; Filed, Dec. 6, 1961; 8:49 a.m.]

[List No. 30; FCC 61-1425]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

DECEMBER 4, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on January 9, 1962, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(b) (1) and § 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 8, 1962, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 8, 1962, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 29, 1961.

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

Applications From the Top of the Processing Line

BP-14675 New, Madawaska, Maine.
St. Croix Broadcasting Co., Inc.
Req: 1230 kc, 250 w, 1 kw-LS, U.

- BP-14693 New, Quincy, Calif.
Pioneer Broadcasters, Inc.
Req: 1370 kc, 500 w, Day.
- BP-14694 KEYL, Long Prairie, Minn.
KWAD Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-14695 WFRB, Frostburg, Md.
Western Maryland Broadcasting Co.
Has: 740 kc, 250 w (CR), Day.
Req: 560 kc, 1 kw, Day.
- BP-14696 KRGI, Grand Island, Nebr.
Grand Island Broadcasting Co., Ltd.
Has: 1430 kc, 1 kw, DA-N, U.
Req: 1430 kc, 1 kw, 5 kw-LS, DA-N, U.
- BP-14697 WHVF, Wausau, Wis.
Lakeland Broadcasting Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.
- BP-14698 New, Bartlesville, Okla.
Osage Programmers.
Req: 1500 kc, 1 kw, Day.
- BP-14699 WPRN, Butler, Ala.
Radio Butler Co.
Has: 1220 kc, 1 kw, Day.
Req: 1240 kc, 250 w, 1 kw-LS, U.
- BP-14700 New, London, Ohio.
WMAD, Inc.
Req: 1510 kc, 250 w, DA, Day.
- BP-14706 New, Crystal Bay, Nev.
Verne M. Miller.
Req: 1240 kc, 250 w, 1 kw-LS, U.
- BP-14707 KOKX, Keokuk, Iowa.
Keokuk Broadcasting Co.
Has: 1310 kc, 500 w, 1 kw-LS, DA-2, U.
Req: 1310 kc, 500 w, 1 kw-LS, DA-N, U.
- BP-14708 New, Kingsport, Tenn.
Model City Broadcasting Corp.
Req: 1400 kc, 250 w, U.
- BMP-9370 KOCY, Oklahoma City, Okla.
Bonebrake & Company.
Has Lic: 1340 kc, 250 w, U.
Has CP: Change antenna-transmitter location.
Req MP: 1340 kc, 250 w, 1 kw-LS, U.
- BP-14713 New, North Platte, Nebr.
North Platte Television, Inc.
Req: 1410 kc, 1 kw, Day.
- BP-14714 WHIH, Portsmouth, Va.
James Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-14718 WRSW, Wadsaw, Ind.
Reub Williams & Sons, Inc.
Has: 1480 kc, 500 w, DA-2, U.
Req: 1480 kc, 500 w, 1 kw-LS, DA-2, U.
- BP-14723 WAVE, Louisville, Ky.
WAVE, Inc.
Has: 970 kc, 5 kw, DA-1, U.
Req: 970 kc, 5 kw, DA-2, U.
- BMP-9425 WCPC, Houston, Miss.
WCPC Broadcasting Co.
Has Lic: 1320 kc, 5 kw, Day.
Has CP: 940 kc, 10 kw, DA, Day
Req MP: 940 kc, 50 kw, DA, Day.
- BP-14725 KXEO, Mexico, Mo.
Audrain Broadcasting Corp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.
- BP-14726 WKYR, Cumberland, Md.
WKYR, Inc.
Has: 1270 kc, 5 kw, Day (Keyser, W. Va.).
Req: 1270 kc, 1 kw, 5 kw-LS, DA-2, U (Cumberland, Md.).
- BP-14729 New, Prattville, Ala.
Billy Walker.
Req: 1330 kc, 500 w, Day.
- BP-14731 New, Douglasville, Ga.
Douglas County Broadcasting Co.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

NOTICES

BP-14732 KODI, Cody, Wyo.
Park Broadcasters, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14733 New, Spokane, Wash.
Moore Broadcasting.
Req: 550 kc, 500 w, DA, Day.

BP-14734 WLDB, Atlantic City, N.J.
Atlantic City Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14735 New, Jackson, Wyo.
Snake River Radio & TV Co., Inc.
Req: 1340 kc, 250 w, U.

BP-14736 KRSN, Los Alamos, N. Mex.
Community Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14737 New, Cayey, P.R.
Ponce Broadcasting Corp.
Req: 1080 kc, 250 w, U.

BP-14738 WNBS, Murray, Ky.
Service Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14742 WCMR, Elkhart, Ind.
Clarence C. Moore.
Has: 1270 kc, 5 kw, DA, Day.
Req: 1270 kc, 500 w, 5 kw-LS, DA-2, U.

BP-14744 KDB, Santa Barbara, Calif.
KDB Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14747 WMSL, Decatur, Ala.
Tennessee Valley Radio and Television Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14748 New, La Plata, Md.
Charles County Broadcasting Co., Inc.
Req: 1560 kc, 250 w, Day.

BP-14749 WDBF, Delray Beach, Fla.
Boca Raton Bible Conference Grounds, Inc.
Has: 1420 kc, 5 kw, DA, Day.
Req: 1420 kc, 500 w, 5 kw-LS, DA-2, U.

BP-14750 KAYS, Hays, Kans.
KAYS, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14751 KRTR, Raton, N. Mex.
Raton Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14752 WFLS, Fredericksburg, Va.
Star Broadcasting Corp.
Has: 1350 kc, 500 w, Day.
Req: 1350 kc, 1 kw, Day.

BP-14754 WLFM, Suffolk, Va.
Suffolk Broadcasting Corp.
Has: 1460 kc, 500 w, 1 kw-LS, DA-N, U.
Req: 1460 kc, 500 w, 5 kw-LS, DA-2, U.

BP-14756 WPDR, Portage, Wis.
Comstock Publishing Co.
Has: 1350 kc, 1 kw, Day.
Req: 1350 kc, 5 kw, DA, Day.

BP-14757 New, Parker, Ariz.
Parker Broadcasting Co.
Req: 1420 kc, 1 kw, Day.

BP-14761 WBAX, Wilkes-Barre, Pa.
P. A. L. Broadcasters, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-14763 New, Donelson, Tenn.
William Harvey Freeman.
Req: 1560 kc, 1 kw, Day.

BP-14764 New, Lincoln, Nebr.
David N. Osborne.
Req: 1530 kc, 500 w., Day.

BP-14767 WEBB, Baltimore, Md.
1360 Broadcasting Co., Inc.
Has: 1360 kc, 5 kw, DA, Day.
Req: 1360 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14771 New, Mishawauka, Ind.
Northern Indiana Broadcasters, Inc.
Req: 910 kc, 1 kw, DA-2, U.

BP-14774 KGIL, San Fernando, Calif.
Buckley-Jaeger Broadcasting Corp. of California.
Has: 1260 kc, 1 kw, 5 kw-LS, DA-2, U (1 kw, Night DA Pattern when KPCC operates).
Req: 1260 kc, 5 kw, DA-2, U (5 kw, Night DA Pattern when KPCC operates).

BP-14775 KWNQ, Winona, Minn.
KWNQ, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14776 KRIZ, Phoenix, Ariz.
Radio Denver, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14777 WMLF, Pineville, Ky.
Ken-Te-Va Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14778 WENN, Birmingham, Ala.
McLendon Birmingham Broadcasting Co., Inc.
Has: 1320 kc, 5 kw, DA, Day.
Req: 1320 kc, 5 kw, Day.

Application Deleted From Public Notice of September 21, 1960

(FCC 60-1122) (25 FR 9168)

BP-13503 WLDB, Atlantic City, N.J.
Atlantic City Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.
(Assigned new file number BP-14734.)

Application Deleted From Public Notice of November 4, 1960

(FCC 60-1313) (25 FR 10713)

BP-13549 New, Prattville, Ala.
Billy Walker.
Req: 1330 kc, 500 w, Day.
(Assigned new file number: BP-14729.)

[F.R. Doc. 61-11610; Filed, Dec. 6, 1961; 8:49 a.m.]

[Docket Nos. 13086, 13088; FCC 61-1413]

BEACON BROADCASTING SYSTEM, INC., AND SUBURBAN BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

1. The Commission has before it for consideration (1) a petition to enlarge the issues and to reopen the record, filed August 30, 1961, by Suburban Broadcasting Co., Inc. (Suburban); (2) comments regarding the petition, filed September 27, 1961, by the Broadcast Bureau (Bureau); (3) an opposition to the petition, filed September 29, 1961, by Beacon Broadcasting System, Inc. (Beacon Broadcasting); and (4) a reply to the opposition, filed October 13, 1961, by petitioner.

2. Petitioner seeks to enlarge the issues and to reopen the record for the receiving of evidence on the following issue:

To determine the character qualifications of Beacon Broadcasting System [Inc.].

3. The basis of petitioner's request is the allegation that while testifying relative to the financial qualifications of Beacon Broadcasting, Paul T. Foran, president and principal stockholder of Beacon Broadcasting, testified falsely when he stated that: (a) with the exception of funds he had personally advanced, no other entity, including Beacon Electronics, Inc.¹ has contributed funds or advanced property or funds to Beacon Broadcasting; (b) "The only transaction that transpired between the two corporations" was "the sale of a small amount of equipment * * *" by Beacon Broadcasting to Beacon Electronics in the fall of 1960 for the purpose of enabling that station to go on the air; and (c) other than this "there is no connection between Beacon Broadcasting and Beacon Electronics."

4. Suburban additionally alleged that Mr. Foran had arranged to have his salary from Beacon Electronics paid partly to him and partly to Beacon Broadcasting in order that he might keep his reportable income down to \$600 per year, thereby avoiding the filing of income tax reports to the Federal Government and the State of Wisconsin. Because the matter of Federal income tax filing is confidential and the State of Wisconsin had not yet completed its check for 1960 filings, petitioner states that it is unable to allege that Mr. Foran did in fact follow through on his arrangements. However, petitioner states that it has been advised by the Wisconsin Tax Commissioner that Mr. Foran has not yet filed a State Income Tax Return for at least the four years preceding 1960.

5. Suburban states that the information on which the instant petition is based is the result of an investigation by its counsel following Mr. Foran's above noted testimony. For this reason, petitioner claims good cause for late filings of the instant petition under Section 1.141 of the Commission's Rules.

6. Attached to the petition were copies of checks issued by Beacon Electronics in favor of Beacon Broadcasting. There were also attached affidavits by Mrs. Susan Falk Thompson, former bookkeeper and secretary, director and stockholder of Beacon Electronics, V. Thomas Shanahan, former General Manager of Beacon Electronics and a letter to Mr. Foran, dated September 14, 1960, from Robert G. Bickel, Secretary, director and stockholder, all purporting to support petitioner's allegations.

7. The Broadcast Bureau takes the position that the petitioner's allegations and supplemental attachments contradict the sworn testimony of Mr. Foran and raise a question as to Beacon Broadcasting's character qualifications, that unless the latter can satisfactorily ex-

¹ At the time in question, Paul T. Foran was president of the board and largest single stockholder of Beacon Electronics, Inc.

plain these contradictory matters, the instant petition should be granted and the requested issue added.

8. Beacon Broadcasting vigorously opposes Suburban's petition by a denial of each of petitioner's allegations. Filed with the opposition is an extensive affidavit by Mr. Foran in which he either denied or offered an explanation of the matters involved in each of petitioner's allegations. Beacon Broadcasting Company further argues that the petition is not timely filed as required by § 1.141 of the Commission's rules.

9. Since the petition was filed on August 30, 1961, and was predicated on a very detailed investigation following Mr. Foran's testimony on June 27, 1961, the Commission finds that petitioner has been diligent and has thus shown "good cause" as contemplated by § 1.141 of the Commission's rules. The pleadings before us present questions of fact, with affidavits and documents filed both in support of the charges and in refutation of them. Under the circumstances, these questions can best be resolved at an evidentiary hearing, and the requested issue will therefore be added. The Commission is, however, in agreement with Beacon that in view of the nature and scope of the charges, the burden of proof and burden of proceeding with the introduction of evidence should be on the petitioner.

Accordingly, it is ordered, This 29th day of November 1961, that the petition to enlarge the issues and reopen the record is granted;

It is further ordered, That existing Issues 11 and 12 are renumbered as Issues 12 and 13, respectively; and that the issues in this proceeding are enlarged, by adding the following Issue 11:

11. To determine the character qualifications of Beacon Broadcasting System, Inc.

It is further ordered, That the above-captioned proceeding is remanded to the Hearing Examiner for further hearing on the issue added herein and the issuance of a Supplemental Initial Decision.

It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence under Issue 11 shall be on Suburban Broadcasting Co., Inc.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11611; Filed, Dec. 6, 1961;
8:50 a.m.]

[Docket Nos. 14413, 14414; FCC 61-1423]

**DON L. HUBER AND BARTELL
BROADCASTERS, INC. (WOKY)**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Don L. Huber, Madison, Wisconsin, requests 920 kc,

² Dissenting statement of Commissioner Cross. Filed as part of original document.

1 kw, DA-Day, Docket No. 14413, File No. BP-13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, has 920 kc, 1 kw, DA-1, U, Requests 920 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 14414, File No. BP-13652; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as to the matters and issues specified below, the above-captioned applicants are qualified in all respects; and

It further appearing, that the following matters are to be considered in connection with the issues set forth below:

1. The subject applications involve mutually prohibitive interference.

2. It appears that the proposed operation of Don L. Huber (BP-13625) would cause interference to KDHL, Faribault, Minnesota; and that WOKY operating as proposed (BP-13652) would cause interference to WBAA, West Lafayette, Indiana.

3. By letter dated March 7, 1960, Don L. Huber was advised that the Commission was unable to determine whether the proposed directional antenna system could be adjusted and maintained in accordance with the Commission rules, in view of the proposed low inverse distance fields radiated in the direction of Station WOKY, Milwaukee, Wisconsin, and the relatively high fields that would obtain in the vicinity of the proposed site.

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population which would receive primary service from the proposal of Don L. Huber and the availability of other primary service to such area and population.

2. To determine the area and population which may be expected to gain or lose primary service from the proposed operation of Station WOKY and the availability of other primary service to such area and population.

3. To determine whether the instant proposals of Don L. Huber and Bartell Broadcasters, Inc. would cause objectionable interference to stations KDHL, Faribault, Minnesota and WBAA, West Lafayette, Indiana, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other primary service to such areas and populations.

4. To determine whether, in view of ambient co-channel signals, the directional antenna system proposed by Don L. Huber can be satisfactorily adjusted and maintained in accordance with the Commission rules.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Palmer Dragsten, and John E. Hyde, Jr., d/b as KDHL Broadcasting Company and Purdue University, licensees of Stations KDHL, Faribault, Minnesota, and WBAA, West Lafayette, Indiana, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Don L. Huber, the construction permit shall contain a condition that the permittee shall accept any interference that may be received in the event of a subsequent grant of the application of KDHL Broadcasting Co., licensee of KDHL, File No. BP-14365, proposing the facilities 920 kc, 5 kw, DA-2, U, at Faribault, Minnesota.

It is further ordered, That in the event of a grant of the application of Bartell Broadcasters, Inc., the construction permit shall contain a condition that the permittee shall submit sufficient field intensity measurements on the existing nighttime operation to show that no adverse effects will be caused to the existing nighttime operation due to the addition of the new tower, and that permittee shall accept any interference that may result in the event of a subsequent grant of either the application of Shorewood Broadcasting Corp., File No. BP-12365, proposing 940 kc, 250 w, DA-D, at Ft. Atkinson, Wisconsin or the application of Don L. Huber, File No. BP-13644, proposing 940 kc, 500 w, DA-D at Ft. Atkinson, Wisconsin.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, (either individually, or if feasible, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 4, 1961.

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

[F.R. Doc. 61-11612; Filed, Dec. 6, 1961;
8:50 a.m.]

[Docket Nos. 14411, 14412; FCC 61-1420]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of J. R. Earnest and John A. Flache d/b as La Fiesta Broadcasting Company, Lubbock, Texas, requests 1420 kc, 500 w, Day, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, requests 1420 kc, 500 w, Day, Docket No. 14412, File No. BP-15073; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of November 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues set forth below, each of the subject applicants possesses the necessary qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two proposals are mutually exclusive.

2. The proposed operations of the subject applicants will cause interference to the existing operation of Station KTJS, Hobart, Oklahoma.

3. The licensee of Station KTJS, by letter dated August 5, 1960, objected to a grant of the La Fiesta Broadcasting Company application and requested that the application be designated for hearing; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposals would cause objectionable interference to Station KTJS, Hobart, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is ordered, That Alfred Ray Fuchs, licensee of Station KTJS, Hobart, Oklahoma, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within twenty days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 4, 1961.

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

[F.R. Doc. 61-11613; Filed, Dec. 6, 1961;
8:50 a.m.]

[Docket No. 14415; FCC 61-1424]

RARITAN VALLEY BROADCASTING CO., INC. (WCTC)

Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of Raritan Valley Broadcasting Company, Inc. (WCTC), New Brunswick, New Jersey, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, U, Docket No. 14415, File No. BP-14494; for construction permit.

1. The Commission has before it for consideration (1) a "Petition for Commission action pursuant to § 1.354(c) of the Commission's Rules", filed on June 12, 1961, by the Raritan Valley Broadcasting Company, Inc., licensee of standard broadcast Station WCTC, New Brunswick, New Jersey (WCTC or petitioner hereinafter); (2) an opposition thereto, filed on June 26, 1961, by the Continental Broadcasting, Inc., licensee of standard broadcast Station WNJR, Newark, New Jersey (WNJR hereinafter); and (3) a reply to opposition and supplement to reply filed on July 5 and July 24, 1961, respectively, by WCTC.

2. On May 25, 1960, seven Class IV applications requesting daytime power increases to 1 kilowatt were designated for hearing in a consolidated proceeding (Docket Nos. 13528 through 13534 inclusive). Station WCTC, a Class IV facility operating with 250 watts of power, unlimited time, was made a party thereto, in view of the interference it would receive from a grant of the proposed operation of the Delaware Broadcasting Company (WILM), Wilmington, Delaware, one of the applicants in that proceeding. On November 15, 1960, WCTC filed its above-captioned and described application and on December 7, 1960, it filed a petition requesting that its application be consolidated with those in the above proceeding. This request was denied by the Commission on January 25, 1961 (See Memorandum Opinion and Order released January 27, 1961, FCC 61-108), and on April 19, 1961, its petition for reconsideration of this action was similarly denied. (Order released April 24, 1961, FCC 61-532.) Meanwhile, on December 7, 1960, the hearing in the above proceeding was completed and the record closed, and on June 14, 1961, an Initial Decision was rendered proposing to grant the applications therein, including the proposal of WILM notwithstanding the interference it would cause to Station WCTC. Petitioner now requests that the provisions of § 3.37 of the rules be waived in order that its applications may be given consideration without further delay.²

¹ Station WNJR operates on 1430 kilocycles with 5 kilowatts of power, utilizing a directional antenna nights.

² WCTC requests that we waive that portion of Section 3.37 which provides that no license will be granted for the operation of a station on a frequency within 20 kilocycles of the frequency of another station if the area enclosed by the 25 mv/m ground wave contour of either one overlaps the area enclosed by the 2 mv/m ground wave contour of the other.

3. In its petition, WCTC argues, in substance, that the action requested is in keeping with the "spirit" of the Commission's Report and Order released May 14, 1961, revising § 1.354(c) of the rules with respect to Class IV applications requesting increased power daytime to 1 kilowatt, since a grant of its application would serve to foster the desired improvement of service to be derived from a nation-wide chain of local station power increases; that, in addition, a grant of its request at this time would enable it to remove the objections it has interposed against the grants of those applications in Docket Nos. 13528 et al, thereby expediting their consideration and permitting without further delay a new primary service to more than 186,900 persons in the northeastern part of the United States; that, however, grants of the above applications without authorizing it a similar increase in power will cause considerable interference to its existing 250 watt operation. Petitioner argues that the most serious obstacle to the immediate grant of its application is the 2 and 25 mv/m overlap problem with Station WNJR, Newark, New Jersey; that its 25 mv/m contour overlaps the WNJR 2 mv/m contour and that its proposed 2 mv/m contour will only slightly overlap the 25 mv/m contour of Station WNJR; that this 2 and 25 mv/m overlap problem is slight and already existing; that it has existed since before the institution of § 3.37 of the Rules prohibiting such overlap; that it has involved and will involve no cross-modulation and that there is no way in which modifications or changes could be made by WCTC to eliminate this problem. In view of these circumstances, WCTC contends, a waiver of § 3.37 would be consistent with the Commission's policy, as expressed in previous cases, on such overlap situations.

4. The opposition filed by WNJR does not take issue with petitioner's request for expeditious consideration of its application. It does, however, oppose WCTC's request for waiver of § 3.37 of the rules and grant of its application without hearing. WNJR argues that a grant of this application will result in objectionable interference to its existing operation and increase not only the extent of overlap of its 2 mv/m contour with the 25 mv/m contour of WCTC but also, for the first time, create an overlap of its 25 mv/m contour with the 2 mv/m contour of WCTC. Accordingly, WNJR contends, since it has objected to such a grant, its license cannot be modified without affording it an opportunity to be heard on the matter by designating the WCTC application for hearing and making it a party respondent thereto.

5. In its initial reply, petitioner conceded that WNJR is entitled to a hearing on its application. However, it argued, since it has been recognized by recent rules and orders of the Commission that the public interest would best be served by accelerating the authorizations of Class IV power increases to 1 kilowatt, its application should be designated for hearing immediately with Station WNJR made a party to the pro-

ceeding, especially since the instant demand for hearing is predicated upon slight interference only. The supplemental reply filed on July 24, 1961, by WCTC, however, disregards its above position and contends instead that in view of the Commission's recent decision in WMRO, Inc., released July 10, 1961 (FCC 61-865), WNJR need no longer be afforded a hearing, since the interference which would be caused to WNJR by a grant of its application is slight and accordingly should be considered de minimis as was the interference involved in the above-referenced WMRO, Inc. matter. Thus, it concludes, its application can be granted immediately without the necessity of a hearing.

6. After carefully considering the allegations advanced by petitioner and WNJR as well as all other available engineering data on file with the Commission, we find that the application of WCTC must be designated for hearing to determine whether, notwithstanding the interference to Station WNJR, said application should be granted. Petitioner's reliance on our decision in the WMRO case is not sufficient to support its contention that its application can be granted without a hearing. We recognize that as an alternative basis for arriving at our conclusion in WMRO, Inc., a de minimis theory was used. However, the instant situation is clearly distinguishable on its facts. As stated by petitioner the interference to Station WNJR would involve a loss of approximately 23,000 persons as compared with only approximately 5,000 people in the WMRO case. We believe that the loss here is one which we cannot find to be de minimis, as suggested by petitioner.

7. Section 1.354(c) of the rules, as recently amended, permits the simultaneous consideration of Class IV applications requesting increased power daytime regardless of their respective dates of filing, if such applications involve interlinking interference problems only with Class IV applications reached in the normal course of processing. Petitioner does not specifically request waiver of this rule. It merely requests that its application be given immediate consideration pursuant to § 1.354(c) of the rules. However, since its application does not involve interlinking interference problems with any other Class IV applications which have been "reached in the normal course of processing" and are presently under study, it does not fall within the purview of the above rule and, accordingly, cannot be considered out of its proper turn unless the provisions of § 1.354(c) of the rules are waived to permit such action. Thus, the instant petition filed by WCTC must be considered as a request for waiver of this rule as well as waiver of § 3.37 of the rules.

8. Viewed in this manner, we find that the public interest would best be served by our waiver of § 1.354(c) and immediate designation of the WCTC application for hearing. WCTC would receive substantial interference from a grant of the WILM power increase. Since WCTC and WILM are Class IV stations proposing increased daytime power, we believe the WCTC proposal should be design-

ated for hearing without delay. Such action would not adversely effect our cut-off procedure, since no proposals other than Class IV are involved. Moreover, such action would be in keeping with the Commission's often expressed policy seeking early consideration of proposals by Class IV stations increasing power, especially where the existing operation may receive interference from other such proposals. Any grant of the WCTC application will, as the applicant has recognized in its pleadings, be conditioned to preclude construction prior to conclusion of the proceedings in Docket 13528 et al.

9. Accordingly, it is ordered, This 29th day of November 1961, that the instant petition filed on June 12, 1961, by the Raritan Valley Broadcasting Company, Inc., is hereby granted to the extent indicated and is hereby denied in all other respects.

It is further ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application of WCTC is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCTC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WCTC would cause objectionable interference to Station WNJR, Newark, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of WCTC and the existing operation of Station WNJR, Newark, New Jersey, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Continental Broadcasting, Inc., licensee of Station WNJR, Newark, New Jersey, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the subject application, the construction permit shall contain a condition that construction shall not be commenced until a decision has been reached in the proceeding in Docket No. 13528 et al. and that in the event that the applications therein are granted, Station WCTC shall not commence program tests until the stations therein involved are similarly authorized.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days from the mail-

ing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: December 4, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11614; Filed, Dec. 6, 1961;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

GRACE LINE, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8591, between Grace Line, Inc., Flota Mercante Grancolombiana, S.A. (Latin American carriers), American President Lines, Ltd. and Pacific Far East Line, Inc. (Guam carriers), covers a through billing arrangement in the trade between ports of call of the Latin American carriers in the Canal Zone, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru and Venezuela, and ports of call of the Guam carriers in Guam, M.I., with transshipment at Pacific Coast ports of the United States.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 4, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-11599; Filed, Dec. 6, 1961;
8:48 a.m.]

³ Commissioner Bartley dissenting in opinion.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1456]

ATLAS CORP.

Notice of Filing of Application for Order Exempting Transactions Be- tween Affiliates

NOVEMBER 29, 1961.

Notice is hereby given that Atlas Corporation ("Atlas"), 80 Pine Street, New York 2, N.Y., a Delaware corporation and a registered closed-end nondiversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act (1) the proposed change in certain rights of the \$100 par value 5 percent cumulative preferred stock of Wellco Shoe Corporation ("Wellco"), a North Carolina corporation and an affiliate of Atlas, and (2) the proposed conversion by Atlas of its holdings of the class A common stock of Wellco into class B common stock of Wellco. All interested persons are referred to the application on file with the Commission for a complete statement thereof which is summarized below.

The proposed transactions are preliminary steps to a proposed public offering by which Atlas intends to dispose of its investment in Wellco, which is engaged in the businesses of designing, manufacturing and selling footwear and licensing other firms to use patented processes for manufacturing footwear. Atlas owns 1,314 shares of the 5 percent cumulative preferred stock, or approximately 85 percent of such stock outstanding, and all the class A common stock, consisting of 12,507 shares. The Rollmans, a family partnership which provides management services to Wellco, owns 22,721 shares of class B common stock, or approximately 98 percent of such stock outstanding. Wellco has no other classes of capital stock outstanding. Shares of class A common stock and class B common stock are presently alike in all respects except that the class A common stock is convertible at the option of the holder into class B common stock on a share-for-share basis and is entitled, in preference to the class B common stock, to non-cumulative dividends of \$2 per share in any fiscal year before the declaration in such fiscal year of any other dividends on the common stock in which the class A common stock and the class B common stock participate on a share-for-share basis. The class A common stock and the class B common stock have equal voting rights per share. Atlas owns approximately 35 percent of the voting stock, thereby making Wellco an affiliated person of Atlas, and The Rollmans' ownership of approximately 64 percent of the voting stock constitutes the controlling interest in Wellco. The application represents that Atlas and The Rollmans have no connec-

tion with each other other than by reason of their interests in Wellco, and that the transactions for which exemption is requested were negotiated at arm's length between Atlas and The Rollmans.

Wellco and The Rollmans have agreed with Atlas that prior to the conversion the class B common stock of Wellco will be split as indicated below and a registration statement filed under the Securities Act of 1933 with respect to the shares to be acquired by Atlas as a result of its conversion of the class A common stock and possible conversion of the preferred stock after it is made convertible as discussed below, provided that Atlas converts all of its class A common stock into the class B common stock. Atlas intends to use the proceeds of the public offering for the reduction of outstanding bank loans and other corporate purposes. Prior to the proposed public offering the class B common stock will be split on a ten-for-one basis and provision will also be made to increase from one to ten the number of shares of class B common stock into which each share of class A common stock is convertible. Upon said conversion, the class A common stock will be eliminated and the authorized and outstanding class B common stock will thereafter be designated common stock, having \$1 par value.

The application states that the dividend preference of the class A common stock is of questionable prospective value in view of the fact that Wellco has never paid dividends on its common stock and has represented that no dividends are expected to be paid on the common stock in the near future. The application further states that Wellco and The Rollmans were unwilling to permit a split of the class A common stock and the class B common stock, as originally proposed by Atlas at the suggestion of the underwriter for the proposed public offering, or to file a registration statement under the Securities Act of 1933 with respect to such offering by Atlas, unless prior thereto the dividend preference of the class A common stock would be eliminated through conversion of the class A common stock into the class B common stock.

The application also states that Atlas considers its interest in the preferred stock, which has a redemption value of \$131,400, too small an interest to be managed efficiently and wishes to dispose of such investment. At the present time, there is no market for the preferred stock, since only 230 shares are outstanding other than those owned by Atlas. The application further states that Atlas has no means of disposing of its shares of preferred stock without incurring substantial losses. Under these circumstances, Atlas and Wellco agreed to change all of the authorized and outstanding shares of Wellco's 5 percent cumulative preferred stock, \$100 par value, into an equal number of shares of a new and different class of preferred stock to be known as 5 percent cumulative convertible preferred stock, \$100 par value. Each share of the new stock will be convertible into 12½ shares of the newly

designated common stock, equivalent to a price of \$8 per share. While the expected public offering price of the common stock proposed to be sold by Atlas is \$5.50, Wellco would not agree to an equivalent conversion rate at the price of \$5.50 per share of common because it felt that such a price would not give adequate consideration to the growth potential of Wellco. A sinking fund for the redemption of the preferred stock, which has resulted in expenditures amounting to \$11,642 during the three-year period ended June 30, 1961, will be eliminated. Certain rights of Atlas under a separate agreement dated July 1, 1957, involving certain negative covenants binding upon Wellco, will also be eliminated.

Section 17(a) of the Act prohibits, among other things, an affiliated person of a registered investment company from selling to, or purchasing from, such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 13, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11573; Filed, Dec. 6, 1961;
8:46 a.m.]

[File No. 70-4001]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

Notice of Filing of Joint Application-Declaration Regarding Short-Term Borrowings By Subsidiary Companies

NOVEMBER 30, 1961.

In the matter of Blackstone Valley Gas and Electric Company, Valley Gas Company, Eastern Utilities Associates; File No. 70-4001.

Notice is hereby given that Eastern Utilities Associates ("EUA"), 49 Federal Street, Boston 7, Massachusetts, a registered holding company, and its public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), 55 High Street, Pawtucket, Rhode Island, and Valley Gas Company ("Valley"), 55 High Street, Pawtucket, Rhode Island, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed issuance and sale by Blackstone and Valley of short-term notes and the acquisition by EUA of certain notes of Blackstone. Applicants-declarants have designated sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Act and Rules 42(b)(2), 43(a), 45(b)(1) and 50(a)(2), (a)(3) and (a)(4) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone proposes to issue and sell to banks and EUA, from time to time during the period ending December 28, 1962, short-term unsecured promissory notes in the aggregate principal amount not exceeding \$6,200,000 (of which not in excess of \$1,000,000 principal amount will be issued to EUA), maturing on various dates during 1962, bearing interest not in excess of the prime rate in effect on the date of issuance, and prepayable, in whole or in part, at any time without penalty.

Valley proposes to issue and sell to banks, from time to time during the period ending December 23, 1962, short-term unsecured promissory notes in the aggregate principal amount not exceeding \$800,000, maturing on various dates during 1962, bearing interest not in excess of the prime rate in effect on the date of issuance, and prepayable, in whole or in part, at any time without penalty.

The proceeds of the notes to be issued will be used by Blackstone and Valley to repay when due their outstanding short-term notes which are expected to aggregate principal amounts of \$5,250,000 (including \$1,000,000 due EUA) and \$450,000, respectively, at December 29, 1961, and for construction expenditures during 1962.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$635 of counsel fees for EUA, \$215 of legal fees for Blackstone and \$215 of legal fees for Valley.

The joint application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction in respect of any of the proposed transactions.

Notice is further given that any interested person may, not later than December 21, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint application-declaration as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules and regulations as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11574; Filed, Dec. 6, 1961;
8:46 a.m.]

[File No. 70-3940]

CENTRAL AND SOUTH WEST CORP. AND SOUTHWESTERN ELECTRIC POWER CO.

Notice of Filing of Application-Declaration Regarding Issuance, Sale, and Acquisition of Short-Term Notes

NOVEMBER 30, 1961.

Notice is hereby given that Central and South West Corporation ("Central"), Chicago, Illinois, a registered holding company, and its electric utility subsidiary company, Southwestern Electric Power Company ("Southwestern"), have filed a joint application-declaration, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 ("Act"), in respect of the following proposed transactions.

Central proposes to extend to December 31, 1962 the maturity date of notes of Southwestern held by it in the principal amount of \$1,000,000 and to lend to Southwestern, from time to time during December 1961 and the first quarter of 1962, an additional aggregate sum of \$2,000,000. Southwestern proposes to issue to Central its promissory notes maturing December 31, 1962, bearing interest at the rate of 3 percent per annum, and prepayable at any time without premium, to evidence the extension of the maturity date of the outstanding

\$1,000,000 principal amount of its notes, and to evidence the additional borrowings. The proceeds of the additional borrowings are to be used for construction expenditures. Southwestern contemplates that all such notes will be repaid from internally generated funds or with the proceeds of bank borrowings.

Notice is further given that any interested person may, not later than December 20, 1961, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law, raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of the request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate."

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-11575; Filed, Dec. 6, 1961;
8:46 a.m.]

[File No. 54-233, etc.]

GRANITE CITY GENERATING CO. AND GRANITE CITY GENERATING CO.

Notice of Filing of and Order for Hearing on Plan and on Application Order Instituting Proceeding and Directing Hearing Thereon; and Order Consolidating Proceedings

NOVEMBER 30, 1961.

In the matters of voting trustees of Granite City Generating Company, File Nos. 54-233 and 30-92; Granite City Generating Company and voting trustees of Granite City Generating Company, File No. 59-108.

I. Notice is hereby given that the Voting Trustees of Granite City Generating Company ("Voting Trustees"), a registered holding company, holding all of the shares of the capital stock of Granite City Generating Company ("Granite City") under a voting trust agreement dated February 25, 1938, have filed a plan, and an amendment thereto, ("plan") pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act").

Reference is made to the plan which is on file in the office of this Commission for a complete statement of the terms

and provisions proposed therein, the salient features of which are summarized as follows:

1. Under the voting trust agreement, the Voting Trustees have outstanding, 308,472 voting trust certificates representing 308,472 shares of the \$0.10 par value common stock of Granite City, being all of the outstanding shares thereof. Their sole asset in such capacity consists of the common stock of Granite City which is now in the process of liquidation and dissolution. Upon the surrender by the Voting Trustees of the shares of common stock of Granite City, their assets will consist solely of cash in the amount of approximately \$450,000.

After payment of, or provision for the payment of, all of the Voting Trustees' liabilities under the voting trust agreement, the payment of such fees and expenses in connection with the plan, and any and all transactions and proceedings related thereto as the Commission may allow or award, and the payment of remuneration to the present and past voting trustees and the officers of Granite City for services rendered to the voting trust or in connection with the sale of the physical assets of Granite City, all of the remaining assets of the voting trust will be deposited by the Voting Trustees with American National Bank and Trust Company of Chicago, Illinois, or with such other institution as may be designated as distribution agent by the Court enforcing the plan and thereupon the voting trust will terminate. Such remaining assets will be distributed pro rata by the distribution agent to the holders of the voting trust certificates upon the surrender of such certificates or other satisfactory proof of ownership thereof.

2. The liabilities of the Voting Trustees under the voting trust agreement and the expenses of winding up the voting trust are estimated at \$15,000. In addition, an aggregate of \$6,900 is proposed to be paid to the past and present voting trustees named below in proportion to their years of service:

Edward Graff.....	\$1,200
E. M. Goodman.....	2,300
John T. Inghram.....	1,200
Morris E. Feiwell.....	1,100
Estate of Edward P. Allen, deceased...	1,100
	6,900

The plan further proposes to award an aggregate of \$52,500 to the officers and attorneys of Granite City (Edward Graff, President, \$17,500; John T. Inghram, Vice President, \$17,500; and Norman Asher, secretary-treasurer, \$17,500) for their services in negotiating and consummating the sale of the physical assets of Granite City. E. M. Goodman, presently a voting trustee, Morris E. Feiwell, a former voting trustee, and the estate of the deceased voting trustee, Edward P. Allen, have expressed disagreement with these terms and provisions of the plan.

3. At the end of five (5) years from the date on which the distribution agent first gives due notice of the distribution of the remaining assets deposited as stated in paragraph 1 above, and reasonable efforts having been made to locate the holders of the voting trust certifi-

cates, said holders will lose all rights with respect thereto. As soon as practicable after the end of such five (5) year period, the cash remaining will be distributed by the distribution agent pro rata to those persons who have surrendered their voting trust certificates or otherwise proved their ownership thereof.

4. The Voting Trustees request that the Commission (a) approve the various terms and provisions of the plan, (b) approve the fees and expenses proposed to be paid in connection with the plan and as remuneration to past and present voting trustees and to officers of Granite City for services rendered, (c) apply to the District Court of the United States for the Southern District of Illinois, Southern Division ("Court"), the court in which the voting trusteeship was executed, for an order enforcing and carrying out the terms and provisions of the plan, and (d) declare, by order issued pursuant to section 5(d) of the Act, that the Voting Trustees have ceased to be a holding company and that their registration as such under the Act has ceased to be in effect.

5. The plan will be carried out without a vote of the holders of the voting trust certificates but pursuant to an order of the Commission approving the plan and an order of the Court enforcing said plan. If any provision of the plan is in conflict with any previous order of the Commission or the enforcement Court, approval of the plan by order of the Commission and such Court will be deemed to amend or modify any such order previously entered by the Commission or such Court.

II. The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11(a) and 18(b) of the Act, has made a preliminary examination of the historical background and the affairs of the Voting Trustees, of the securities held by and issued by the Voting Trustees, of the business, financial condition and practices of the Voting Trustees, of the corporate structure, the business and financial condition of Granite City, the only subsidiary company of the Voting Trustees, of the relationships between the Voting Trustees and Granite City and of the interest of the Voting Trustees and the public in Granite City, and has made a preliminary study of the plan submitted by the Voting Trustees filed pursuant to section 11(e) of the Act; and it appearing to the Division from such examination that:

1. The Voting Trustees are, and since June 4, 1937, have been a holding company and registered as such under the Act. They have operated under a voting trust agreement dated February 25, 1938, relating to the common stock of Granite City. The sole asset of the voting trust consists of all of the 308,472 outstanding common shares, \$0.10 par value, of Granite City.

2. On June 15, 1961, pursuant to Commission authorization, the Voting Trustees sold to a nonaffiliated steel company all of Granite City's assets except cash, bank deposits and choses of action. (See Granite City Generating Company, et al. Holding Company Act

Release No. 14449.) Exclusive of the fees and expenses incurred in connection with this sale, the net purchase price of the assets sold amounted to \$1,083,162 in cash of which \$693,662.50 was deposited with the trustee and depository of Granite City's outstanding 5 percent first mortgage and collateral trust certificates which were thereupon redeemed and discharged in accordance with the terms of the indenture.

3. As at June 15, 1961, the assets of Granite City consisted of \$388,949.45 in cash representing the net proceeds from the sale of its physical properties, \$81,103.11 held by the trustee and depository under Granite City's first mortgage and indenture of trust, and claims of approximately \$17,000 for the refund of real estate and personal property taxes.

III. The Division states that the foregoing allegations, and the facts otherwise disclosed in the course of the examination described above establish or tend to establish that the continued existence of Voting Trustees and of Granite City serves no useful purpose and unduly and unnecessarily complicates the structure of the holding company system of which each is a part.

IV. It being the duty of the Commission pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure, among other things, that the continued existence of any company in a holding-company system does not unduly or unnecessarily complicate the structure of such holding-company system; and

The Commission being required by the provisions of section 11(e) of the Act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as it may be further modified, is necessary to effectuate the provisions of section 11(b) of the Act and is fair and equitable to the persons affected thereby; and

The Commission deeming that it is appropriate in the public interest and in the interest of investors that notice be given and a hearing be held for the purpose of (a) determining what action should be ordered under section 11(b)(2) of the Act, (b) ascertaining whether the plan of the Voting Trustees should be approved, and (c) ascertaining whether the request of the Voting Trustees for an order pursuant to section 5(d) of the Act should be granted; and

It appearing that common issues of fact and law arise under sections 11(b)(2), 11(e), and 5(d) of the Act, as aforesaid, making it appropriate that said matters be consolidated and that a hearing be held in the consolidated proceeding:

It is hereby ordered:

(a) That a proceeding be, and the same hereby is, instituted in respect of the Voting Trustees and of Granite City pursuant to section 11(b)(2) of the Act (File No. 59-108) and that said proceeding be, and the same hereby is, con-

solidated with the proceeding in connection with the plan of the Voting Trustees (File No. 54-233) and their request for an order under section 5(d) of the Act (File No. 30-92);

(b) That the Voting Trustees and Granite City be, and the same hereby are, made parties to said consolidated proceeding; and

(c) That the Voting Trustees and Granite City file an answer or answers with the Secretary of the Commission on or before December 13, 1961, to the allegations contained in Parts II and III hereof, in the form prescribed by Rule 25 of the rules and regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of said consolidated proceeding.

It is further ordered, That the hearing in said consolidated proceeding be held on the 9th day of January 1962 at 10:00 a.m., at the Chicago Regional Office of the Securities and Exchange Commission, Bankers Building, 155 W. Adams Street, Chicago, Illinois. Any persons desiring to be heard in connection with said consolidated proceeding or proposing to intervene therein shall file with the Secretary of the Commission, Washington 25, D.C., on or before December 29, 1961, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice.

It is further ordered, That Robert N. Hislop or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in said consolidated proceeding. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18(c) of said Act and to a hearing officer under the Commission's rules of practice.

V. The Division having advised the Commission that the following matters and questions are presented for consideration at such hearing, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Parts II and III hereof are true and correct;

2. Whether the continued existence of the Voting Trustees or of Granite City, or both, serves any useful purpose or unduly or unnecessarily complicates the structure of the holding-company system of the Voting Trustees, and, if so, what steps, if any, are necessary and should be required to be taken by the Voting Trustees and by Granite City to ensure that their continued existence does not unduly complicate the structure of the holding-company system of which they are a part;

3. Whether the plan, as submitted by the Voting Trustees or as it may be further modified or amended, is necessary to effectuate the provisions of section 11(b)(2) of the Act;

4. Whether the plan, as submitted by the Voting Trustees or as it may be further modified or amended, is fair and equitable to the persons affected thereby;

5. Whether, in general, the transactions proposed in the plan of the Voting

Trustees satisfy the applicable provisions of the Act;

6. Whether any provision should be made for possible liabilities for Federal capital gain or income taxes;

7. Whether the Voting Trustees have ceased to be a holding company; and

8. Whether in connection with the entry of an order under section 5(d) of the Act declaring that the Voting Trustees have ceased to be a holding company, it is necessary or appropriate for the protection of investors to impose terms and conditions and, if so, what terms and conditions.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in this consolidated proceeding, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to Granite City; the Voting Trustees; the Federal Power Commission; the Illinois Commerce Commission; the United States Treasury Department; the United States District Court, Southern District of Illinois, Southern Division; Edward Graff; John T. Inghram; E. M. Goodman; Morris Karon; Norman Asher; George S. Feiwell; Morris E. Feiwell; E. James Gormley; and Carl G. Schneideskamp, and that said notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That the Voting Trustees mail a copy of this notice and order to all record holders of voting trust certificates at least twenty-five days prior to the date herein fixed as the date for hearing, and upon request of any such holder shall mail to him, without cost to said holder, a copy of the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-11576; Filed, Dec. 6, 1961;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

ASTRO AGE INDUSTRIES, INC.

Request To Operate as a Small Business Defense Production Pool, and Request to Certain Companies To Participate in the Operations of Such Pool

Pursuant to section 11 of the Small Business Act (85-536), and section 1 of Executive Order 10493, dated October 15, 1953, the Administrator of the Small

Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States, has found that the voluntary agreement and proposed joint program of Astro Age Industries, Inc. to operate as a small business defense production pool is in the public interest as contributing to the national defense, and will further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by section 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of Astro Age Industries, Inc. and has requested it to act in accordance with this agreement and proposed program as a small business defense production pool.

In accordance with the requirements of section 11 of the Small Business Act, there is set forth herewith a copy of the aforesaid request.

REQUEST TO ASTRO AGE INDUSTRIES, INC.,
9030 Bellanca Avenue,
Los Angeles, Calif.:

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of Astro Age Industries, Inc., to operate as a small business defense production pool is in the public interest as contributing to the national defense and will further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by Section 11 of the Small Business Act, I, in accordance with this section, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws, or the Federal Trade Commission Act of the United States, as granted by Section 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or request.

The approval by the Attorney General of the United States is limited to activities engaged in between the pool and its members and does not extend to subcontracting with nonmembers. This should not be interpreted, however, as meaning that such subcontracting would necessarily be in violation of the antitrust laws.

Please inform me as to whether the pool will act in accordance with my request.

Sincerely yours,

PHILIP MCCALLUM,
Administrator.

The immunity from the prohibitions of the antitrust laws of the Federal Trade Commission Act as granted by section 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or request.

The pool accepted the request to act in accordance with the agreement and proposed joint program. In addition, two of the four applicant companies accepted the request to become pool members and participate in its joint program. These two companies are Aircraft Tools,

Inc. and Mechanical Specialties Company. The pool notified the Small Business Administration that Electro-Pulse, Inc. and Horkey-Moore Associates had been absorbed by big business corporations and were no longer eligible for pool membership.

Dated: December 1, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-11579; Filed, Dec. 6, 1961;
8:46 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Additional Report to the President

DECEMBER 4, 1961.

The U.S. Tariff Commission's report to the President supplying information additional to that given in the Commission's report on escape-clause investigation No. 7-104 concerning wilton and velvet carpets and rugs was released today. The present report was prepared in response to the President's letter to the Commission of September 30, 1961; and release of the report has been authorized by the White House.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-11592; Filed, Dec. 6, 1961;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[Administrator's Order A.O. No. 1]

APPLICANT PILOTS

Registration

Notice is hereby given in accordance with § 401.211 of the Great Lakes Pilotage Regulations (26 F.R. 9646) that any person desiring to become an applicant pilot shall file an application for registration in the following manner.

1. *Number of applicant pilots authorized.* In order to assure an adequate number of registered pilots, the number of applicant pilots authorized to be in training by each association authorized to form a pool shall be as follows:

District 1—0 (No pool authorized).
District 2—5.
District 3—3.

2. *Procedures for application.* Persons desiring to be considered as an applicant pilot shall file with the Administrator, Great Lakes Pilotage Administration, Washington 25, D.C. Application Form (SEC-315) in duplicate, together with one extra full-face photograph. The \$5 registration fee is not to be submitted until such time as the

applicant is registered pursuant to § 401.220(b) of the Great Lakes Pilotage Regulations (46 CFR 401.220(b)).

3. *Selection of applicants.* Selection of applicant pilots for training shall be from among those applicants who meet the requirements and qualifications set forth in § 401.211 of the Great Lakes Pilotage Regulations and whose applications have been filed with the Administrator prior to an applicant pilot vacancy.

4. *Identification of applicant pilots.* Individuals selected as applicant pilots by the Administrator shall be issued a GLPA Applicant Pilot Identification Card, which shall remain valid until such time as (1) the applicant is registered as a pilot; (2) the applicant withdraws from the training program; or (3) upon revocation by the Administrator.

Dated: November 27, 1961.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 61-11580; Filed, Dec. 6, 1961;
8:46 a.m.]

Office of the Secretary ADMINISTRATOR, MARITIME ADMINISTRATION

Negotiation of Certain Contracts for Supplies and Services in Connection With Maritime Administration Programs; Delegation of Authority

This material supersedes the material on the same subject dated August 31, 1961, 26 F.R. 8422-8423 of September 7, 1961.

1. Pursuant to authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Administrator, Maritime Administration is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302(c), (2), (4), (5), and (10) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Maritime Administration.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305, and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Maritime Administration.

5. This amended delegation of authority supersedes the delegation of authority on the same subject dated August 31, 1961.

Dated: December 1, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-11603; Filed, Dec. 6, 1961;
8:49 a.m.]

EDWARD ABBOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

- A. Deletions: None.
- B. Additions: American Stores, Strawbridge & Clothier Department Store, Public Service Electric & Gas, N.J., Socony Mobil Oil Co., Wellington Fund, Wellington Equity Fund.

This statement is made as of November 18, 1961.

EDWARD ABBOTT.

NOVEMBER 18, 1961.

[F.R. Doc. 61-11581; Filed, Dec. 6, 1961; 8:46 a.m.]

HUBERT L. BYRD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: None.
- B. Additions: General Electric, Texas Gulf Sulphur.

This statement is made as of November 19, 1961.

HUBERT L. BYRD.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11582; Filed, Dec. 6, 1961; 8:46 a.m.]

ROBERT GEOFFREY PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: None.
- B. Additions: None.

This statement is made as of November 22, 1961.

ROBERT GEOFFREY PETERSEN.

NOVEMBER 22, 1961.

[F.R. Doc. 61-11583; Filed, Dec. 6, 1961; 8:47 a.m.]

JAMES H. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: None.
- B. Additions: Amerline Corp., Freway, Inc., Sunset International Petroleum Corp., Scantlin Electronics, Inc.

This statement is made as of November 19, 1961.

JAMES H. SANDS.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11584; Filed, Dec. 6, 1961; 8:47 a.m.]

WILLIAM E. VAUGHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of November 18, 1961.

WILLIAM E. VAUGHN.

NOVEMBER 20, 1961.

[F.R. Doc. 61-11585; Filed, Dec. 6, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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