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[Revised as of June 1, 1962]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

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AUTHORITY: §§ 6.1 to 6.375 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633.

§ 6.1 Method of filling excepted positions and status of incumbents.

(a) The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

(b) To the extent permitted by law and the regulations in this chapter, appointments, position changes, and removals in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary.

(c) Persons appointed to excepted positions shall not acquire a competitive status by reason of such appointments.

NOTE: See also Part 21 of this chapter, issued pursuant to the Veterans' Preference Act of 1944, as amended, which is applicable to appointments to excepted positions; Part 22 of this chapter which is applicable in cases of discharges, suspensions for more than thirty days, furloughs without pay for thirty days or less, or reduction in rank or compensation of employees entitled to veteran preference; Part 9 of this chapter which is applicable to removals from positions listed in Schedule B of persons who have competitive status; § 2.502(j) of this chapter under which the Commission may authorize promotions in excepted positions in order to avoid undue hardship or inequity in individual cases of meritorious nature without regard to the restrictions of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law No. 253, 82d Congress), as amended; Part 10 of this chapter which is applicable to employment with reemployment rights; and Part 20 of this chapter which is applicable to reduction in force.

SCHEDULE A

§ 6.100 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

The positions enumerated in §§ 6.101 to 6.199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

§ 6.101 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk-trainee positions: Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. A person may have his appointment extended not to exceed an additional period of three months pending admission to the bar provided he has actually passed the bar examination by the end of the nine-month period. No person shall be given more than one appointment under this paragraph.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS-3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the Metropolitan Area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) [Reserved.]

(i) [Reserved.]

(j) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(k) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond one year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(l) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(m) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(n) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(o) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and

general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (k) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(p) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(q) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(r) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(s) Temporary or intermittent positions at GS-7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS-4 and below more than 40 percent of the annual salary for the first step of GS-3, and for positions at GS-5, 6 or 7 more than 33½ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however,

include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

(t) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87-658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

§ 6.102 Department of State.

(a) *Office of the Secretary.* (1) Six Physical Science Administration Officers at GS-14 and above in the Office of the Science Adviser.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(7) Not to exceed January 1, 1964, not more than fifteen protocol officers, grades GS-5 through GS-15, in the Office of the Chief of Protocol.

(b) *Office of the Special Assistant, Intelligence.* (1) Not to exceed 50 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or six months within any one calendar year.

(e) [Reserved.]

(f) [Reserved.]

(g) [Reserved.]

(h) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) [Reserved.]

(5) One Special Assistant to the Chief, News Division.

(6) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(i) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

§ 6.103 Treasury Department.

(a) *Bureau of Narcotics.* (1) Fifty positions of Narcotic Agent for undercover work.

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment

of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

(3) Part-time, intermittent, or temporary Customs Inspectors, Deputy Collectors, and Deputy Collectors in Charge in Alaska at a salary rate not in excess of GS-8, for not to exceed 130 working days a year.

(4) Positions of day ("pick-up") laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pick-up" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at the GS-9 grade level and below of customs enforcement officer, customs inspector, customs marine clerk/officer, customs sampler, customs warehouse officer, deputy collector, interpreter, janitor, and laborer that are of a continuing nature, and the duties of which are intermittent or part-time and require the services of an employee for not more than 700 hours of employment during his service year. A person appointed under this authority may not be employed in the Bureau of Customs under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(c) *Coast Guard.* (1) Lamplighters.

(2) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian and one Cadet Hostess at the Coast Guard Academy, New London, Connecticut.

(d)-(e) [Reserved.]

(f) *United States Savings Bonds Division.* (1) Positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

(g) *Internal Revenue Service.*

(1) Fifty positions of investigator for special assignments.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisors in the immediate office of the Secretary or Deputy Secretary with responsibilities for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Not to exceed January 1, 1964, 8 positions of Regional Director in the Of-

fice of the Assistant Secretary of Defense (Civil Defense).

(6) Director of Policy Review, Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in the Attache Systems overseas, including positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(c) *Interdepartmental activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission appointment through competitive examination is impracticable.

§ 6.105 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) [Reserved.]

(3) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(4) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of three months training and a maximum of twelve months training, depending upon the individual's previous clinical training.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(6) Positions assigned exclusively to Army Communications Intelligence Activities.

(7) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed one year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) [Reserved.]

(f) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(g) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions in the language divisions whose duties require developing and evaluating instructional material or supervising the language instructors.

(2) Typists of foreign language material whose duties require them to make corrections in grammar and spelling of the material typed.

(i) *Army War College, Carlisle Barracks, Pennsylvania.* (1) One position of Educational Specialist for employ-

ment of not to exceed one year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

(j) [Reserved.]

(k) *Chemical Corps*. (1) Scientific and professional research associate positions at the Army Biological Warfare Laboratories, Fort Detrick, Maryland, when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study, for research activities of mutual interest to the appointee and the Laboratories. Total employment under this provision may not exceed 5 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.106 Department of the Navy.

(a) *General*. (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence activities and positions assigned to Naval Security Group activities/functions.

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(3) [Reserved.]

(4) [Reserved.]

(5) Two positions of teachers in the indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(6) Not to exceed 50 positions of Resident-in-Training at U.S. Naval Hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal Hospitals. Assignments to these positions shall be on a temporary (full time or part time) or intermittent basis, shall not amount to more than six months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 330 of the 80th Congress.

(b) *United States Naval Academy*.

(1) Professors, instructors, and teachers in the United States Naval Academy, the United States Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the assistant to the superintendent for academic matters at the United States Naval Academy and social counselors.

(c) *United States Naval Home*. (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service*. (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, California; U.S.*

Naval Ordnance Laboratory, White Oak, Silver Spring, Maryland; and U.S. Naval Weapons Laboratory Dahlgren, Virginia.

(1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed ten positions at the U.S. Naval Research Laboratory, six positions at the U.S. Navy Electronics Laboratory, ten positions at the U.S. Naval Ordnance Laboratory and ten positions at the U.S. Naval Weapons Laboratory at any one time. Employment under this provision will not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California*.

(1) Scientific and professional research positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 6 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed one additional year.

§ 6.107 Department of the Air Force.

(a) *Office of the Secretary*. (1) Five Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with pilot studies.

(b) *General*. (1) [Reserved.]

(2) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Joint Chiefs of Staff of the Department of Defense when occupied by alien scientists initially employed under the program, including those who have acquired United States citizenship during such employment.

(c) *Lookout Mountain Laboratory, Los Angeles, California*. (1) All positions.

(d) *United States Air Force Academy, Colorado*. (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *The Air Force Systems Command and the Office of Aerospace Research*.

(1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Command. Total employment under this provision may not exceed 20 positions at any one time. Employment under this provision shall not exceed one year in any individual

case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

§ 6.108 Department of Justice.

(a) *General*. (1) Field deputy United States marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiffs in the United States courts when employed on an intermittent basis.

(3) United States Marshal in the Virgin Islands.

(b) *Immigration and Naturalization Service*. (1) Information Officer.

(2) Four positions of Regional Commissioner.

§ 6.109 Post Office Department.

(a) *General*. (1) Clerks in fourth class post offices.

(2) Substitute rural carriers.

(3) Special delivery messengers in second, third, and fourth class post offices.

(4) [Reserved.]

(5) One Administrative Assistant to each Regional Office Manager (15 positions).

(6) One Administrative Assistant to the Assistant to the Regional Operations Manager (Dallas Office).

(7) One Administrative Assistant to the Assistant to the Regional Operations Manager (Cincinnati Office).

(8) Clerks employed on a part-time basis in third-class post offices in Alaska.

(9) Fourth-class postmaster positions in Alaska.

(10) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(11) One additional Assistant to the Boston Regional Director.

§ 6.110 Department of the Interior.

(a) *General*. (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and

Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 130 working days a year, except that temporary and seasonal forest and range fire employees in the Bureau of Land Management in Alaska may be employed for fire prevention or suppression for not to exceed 180 working days a year.

(6) Persons employed in field positions the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) [Reserved.]

(2) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS-4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(3) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS-4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.*

(1) Four Area Managers.

(e) *Office of Territories.* (1) Until December 31, 1963, all positions in Alaska in the Alaska Railroad and four technical positions in the Alaska Railroad Office in Seattle, Washington.

(2) The Clerk of the High Court of American Samoa.

(3) One position of part-time Secretary, one position of Administrative Educational Aid, and one position of Instructional Aid to the U.S. Resident Administrator for Canton Island.

(4) The Government Comptroller for the Virgin Islands.

(5) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to grade GS-4 or below, and not to exceed 200 such positions as salaries equivalent to grade GS-6 or GS-5 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment at salaries equivalent to GS-6 or GS-5 is restricted to persons who have had at least two seasons of experience in the National Park Service as a park ranger at a salary equivalent to GS-4. Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal; and no person shall be employed by the National Park Service under this subparagraph or under a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(h) *Federal Petroleum Board.* (1) Chairman of the Board.

(2) Two Members of the Board.

§ 6.111 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal Service. This authority is not applicable to positions in the Agricultural Research Service, or positions in the Statistical Reporting Service, or poultry inspection and tobacco inspection positions in the Agricultural Marketing Service. After April 1, 1963, this authority

is not applicable to agricultural commodity grader (meat) positions in the Agricultural Marketing Service.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS-7 or higher to be filled on an exchange basis by qualified employees on the rolls of State Governments, colleges, or universities, for a limited period not to exceed one year.

(4) Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS-5 or below; except that for forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage-board positions and for the positions under subdivision (viii) it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year.

(i) Field assistants for subprofessional services.

(ii) Subject to prior approval of the Commission, clerical positions and positions in the trades, crafts, and manual laborer occupational groups exclusive of those covered by § 6.101 (k) and (o) at places other than at central office and regional and branch office cities of the Commission when (a) there is no local board of U.S. Civil Service Examiners to service the employing establishment, and (b) there is no appropriate register or there is a shortage of available eligibles.

(iii) Caretakers at temporarily closed camps or improved areas.

(iv) Field enumerators and supervisors.

(v) Forest workers engaged primarily for fire prevention or suppression activities and also other forest workers when the employment is with headquarters other than forest supervisor and regional offices.

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

(vii) Collectors of the Farmers Home Administration.

(viii) Agricultural Research helpers, helper-leaders, and workers paid at rates not in excess of WB-5 and Leader-5 in the Agricultural Research Service.

(6) [Reserved.]

(7) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law

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875, Eighty-first Congress, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(8) Not to exceed 6 Program Assistants, at or above the GS-13 level, who have acquired specialized knowledge and experience in agricultural programs at the State level of the Department, which is needed by the Department for the more efficient administration of its program. This authority may not be used beyond May 5, 1964.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(c) [Reserved.]

(d) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of laborers, boat operators, mechanics, equipment operators, and carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(e) *Agricultural Stabilization and Conservation Service.* (1) Five Area Directors at a salary equivalent to GS-15.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(5) Milk Market Administrators.

(6) All positions on the staffs of Milk Market Administrators.

(f) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87-128. Appointment under this provision shall not exceed one year unless extended with the prior approval of the Commission for additional periods of not to exceed one year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Until December 31, 1962, two positions of Insured Loan Representative.

(g) [Reserved.]

(h) *Agricultural Marketing Service.*

(1)-(2) [Reserved.]

(3) Positions of cotton classers GS-9 and below, clerks GS-2, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 160 working days a year in the case of cotton

classers and laborers and 130 working days a year in the case of clerks; except that GS-5 cotton classers may be employed as trainees during their first appointment only for an initial period of six months for training purposes without regard to the above time limitation.

(4) [Reserved.]

(5) Positions of poultry inspector (veterinarian at GS-11 and below, and nonveterinarian at appropriate grades below GS-11) when the employment is on a temporary, intermittent, or seasonal basis, and does not exceed 160 working days a year.

(6) Until June 30, 1962, not to exceed six program assistants GS-7 and below in each of the States of Florida and Texas, employed on a temporary, intermittent or seasonal basis, to collect and summarize information on short-time supplies of tomatoes and celery.

(i) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States, or other non-Federal cooperating organizations, providing the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40 percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than one year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Not to exceed 25 professional research associate positions at GS-11 and above in laboratories doing basic research in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(j) *Foreign Agricultural Service.* (1) Agricultural attaché positions at grade GS-16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(2) Positions of Technical Leader at grade GS-12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

§ 6.112 Department of Commerce.

(a) *General.* (1) [Reserved.]

(2) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part time basis and whose compensation

is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(3) Employment of individuals, firms or corporations, for not to exceed one year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(4) [Reserved.]

(5) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed one year: *Provided*, That such appointments may be extended for additional periods or not to exceed one year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than one year.

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(f) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional

engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examinations is impracticable.

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS-13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed two years, and may, with prior approval of the Commission, be extended for an additional period of two years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2) One Private Secretary to the Public Information Officer.

(3) Chief, Program Planning Office.

(4) One Private Secretary to the Chief, Program Planning Office.

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) [Reserved.]

(7) [Reserved.]

(8) All positions on Government owned vessels or those bareboat chartered to the Government and operated by or for the Maritime Administration.

(9) Chief, Office of Ship Construction and Repair.

(10) One Special Assistant to the Administrator (Tanker Adviser).

(11) Two Special Assistants to the Deputy Administrator.

(12) [Reserved.]

(13) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including Heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(14) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; and the Special Assistant to the Superintendent.

(i) *Federal Maritime Board.* (1) Secretary to the Federal Maritime Board.

(j) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS-13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating

and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(k) *Weather Bureau.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) [Reserved.]

(3) Cook positions on Swan Island.

§ 6.113 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(b) *Bureau of Employment Security.* (1) One Minority Groups Consultant.

(c) *President's Committee on Equal Employment Opportunity.* (1) All positions on the staff of the President's Committee on Equal Employment Opportunity established by Executive Order 10925 of March 6, 1961.

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS-3 and GS-4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

(e) *Bureau of Labor-Management Reports.* (1) The Chief of the Division of National Investigations and the 11 top supervisory-investigator positions in the Division of National Investigations.

(f) *President's Commission on the Status of Women.*

(1) All positions on the staff of the President's Commission on the Status of Women established by Executive Order 10980 of December 14, 1961.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving twelve weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(4) Three positions of Medical Officers (Radiology Resident), provided that employment under this authority shall not exceed one year in any individual case.

(5) Until June 30, 1963, not to exceed a total of 15 positions including first-, second-, and third-year Psychodrama Interns and first- and second-year Psychodrama Residents who possess B.A., M.A., or Ph. D. degrees. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress. Appointments under this authority may not extend beyond June 30, 1963.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed two years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed three months' employment in the case of any one individual.

(8) One Medical Officer (Physical Medicine and Rehabilitation Resident) for not to exceed one year's employment in the case of any one individual.

(9) Not to exceed 22 positions of Chaplain Residents; provided, that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating state, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental internes, externes, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field; and provided further that appropriate exclusions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

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(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(2) [Reserved.]

(3) Twenty-five positions at grade GS-12 and above the incumbents of which will engage in the development of policy, standards, regulations, procedures, and definitions in connection with the National Defense Education Act of 1958 and will consult with and advise on the administration and implementation of this Act with the Office of Education, the various States and territories, institutions of higher education, and other organizations and persons concerned with carrying out the provisions of this Act. Appointments under this provision shall be limited to persons having a particular competency in the areas concerned. Employment under this provision shall not exceed two years in any individual case and shall not extend beyond June 30, 1962.

(4) Ten positions at grade GS-13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed two years for any individual appointee.

(d) *Social Security Administration.* (1) [Reserved.]

(2) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of

Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(3) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1963.

(e) *General.* (1) Until December 31, 1963, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than one year beyond the expiration date of the authority.

(f) *President's Council on Youth Fitness.*

(1) Three Staff Assistants, President's Council on Youth Fitness.

§ 6.115 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

§ 6.116 National Security Council.

(a) All positions on the staff of the Council.

§ 6.117 Interstate Commerce Commission.

(a) One Congressional Liaison Officer.

§ 6.119 Board of Governors, Federal Reserve System.

(a) All positions.

§ 6.122 Veterans Administration.

(a) *General.* (1) Positions in Veterans Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if in the opinion of the Veterans Administration the duties can be satisfactorily performed by such members.

(2) Positions at Veterans' Administration hospitals when filled by paraplegic patients during treatment or convalescence.

(3) One Assistant to the Administrator (Racial Relations).

(b) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 6.124 United States Information Agency.

(a) [Reserved.]

(b) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(c) One Chief of Religious Information.

§ 6.125 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 6.126 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading and Exchanges.

(b) Ten positions of Regional Administrator.

§ 6.129 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, Puerto Rico, office.

§ 6.131 National Capital Housing Authority.

(a) Executive Director.

§ 6.132 United States Soldiers' Home.

(a) All positions.

§ 6.133 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) [Reserved.]

§ 6.134 Federal Communications Commission.

(a) [Reserved.]

(b) One Associate Chief Engineer.

(c) [Reserved.]

(d) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.135 United States Tariff Commission.

(a) The Secretary of the Commission.

§ 6.138 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 6.140 Export-Import Bank of Washington.

(a) [Reserved.]

(b) [Reserved.]

(c) Three Special Assistants to the Board of Directors, grade GS-14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 6.141 Farm Credit Administration.

(a) [Reserved.]

(b) Federal Land Bank Association receivers and conservators.

(c) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS-13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1965, Executive Secretary and Deputy Executive Secretary of the

National Committee and the Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

- (2) Director, Compliance Division.
- (3) Seven Regional Administrators.
- (4) Director, Community Disposition Program.

- (b) [Reserved.]
- (c) *Federal Housing Administration.*
- (1) [Reserved.]
- (2) Six Zone Operations Commissioners.

§ 6.144 Selective Service System.

- (a) State Directors.
- (b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.
- (c) Until June 30, 1963, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.
- (d) Executive Secretary, National Selective Service Appeal Board.

§ 6.146 Federal Mediation and Conciliation Service.

- (a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 6.147 National Aeronautics and Space Administration.

- (a) Fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

- (b) Forty scientific specialists to be engaged on special research projects.

- (c) A research and development group consisting of not to exceed 35 aliens having special qualifications in fields closely related to manned space flight, where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

§ 6.148 Panama Canal Company, New York.

- (a) All positions on vessels operated by the Panama Canal Company.
- (b) Checkers employed on w.a.e. basis.
- (c) One Receiving Clerk, one Delivery Clerk, and one Baggage Master-Storekeeper employed on dock (N.Y.).
- (d) One General Agent, Panama Canal Line, at Port-au-Prince, Haiti.

§ 6.157 Federal Home Loan Bank Board.

- (a) One Secretary, Federal Home Loan Bank Board.
- (b) One Director, Division of Examinations.
- (c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which

is concerned with paying the depositors of closed insured institutions.

§ 6.160 Commission on Civil Rights.

- (a) Ten positions at grade GS-11 and above to engage in and advise on the collection, study, and appraisal of information developed in accordance with Public Law 85-315. Appointments made under this authority shall be limited to persons having a particular competency in the areas concerned and shall not extend beyond November 9, 1963.

§ 6.163 Office of Civil and Defense Mobilization.

- (a) Eight Assistant Regional Directors for Women's Activities.
- (b) [Reserved.]
- (c) The Director and Deputy Director, Labor Participation Office, Office of National Organizations and Civic Affairs.

§ 6.164 Federal Aviation Agency.

- (a) Caretakers and light attendants employed on emergency fields and other air navigation facilities, who are paid on a fee basis.
- (b) Medical Officer positions on Canton and Wake Islands.
- (c) Laborer positions on Swan Island.

§ 6.166 Franklin Delano Roosevelt Memorial Commission.

- (a) All positions on the staff of the Commission.

§ 6.168 Peace Corps.

- (a) One Special Representative when employed on an intermittent basis.
- (b) Thirty-five positions, filled by temporary appointment of two years or less, on the staff of the Peace Corps training camp in Puerto Rico.

§ 6.169 James Madison Memorial Commission.

- (a) One Executive Secretary.

§ 6.170 National Aeronautics and Space Council.

- (a) All positions.

§ 6.171 President's Committee on Youth Employment.

- (a) All positions on the staff of the President's Committee on Youth Employment, established by the President on November 16, 1961.

§ 6.172 U.S. Arms Control and Disarmament Agency.

- (a) Until April 30, 1963, not to exceed eight Project Officers at GS-14 and above and five Physical Science Administration Officers at GS-13 and above.
- (b) Until April 30, 1963, the Chief and one Assistant Chief, Political Affairs Division, and one Special Assistant to the Chief, Political Research and Analysis Division.

§ 6.173 President's Advisory Committee on Labor-Management Policy.

- (a) One Assistant Executive Director.

§ 6.176 The President's Committee on Juvenile Delinquency and Youth Crime.

- (a) Until July 30, 1964, all positions on the Staff.

SCHEDULE B

§ 6.200 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 6.201 to 6.299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions shall be subject to such noncompetitive examination as may be prescribed by the Commission.

§ 6.202 Department of State.

- (a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

- (b) Positions assigned exclusively to Department of State Cryptographic Security Activities.

- (c) Director and Deputy Director, Foreign Buildings Operation.

§ 6.203 Treasury Department.

- (a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts, and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

- (b) Cryptographer, United States Coast Guard.

- (c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

§ 6.204 Department of Defense.

- (a) *Office of the Secretary.* (1) Professional Members of Policy Planning Staff in positions at grades GS-16 and above, Office of Deputy Assistant Secretary (Planning and NSO), Office of the Assistant Secretary of Defense (International Security Affairs).

- (2) Positions at grades GS-16, 17, and 18, Office of the Deputy Assistant Secretary (Programming) in the Office of the Assistant Secretary of Defense (Comptroller).

- (b) *Defense Supply Agency.*

- (1) Until July 1, 1963, three positions of Intergroup Relations Specialist above GS-12.

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§ 6.205 Department of the Army.

(a) Not to exceed July 1, 1963, not more than 40 positions of Intergroup Relations Specialist at grades GS-12 through GS-15.

§ 6.206 Department of the Navy.

(a) [Reserved.]

(b) Until July 1, 1963, two Staff Assistants (Equal Employment Opportunity), GS-15.

§ 6.207 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(c) Not to exceed July 1, 1963, not more than 35 positions of Intergroup Relations Specialists at grades GS-12 through GS-15.

§ 6.208 Department of Justice.

(a) [Reserved.]

(b) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

(c) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 6.210 Department of the Interior.

(a) Any competitive position at an Indian School when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 6.212 Department of Commerce.

(a) *Area Redevelopment Administration.* (1) Not to exceed January 31, 1963, one position of staff assistant to the Assistant Administrator for Area Operations.

§ 6.213 Department of Labor.

(a) *Bureau of Apprenticeship and Training.* (1) Not to exceed July 1, 1963, not more than six positions of Industrial Training Adviser (Minorities) at grades GS-11 and 12.

(b) *Bureau of Employment Security.* (1) Not to exceed July 1, 1963, one position of Employment Adviser (Minorities).

§ 6.224 United States Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least four years for service in executive and administrative positions, or for at least two years for professional positions, in grade GS-9 and above.

§ 6.225 Federal Power Commission.

(a) A Chief Engineer.

§ 6.242 Housing and Home Finance Agency.

(a) *Federal Housing Administration.* (1) Ten Zone Intergroup Relations Advisors.

§ 6.244 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the armed forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 6.256 District of Columbia Government.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 6.268 Peace Corps.

(a) Not to exceed 10 positions in grades GS-9 through GS-15 when filled by persons who have served overseas for at least two years in the foreign service of the Peace Corps or in the foreign service of the Department of State or of other constituent agencies of the Department.

§ 6.275 Agency for International Development.

(a) Not to exceed thirty positions at GS-9 and above when filled by persons who have served overseas with the Agency for International Development for not less than two years.

SCHEDULE C

§ 6.300 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 6.301 to 6.399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 6.302 Department of State.

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) One Special Assistant to the Secretary for Atomic Energy and Outer Space.

(3) One Deputy Special Assistant to the Secretary for Atomic Energy and Outer Space.

(4) [Reserved.]

(5) Two Confidential Assistants and four Private Secretaries to the Secretary.

(6) [Reserved.]

(7) Four Special Assistants to the Under Secretary.

(8) Special Assistant (Fisheries) to the Under Secretary.

(9) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(10) [Reserved.]

(11) Two Staff Assistants.

(12) Secretary of the International Joint Commission—United States and Canada.

(13) [Reserved.]

(14) [Reserved.]

(15) The Chief of Protocol, Office of the Under Secretary.

(16) [Reserved.]

(17) Special Assistant to the Secretary.

(18) One Private Secretary to the Special Assistant to the President.

(19)–(24) [Reserved.]

(25) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(26) One Personal Assistant, Office of the President's Representative.

(27) One Personal Assistant to the Director, Food for Peace, Office of the Under Secretary.

(28) One Personal Assistant and one Private Secretary to the Under Secretary for Political Affairs.

(29) One Deputy Director, Food for Peace, Office of the Under Secretary.

(30) Two Special Assistants and one Staff Assistant of the President's Representative.

(31) Two Special Assistants to the Under Secretary for Political Affairs.

(b) *Bureau of Security and Consular Affairs.* (1) Deputy Administrator.

(2) [Reserved.]

(3) Administrator.

(4) [Reserved.]

(5) [Reserved.]

(6) Deputy Administrator for Refugee Relief.

(7) One Private Secretary to the Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Congressional Liaison Officer (House).

(2) Deputy Assistant Secretary.

(3) Congressional Liaison Officer (Senate).

(4) One confidential assistant to the Assistant Secretary.

(5) [Reserved.]

(6) One Executive Assistant.

(7) Three Legislative Management Officers.

(8) [Reserved.]

(9) [Reserved.]

(10) One Legislative Officer.

(11) One Special Assistant to the Assistant Secretary.

(12) One Personal Assistant to the Assistant Secretary.

(d) *Office of the Assistant Secretary for Public Affairs.*

(1) [Reserved.]

(2) One Deputy Assistant Secretary.

(3) One private secretary to the Assistant Secretary.

(4) [Reserved.]

(5) One special assistant to the Assistant Secretary.

(6) [Reserved.]

(7) Director of the Office of News.

(8) One Review Officer.

(9) [Reserved.]

(10) [Reserved.]

(11) One Deputy Assistant Secretary (Public Services).

(12) One Deputy Assistant Secretary (Policy Plans and Guidance).

(e) *Bureau of Economic Affairs.* (1) One Deputy Assistant Secretary (International Finance and Development), one Deputy Assistant Secretary (International Trade), and one Deputy Assistant Secretary (International Resources).

(2) One Private Secretary to the Assistant Secretary.

(3) [Reserved.]

(4) [Reserved.]

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(3) Deputy Director of Intelligence and Research.

(4) [Reserved.]

(5) [Reserved.]

(6) Two Staff Assistants.

(g) [Reserved.]

(h) *Bureau of Near Eastern and South Asian Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3)-(6) [Reserved.]

(7) One Deputy Assistant Secretary.

(i) *Bureau of International Organization Affairs.* (1) Two Deputy Assistant Secretaries.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) One Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(j) *Bureau of European Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) Deputy Assistant Secretary (German and NATO Affairs).

(5) One Deputy Assistant Secretary for Atlantic Affairs.

(k) *Bureau of Far Eastern Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) One Deputy Assistant Secretary for Far Eastern Economic Affairs.

(5) One Regional Planning Advisor.

(6) One Staff Assistant.

(l) *Bureau of Inter-American Affairs.* (1) Deputy Assistant Secretary.

(2) One private secretary to the Assistant Secretary.

(3) [Reserved.]

(4) Special Assistant to the Assistant Secretary.

(5) One Special Assistant to the Assistant Secretary (Public Affairs).

(6) One Deputy Assistant Secretary for inter-American Economic Affairs.

(7) One Deputy Assistant Secretary (Educational and Cultural Affairs).

(8) Two secretary and personal assistants to the U.S. Representative to the Council of the Organization of American States.

(m) *Office of the Legal Adviser.* (1) Deputy Legal Adviser.

(2) One private secretary to the Legal Adviser.

(3) One Special Assistant to the Legal Adviser.

(n) *The Executive Secretariat.* (1) The Executive Secretary.

(2) Two Deputy Executive Secretaries.

(o) *Policy Planning Council.* (1) [Reserved.]

(2) The Deputy Counselor and Vice Chairman.

(3) [Reserved.]

(4) Executive Secretary.

(5) [Reserved.]

(6) Twelve members.

(7) One Private Secretary to the Counselor and Chairman.

(8) [Reserved.]

(9) One Alternate Department Representative on the National Security Council Planning Board.

(10) One Staff Assistant.

(p) *Office of the Assistant Secretary for Administration.* (1) [Reserved.]

(2) Deputy Assistant Secretary for Personnel.

(3) [Reserved.]

(4) One Confidential Assistant to the Assistant Secretary.

(5) One Private Secretary to the Assistant Secretary for Administration.

(q) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Chief, Special Liaison Staff.

(3) One Assistant Chief, Special Liaison Staff.

(4) [Reserved.]

(5) Three Special Liaison Assistants, Special Liaison Staff.

(6) The Director, Office of Security.

(7) One Special Assistant to the Deputy Under Secretary.

(r) *Office of the Deputy Under Secretary for Political Affairs.* (1) [Reserved.]

(2) One Special Assistant to the Deputy Under Secretary.

(3) One Confidential Assistant to the Deputy Under Secretary.

(4) One Deputy Assistant Secretary for Political-Military Affairs.

(5) One Special Assistant to the Secretary and Coordinator of International Labor Affairs.

(s) [Reserved.]

(t) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(3) One Deputy Assistant Secretary for African Economic Affairs.

(4) One Special Assistant to the Assistant Secretary.

(u) *Bureau of Educational and Cultural Affairs.* (1) Special Assistant to the Secretary for International Cultural Relations.

(2) One Private Secretary to the Special Assistant to the Secretary for International Cultural Relations.

(3) [Reserved.]

(4) Special Assistant for Foundation and Private Organization Contact.

(v) [Reserved.]

(w) *Office of the Inspector General, Foreign Assistance.*

(1) One Private Secretary to the Inspector General, Foreign Assistance.

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* (1) Four Assistants to the Secretary.

(2) One Confidential Assistant to the Secretary.

(3) One Confidential Assistant to the Under Secretary.

(4)-(5) [Reserved.]

(6) The Director, Office of Tax Legislative Counsel.

(7)-(8) [Reserved.]

(9) The Director, Office of Law Enforcement Coordination.

(10) One Assistant to the Secretary for Congressional Relations.

(11) One Deputy Assistant to the Secretary for Congressional Relations.

(12) One Assistant to the Secretary (National Security Council).

(13) One Deputy Assistant Secretary for International Affairs.

(14) [Reserved.]

(15) One Public Affairs Specialist.

(16) The Director, Office of Tax Analysis.

(17) One Assistant to the Secretary (Financial Analysis).

(18) One Deputy Assistant to the Secretary (Debt Analysis).

(19) One Deputy Under Secretary for Monetary Affairs.

(20) One Special Assistant to the Secretary.

(21) One Special Assistant to the Assistant to the Secretary (Public Relations).

(b) *Office of the Treasurer of the United States.* (1) One confidential administrative assistant to the Treasurer of the United States.

(2) One confidential assistant to the Treasurer of the United States.

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(2) One Deputy Commissioner of Customs.

(d) *United States Savings Bonds Division.* (1) National Director.

(e) *Bureau of the Mint.* (1) One Special Assistant to the Director of the Mint.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* (1) One special assistant and two private secretaries to the Secretary of Defense.

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Senior Military Aide to the President; the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Medical and Health); the General Counsel; and the Assistant to the Secretary of Defense (Atomic Energy).

(3)-(6) [Reserved.]

(7) Three Chauffeurs for the Secretary of Defense.

(8) [Reserved.]

(9) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.

(10) [Reserved.]

(11) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(12) [Reserved.]

(13) The Defense Advisor to USRO in Paris, France.

(14) Two private secretaries to the Defense Advisor to USRO in Paris, France.

(15) One Deputy Assistant Secretary (Security Policy), Office of the Assistant Secretary of Defense (Manpower).

(16) One Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense for International Security Affairs.

(17) [Reserved.]

(18) One Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(19)–(22) [Reserved.]

(23) One Assistant to the Secretary of Defense (Legislative Affairs).

(24) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(25)–(26) [Reserved.]

(27) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(28) [Reserved.]

(29) One Personal Secretary to the Deputy Secretary of Defense.

(30) One Private Secretary to the Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(31) One Private Secretary to the Principal Special Assistant to the Secretary of Defense.

(32) One Deputy Assistant Secretary (Arms Control), Office of the Assistant Secretary of Defense for International Security Affairs.

(33) Director of Organizational and Management Planning, Immediate Office of the Secretary.

(34) One Deputy Assistant Secretary of Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

(35) One Deputy Assistant Secretary (Regional Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(36) One Special Assistant (Economics Adjustment Advisor) to the Assistant Secretary of Defense (Installations and Logistics).

(37) One Confidential Assistant to the Special Assistant to the Secretary of Defense.

(38) One Private Secretary to the Assistant Secretary of Defense, Office of the Director of Defense Research and Engineering.

(39) One Private Secretary to the Assistant Secretary of Defense (Civil Defense).

(40) One Special and Confidential Assistant to the Assistant Secretary of Defense (Civil Defense).

(41) One Congressional Liaison Officer (Civil Defense), Office of the Assistant to the Secretary of Defense (Legislative Affairs).

(42) The Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(43) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(44) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(45) Two Private Secretaries to the Chairman, Joint Chiefs of Staff.

(46) One Deputy Assistant Secretary (Civilian Personnel and Industrial Relations) and one Deputy Assistant Secre-

tary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(47) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).

(b) *Office of Special Operations.* (1) The Director.

(2) Two Private Secretaries to the Director.

(c) *Court of Military Appeals.* (1) One Private Secretary and two Technical Assistants to each Judge of the Court.

(d) *Interdepartmental Programs.* (1) Two personal secretaries and confidential assistants to the Military Representative of the President.

(e) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

§ 6.305 Department of the Army.

(a) *Office of the Secretary.* (1) One private secretary or confidential assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) One Deputy to the Assistant Secretary of the Army (Financial Management) and one Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.

(3) The General Counsel.

(4)–(5) [Reserved.]

(6) One Publications Writer.

(7)–(8) [Reserved.]

(9) Three Special Assistants to the Assistant Secretary of the Army (Installations and Logistics).

(10)–(11) [Reserved.]

(12) One Deputy for International Affairs to the Under Secretary of the Army.

(13) One Special Assistant for Reserve Forces and ROTC Matters to the Under Secretary of the Army.

(14) One Deputy for Manpower to the Under Secretary of the Army.

(15) One Confidential Assistant to the Deputy for International Affairs to the Under Secretary of the Army.

(16) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Army (Installations and Logistics).

(b) *General.* (1) One Administrative Assistant to the Personal Physician to the President.

(2) One administrative assistant and one private secretary to the Military Aide to the President.

§ 6.306 Department of the Navy.

(a) *Office of the Secretary.* (1) Three civilian aides or executive assistants to the Secretary.

(2) Two private or confidential secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) Two civilian aides or executive assistants to the Under Secretary.

(7) Four civilian aides or executive assistants to the Assistant Secretary of the Navy (Installations and Logistics).

(8) Two civilian aides or executive assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(9) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Navy (Installations and Logistics).

§ 6.307 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three special assistants to the Secretary, and one special assistant to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) Five private secretaries. (For employment of private secretaries to officials in the Office of the Secretary who are appointed by the President or are appointed under subparagraph (1) of this paragraph.)

(3) The General Counsel.

(4) One Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary of the Air Force (Material).

§ 6.308 Department of Justice.

(a) *Office of the Attorney General.*

(1) The Executive Assistant to the Attorney General.

(2) The Pardon Attorney.

(3) Three Private Secretaries to the Attorney General.

(4) One chauffeur for the Attorney General.

(5) Two Special Assistants for Public Relations.

(6) One confidential assistant to the Attorney General.

(7) Two Secretaries for the Attorney General.

(8) Two Receptionists for the Attorney General.

(9) Three confidential assistants to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) [Reserved.]

(2) Two confidential assistants (private secretaries) to the Deputy Attorney General.

(3) Head of Executive Office for United States Attorneys.

(4) Assistant Deputy Attorney General for Legal Administration.

(5) Assistant Deputy Attorney General for Litigation.

(6) Head, Executive Office of U.S. Marshals.

(7) One Executive Assistant to the Deputy Attorney General.

(c) *Office of the Solicitor General.*

(1) The First Assistant to the Solicitor General.

(2) One position of Trial Attorney (General)—Second Assistant.

(3) One confidential assistant (private secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) The First Assistant to the Assistant Attorney General.

(2) [Reserved.]

(3) Chief, General Litigation Section.

(4) Chief, Trial Section.

(5) Chief, Special Litigation Section.

(6) [Reserved.]

(7) Chief, Judgments and Judgment Enforcement Section.
 (8) Chief, Special Trial Section.
 (9) Chief, Appellate Section.
 (10) Chief, Field Office (6 positions).
 (11) One confidential assistant (private secretary) to the Assistant Attorney General.
 (12) Chief, Economic Section.
 (13) Chief, Public Counsel Section.
 (14) Chief, Section Operations.
 (15) Chief, Field Operations.
 (e) *Civil Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) Second Assistant to Assistant Attorney General.
 (3) [Reserved.]
 (4) Chief, Admiralty and Shipping Section.
 (5) Chief, Court of Claims Section.
 (6) Chief, Fraud Section.
 (7) Chief, General Litigation Section.
 (8) [Reserved.]
 (9) [Reserved.]
 (10) Chief, Patent Section.
 (11) Chief, Appellate Section.
 (12) Chief, Torts Section.
 (13) [Reserved.]
 (14) Chief, Admiralty and Shipping Section, New York.
 (15) One confidential assistant (private secretary) to the Assistant Attorney General.
 (16) One Executive Assistant.
 (f) *Criminal Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) Second Assistant to Assistant Attorney General.
 (3) Chief, Administrative Regulations Section.
 (4) [Reserved.]
 (5) Chief, General Crimes Section.
 (6) Chief, Trial Section.
 (7) Chief, Appeals and Research Section.
 (8) One confidential assistant (private secretary) to the Assistant Attorney General.
 (9) Chief, Organized Crime and Racketeering Section.
 (10) Chief, Fraud Section.
 (11) One position of Trial Attorney (General)—Staff Assistant.
 (g) *Tax Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) [Reserved.]
 (3) Chief, Appellate Section.
 (4) Chief, Criminal Section.
 (5) Chief, Review Section.
 (6) One confidential assistant (private secretary) to the Assistant Attorney General.
 (7) Second Assistant to Assistant Attorney General.
 (8) Chief, General Litigation Section.
 (9) One Assistant for Civil Trials.
 (h) *Lands Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) Chief, Lands Acquisition Section.
 (3) [Reserved.]
 (4) Chief, Appellate Section.
 (5) Chief, Legislation and General Section.
 (6) One confidential assistant (private secretary) to the Assistant Attorney General.

(7) [Reserved.]
 (8) Chief, Indian Claims Section.
 (9) One Executive Assistant.
 (i) *Office of Alien Property*. (1) One Deputy Director.
 (j) *Immigration and Naturalization Service*. (1) General Counsel.
 (2) One confidential assistant (private secretary) to the Commissioner.
 (3)–(7) [Reserved.]
 (8) Executive Assistant to the Commissioner.
 (9) Two Associate Commissioners, one for Operations, and one for Management.
 (10) Four Deputy Associate Commissioners, one for each of the following: Domestic Control; Travel Control; Security; and Administrative Services.
 (k) *Board of Immigration Appeals*.
 (1) Executive Assistant.
 (2) The Chairman.
 (3) Four Members of the Board.
 (l) *Office of Legal Counsel*. (1) One confidential assistant (private secretary) to the Assistant Attorney General.
 (2) The First Assistant to the Assistant Attorney General.
 (3) The Second Assistant to the Assistant Attorney General.
 (m) *Bureau of Prisons*. (1) The Director.
 (2) The Deputy Director.
 (3) Three Assistant Directors.
 (4) Technical and Legislative Adviser.
 (n) *Federal Prison Industries, Inc.*
 (1) The Commissioner of Industries.
 (2) The Deputy Commissioner of Industries.
 (3) Associate Commissioner.
 (o) *Office of United States Attorney*.
 (1) Secretary and Confidential Assistant to the United States Attorney (11 positions).
 (p) *Internal Security Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) One Executive Assistant to the Assistant Attorney General.
 (3) One Confidential Assistant to the Assistant Attorney General.
 (4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
 (5) Chief, Appeals and Research Section.
 (6) Chief, Civil Section.
 (7) Chief, Foreign Agents Registration Section.
 (8) Chief, Criminal Section.
 (q) *Civil Rights Division*. (1) The First Assistant to the Assistant Attorney General.
 (2) Second Assistant to the Assistant Attorney General.
 (3) One confidential assistant (private secretary) to the Assistant Attorney General.
§ 6.309 Post Office Department.
 (a) *Office of the Postmaster General*.
 (1) One special and confidential assistant to the Assistant Postmaster General (Bureau of Transportation).
 (2) One Executive Assistant to the Postmaster General.
 (3) Six Special Assistants to the Postmaster General.
 (4) One Receptionist.
 (5) [Reserved.]

(6) Three Assistants to the Executive Assistant to the Postmaster General.
 (7) Two Confidential Assistants to the Postmaster General.
 (8) Two secretaries to the Executive Assistant to the Postmaster General.
 (9) One Secretarial Assistant to the Postmaster General.
 (10) One Confidential Administrative Assistant to the Postmaster General.
 (11) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.
 (12) One Administrative Assistant to the Executive Assistant to the Postmaster General.
 (13) One Deputy Special Assistant to the Postmaster General (Information).
 (14) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).
 (15) One Private Secretary to the Special Assistant to the Postmaster General (Information).
 (16) One Deputy Executive Assistant to the Postmaster General.
 (b) *Bureau of Facilities*. (1) [Reserved.]
 (2) One confidential assistant to the Assistant Postmaster General.
 (3) One private secretary to the Assistant Postmaster General.
 (4) One Deputy Assistant Postmaster General.
 (5) One Private Secretary to the Deputy Assistant Postmaster General.
 (6) One Special Assistant to the Assistant Postmaster General.
 (7) One Assistant Director for Community Programs.
 (8) One Private Secretary to the Special Assistant to the Assistant Postmaster General.
 (9) One Deputy Assistant Postmaster General.
 (10) One Assistant to the Special Assistant to the Assistant Postmaster General.
 (c) *Bureau of Transportation*. (1) Information specialist.
 (2)–(6) [Reserved.]
 (7) One Private Secretary to the Assistant Postmaster General.
 (8) One Deputy Assistant Postmaster General.
 (9) One Executive Assistant to the Assistant Postmaster General.
 (10) One Deputy Assistant Postmaster General.
 (d) *Bureau of Personnel*. (1) [Reserved.]
 (2) One Private Secretary to the Assistant Postmaster General.
 (e) *Office of the General Counsel*.
 (1) [Reserved.]
 (2) Two Private Secretaries to the General Counsel.
 (3)–(4) [Reserved.]
 (f) *Bureau of Operations*. (1) One Confidential Assistant to the Assistant Postmaster General.
 (2) One Executive Assistant and two Special Assistants to the Assistant Postmaster General.
 (3) [Reserved.]
 (4) One Private Secretary to the Assistant Postmaster General.
 (5) Two Deputy Assistant Postmasters General.

(6) One Private Secretary to each of two Deputy Assistant Postmasters General.

(g) *Bureau of Finance.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Special Representative to the Assistant Postmaster General.

(3) One Private Secretary to the Assistant Postmaster General.

(h) *Office of the Deputy Postmaster General.* (1) [Reserved.]

(2) One Assistant to the Deputy Postmaster General.

(3) One Confidential Administrative Assistant to the Deputy Postmaster General.

(4) One Private Secretary to the Deputy Postmaster General.

(5)-(6) [Reserved.]

(7) One Private Secretary to the Assistant to the Deputy Postmaster General.

§ 6.310 Department of the Interior.

(a) *Office of the Secretary.* (1) Assistant to the Secretary.

(2) One confidential assistant and one private secretary to the Secretary.

(3) Four special assistants to the Secretary.

(4) Six Confidential Assistants (Field Representatives).

(5) Chauffeur for the Secretary.

(6) Special assistant to the Under Secretary.

(7) Confidential assistant (administrative assistant) to the Under Secretary.

(8) One Special Assistant and one Confidential Assistant (Administrative Assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

(9) Director, Resources Program Staff.

(10) Assistant Director, Resources Program Staff.

(11) [Reserved.]

(12) Planning Reports Review Coordinator, Resources Program Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.

(14) One Private Secretary to the Under Secretary.

(15) One Assistant to the Secretary (Public Relations).

(16) [Reserved.]

(17) Director, Office of Oil and Gas.

(18) One Secretarial Attendant to the Secretary.

(19) Director, Office of Minerals Mobilization.

(20) Director, Office of Minerals Exploration.

(21) Director, Office of Saline Water.

(22) Administrator, Oil Import Administration.

(23) Assistant to the Secretary (Congressional Liaison).

(24) The Administrator, Defense Electric Power Administration, Office of the Assistant Secretary for Water and Power Development.

(25) One Staff Assistant to the Assistant Secretary for Public Land Management.

(b) *Office of the Solicitor.* (1) One confidential assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Assistant to the Secretary and Legislative Counsel.

(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One private secretary to the Director.

(2) One Assistant Director (Programming).

(3) One Assistant Director (Health and Safety).

(4) One Deputy Director.

(5) One Assistant Director (Helium Activities).

(e) *Geological Survey.* (1) One Private Secretary to the Director.

(f) *Bureau of Reclamation.* (1) One private secretary to the Commissioner.

(2) Three Assistant Commissioners.

(g) *Southeastern Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) One private secretary to the Director.

(3) One Assistant Director.

(4) One Associate Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) One private secretary to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) [Reserved.]

(2) Three Assistants to the Commissioner.

(3) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Assistant Administrator.

(3) One Confidential Secretary, Office of the Administrator.

(l) *Office of Territories.* (1) One Director.

(2) One Confidential Assistant to the Director.

(3) Chief, Division of Insular Affairs.

(4) One Governor, American Samoa.

(5) One Secretary of American Samoa.

(6) One Chief Justice of American Samoa.

(7) One Deputy High Commissioner, Trust Territories of the Pacific Islands.

(8) One Private Secretary to the Governor of Virgin Islands.

(9) One Administrative Assistant to the Governor of Virgin Islands.

(10) One Assistant Director.

(11)-(20) [Reserved.]

(21) One Confidential Assistant to the Governor of American Samoa.

(22) One Secretary to the Government Secretary of American Samoa.

(23) One Private Secretary to the Governor of Guam.

(24) One Secretary to the Government Secretary of Guam.

(25) Chief Justice of the Trust territory.

(26) One Secretary to the High Commissioner of The Trust Territory.

(27) One Secretary to the Deputy High Commissioner of The Trust Territory.

(m) *Bureau of Outdoor Recreation.*

(1) The Director.

(2) One Associate Director.

(3) One Confidential Assistant to the Director.

§ 6.311 Department of Agriculture.

(a) *Office of the Secretary.* (1) One administrative assistant to the Secretary.

(2) One assistant to the Secretary (States Relations).

(3) One assistant to the Secretary (Agricultural Programs).

(4) One executive assistant to the Secretary.

(5) Five Confidential Assistants to the Secretary.

(6) One private secretary to the Secretary.

(7) Two chauffeurs for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11) One Staff Assistant—Program Appraisal.

(12) One Special Assistant to the Secretary.

(13) One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs).

(14) One Assistant to the Secretary (Administrative Officer).

(15) One Assistant to the Secretary (Counsel on Consumer Interests).

(16) One Assistant to the Secretary (Defense Mobilization Planning).

(17) One Assistant to the Secretary (Intergroup Relations).

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2) One Deputy Administrator.

(3) Two Assistant Administrators.

(4) Three Assistants to the Administrator.

(c) *Office of the Under Secretary.*

(1) One confidential assistant to the Under Secretary.

(2) One private secretary to the Under Secretary.

(d) *Office of the General Counsel.*

(1) One Deputy General Counsel.

(2) Three Assistant General Counsels.

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) Three Assistant Administrators.

(2) [Reserved.]

(3) The Administrator.

(4) [Reserved.]

(5) [Reserved.]

(6) General Sales Manager.

(7) Deputy General Sales Manager.

(8) The Associate Administrator.

(f) *Farmers Home Administration.*

(1) One Deputy Administrator.

(2) One Assistant Administrator.

(3) One Assistant to the Administrator.
 (4) Two Confidential Assistants to the Administrator.
 (5) One Private Secretary to the Administrator.
 (6) One Assistant Administrator (Insured Loan Funds).
 (g) [Reserved.]
 (h) *Federal Crop Insurance Corporation*. (1) The Manager.
 (2) [Reserved.]
 (3) Members of the Board of Directors.
 (4) One Private Secretary to the Manager.
 (5) One Deputy Manager.
 (i) *Agricultural Stabilization and Conservation Service*. (1) Administrator.
 (2) One Associate Administrator.
 (3) Four Deputy Administrators.
 (4) One Assistant Deputy Administrator, Price and Production.
 (5) Four Confidential Assistants to the Administrator.
 (6) One private secretary to the Administrator.
 (7) Director, Livestock, Dairy, and Poultry Division.
 (8) Director, Grain Division.
 (9) Director, Transportation Services Division.
 (10) Director, Cotton Division.
 (11) Director, Oils and Peanut Division.
 (12) Director, Sugar Division.
 (13) Director, Tobacco Division.
 (14) Director, Price Division.
 (15) Director, Food and Materials Division.
 (16) Director, Soil Bank Division.
 (17) One Assistant Deputy Administrator, Conservation.
 (j) *Commodity Credit Corporation*.
 (1) The President.
 (2) The Executive Vice President.
 (3) The Secretary.
 (4) One Confidential Assistant to the President.
 (k) *Federal Extension Service*. (1) The Administrator.
 (2) One Deputy Administrator.
 (3) One Private Secretary to the Administrator.
 (l) *Soil Conservation Service*. (1) Administrator.
 (2) One Deputy Administrator.
 (3) One Confidential Assistant to the Administrator.
 (4) One Private Secretary to the Administrator.
 (m) *Office of the Director, Agricultural Credit Services*. (1) The Director, Agricultural Credit Services.
 (2) One Confidential Assistant to the Director.
 (3) One Private Secretary to the Director.
 (n) *Agricultural Marketing Service*. (1) The Administrator.
 (2) One Private Secretary to the Administrator.
 (3) One Confidential Assistant to the Administrator.
 (o) *Agricultural Economics*. (1) The Director.
 (2) One Confidential Assistant to the Director.
 (3) One Private Secretary to the Director.

(4) Two Staff Assistants to the Director.
 (p) *Office of Rural Areas Development*. (1) The Director.
 (2) One Assistant Director.
 (3) One private secretary to the Director.
 (4) One private secretary to the Assistant Director.
§ 6.312 Department of Commerce.
 (a) *Office of the Secretary*. (1) [Reserved.]
 (2) Nine Confidential Assistants to the Secretary.
 (3) Three Private Secretaries to the Secretary.
 (4) One Confidential Assistant and two Private Secretaries to the Under Secretary.
 (5) One Confidential Assistant and one Private Secretary to the Under Secretary for Transportation.
 (6) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Domestic Affairs.
 (7) [Reserved.]
 (8) One Confidential Assistant and one Private Secretary to the General Counsel.
 (9) One Private Secretary to the Deputy Under Secretary for Transportation.
 (10) Administrator, Defense Air Transport Administration.
 (11) One Private Secretary to the Administrator, Defense Air Transport Administration.
 (12) Deputy General Counsel.
 (13) One Private Secretary to the Deputy General Counsel.
 (14) One Special Assistant to the Secretary.
 (15) One Chauffeur for the Secretary.
 (16) [Reserved.]
 (17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.
 (18) One Private Secretary to the Deputy Assistant Secretary for Domestic Affairs.
 (19)-(22) [Reserved.]
 (23) One Confidential Assistant to the Administrator, Defense Air Transport Administration.
 (24) One Confidential Assistant to the Assistant Secretary for Administration.
 (25)-(27) [Reserved.]
 (28) Two Legislative Liaison Officers, Office of the General Counsel.
 (29)-(31) [Reserved.]
 (32) Director, Office of Field Services.
 (33) [Reserved.]
 (34) One Deputy Under Secretary for Transportation (Operations).
 (35) One Deputy Under Secretary for Transportation (Policy).
 (36) One Special Assistant to the Director, Office of Field Services.
 (37) One Private Secretary to the Director, Office of Field Services.
 (38) Director, Office of Emergency Transportation.
 (39) Deputy Director, Office of Emergency Transportation.
 (40) One National Export Expansion Coordinator.
 (41) One special Assistant to the National Export Expansion Coordinator.
 (42) One private Secretary to the National Export Expansion Coordinator.

(43) One Deputy Under Secretary for Economic Programs.
 (44) One Deputy National Export Expansion Coordinator.
 (45) The Trade Adjustment Administrator.
 (46) One Private Secretary to the Trade Adjustment Administrator.
 (47) One Confidential Assistant to the Deputy to the Secretary.
 (b) *Inland Waterways Corporation*.
 (1) Chairman of the Advisory Board.
 (c) [Reserved.]
 (d) *Business and Defense Services Administration*. (1)-(3) [Reserved.]
 (4) Administrator.
 (5) Three Confidential Assistants to the Administrator.
 (6) [Reserved.]
 (7) Deputy Administrator.
 (8) [Reserved.]
 (9) One Confidential Assistant to the Deputy Administrator.
 (10)-(15) [Reserved.]
 (16) One Assistant Administrator for Industrial Development.
 (17) One Assistant Administrator for Industry Activities.
 (18) One Secretarial Assistant to the Administrator.
 (e) *Bureau of Census*. (1) One private secretary to the Director.
 (f) *Weather Bureau*. (1) One private secretary to the Chief.
 (g) *National Bureau of Standards*. (1) One private secretary to the Director.
 (h) *Bureau of Public Roads*. (1) [Reserved.]
 (2) Solicitor.
 (3) Four Special Assistants to the Federal Highway Administrator.
 (4) One private secretary to the Federal Highway Administrator.
 (5) One private secretary to the Solicitor.
 (6) The Deputy Federal Highway Administrator.
 (i) *Patent Office*. (1) Private secretary to the Commissioner, and to each of the Assistant Commissioners.
 (2) Assistant to the Commissioner.
 (j) *Coast and Geodetic Survey*. (1) one private secretary to the Director.
 (k) [Reserved.]
 (l) *Maritime Administration*. (1) General Counsel.
 (2) [Reserved.]
 (3) One Confidential Assistant to the Administrator.
 (4) One Private Secretary to the General Counsel.
 (5) [Reserved.]
 (m) [Reserved.]
 (n) *Area Redevelopment Administration*. (1) One Deputy Administrator.
 (2) One Assistant Administrator (Area Operations).
 (3) Five Special Assistants to the Administrator.
 (4) One Private Secretary to the Administrator.
 (5) One Private Secretary to the Deputy Administrator.
 (6) One Private Secretary to the Assistant Administrator (Area Operations).

(o) *United States Travel Service.*
(1) One Confidential Assistant to the Director.

(2) The Deputy Director.

(3) One Private Secretary to the Deputy Director.

(p) *Office of the Assistant Secretary for International Affairs.* (1) One Private Secretary and two confidential assistants to the Assistant Secretary.

(2) One Deputy Assistant Secretary for International Affairs.

(3) One Private Secretary to the Deputy Assistant Secretary for International Affairs.

(4) One Deputy Assistant Secretary for Trade Policy.

(5) One Deputy Assistant Secretary for Program Development.

(6) One Private Secretary to the Deputy Assistant Secretary for Trade Policy.

(7) One Private Secretary to the Deputy Assistant Secretary for Program Development.

(8) The Director, Bureau of International Business Operations.

(9) The Director, Bureau of International Programs.

(10) One Private Secretary to the Director, Bureau of International Business Operations.

(11) One Private Secretary to the Director, Bureau of International Programs.

(q) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.

(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

§ 6.313 Department of Labor.

(a) *Office of the Secretary.* (1) Four special assistants, three confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.

(2) One chauffeur for the Secretary of Labor.

(3) One special assistant and one private secretary to the Under Secretary of Labor.

(4) One private secretary to each Assistant Secretary of Labor who is appointed by the President.

(5) [Reserved.]

(6) Private Secretary to the Secretary.

(7) Two Confidential Assistants to the Under Secretary of Labor.

(8) One Confidential Assistant to the Assistant Secretary.

(9) One Executive Assistant to the Secretary.

(10) One Special Assistant to the Secretary.

(11) One Assistant to each Assistant Secretary of Labor appointed by the President.

(12) One Special Assistant to the Assistant Secretary for Labor-Management Relations.

(13) One Private Secretary to the Executive Assistant to the Secretary.

(14) One Confidential Assistant to the Assistant Secretary for International Labor Affairs.

(15) One Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

(b) *Office of the Solicitor.* (1) [Reserved.]

(2) One private secretary to the Solicitor.

(c) [Reserved.]

(d) *Bureau of Employment Security.*

(1) Administrator.

(2) [Reserved.]

(3) One Secretary (Stenography) in the Office of the Administrator.

(e) *Bureau of Labor Statistics.* (1) One private secretary to the Commissioner.

(f) *Bureau of Apprenticeship and Training.* (1) Director.

(2) [Reserved.]

(3) One private secretary to the Director.

(g) *Women's Bureau.* (1) [Reserved.]

(2) One private secretary to the Director.

(3) Two Special Assistants to the Director.

(h) *Bureau of Labor Standards.* (1) Director.

(2) [Reserved.]

(3) One private secretary to the Director.

(4) One Confidential Assistant to the Director.

(i) *Wage and Hour and Public Contracts Divisions.* (1) Deputy Administrator.

(2) One Confidential Assistant to the Administrator.

(j) *Office of International Labor Affairs.* (1) Executive Director.

(k) [Reserved.]

(l) *Bureau of Veterans Reemployment Rights.* (1) Director.

(m) *Bureau of Employees' Compensation.* (1) Director.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) Director of Security.

(2) Two Confidential Assistants to the Secretary.

(3) [Reserved.]

(4) Publications Writer.

(5) [Reserved.]

(6) Two Assistants to the Secretary.

(7) One Executive Secretary.

(8) Two confidential secretaries to the Under Secretary.

(9) [Reserved.]

(10) One Assistant to the Secretary.

(11) One Congressional Liaison Officer.

(12) One Assistant to the Congressional Liaison Officer.

(13) One Confidential Assistant to the Under Secretary.

(14) One Assistant to the Secretary (for Program Analysis).

(15) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (10) of this paragraph.

(16) One Staff Assistant to the Secretary.

(17) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (6) of this paragraph.

(18) Director, Special Staff on Aging.
(19) One Assistant to the Under Secretary (Manpower Training).

(20) One Staff Assistant to the Under Secretary (Manpower Training).

(21) One Assistant to the Secretary (for Educational Television).

(22) One Deputy Assistant to the Secretary (for Educational Television).

(b) *Office of Vocational Rehabilitation.* (1) Director, Vocational Rehabilitation.

(c) *Social Security Administration.*

(1)-(3) [Reserved.]

(4) One Deputy Commissioner of Social Security.

(5) One Technical Adviser to the Commissioner of Social Security.

(d) *Office of Education.* (1) [Reserved.]

(2) One Confidential Assistant to the Commissioner of Education.

(3) One Special Assistant to the Commissioner of Education.

(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Special Assistant on Federal-State Problems.

(3) One Special Assistant.

(4) One Deputy Assistant Secretary for Federal-State Relations.

(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.

(f) *Office of the General Counsel.* (1) [Reserved.]

(2) One Associate General Counsel.

(g) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

(2) One Deputy Assistant Secretary for Legislation.

(3) One Program Coordination Officer.

(4) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(5) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(6) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

§ 6.315 Executive Office of the President.

(a) *Bureau of the Budget.* (1) [Reserved.]

(2) Three assistant directors.

(3) Two Private Secretaries to the Director.

(4) One Private Secretary to the Deputy Director.

(5) One private secretary to each of the three assistant directors.

(b) *Council of Economic Advisers.*

(1) Two Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.*

(1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

§ 6.317 Interstate Commerce Commission.

(a) One private secretary to each Commissioner.

(b) Managing Director.

§ 6.318 General Accounting Office.

(a) One Administrative Assistant (Confidential Assistant) to the Comptroller General.

(b) One Confidential Assistant to the Comptroller General.

(b) One Private Secretary to the Comptroller General.

§ 6.320 The Tax Court of the United States.

(a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

§ 6.321 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) One Receptionist.

(4) Two Special Assistants to the Director.

(b) *Office of the Deputy Director.* (1) One Special Assistant to the Deputy Director.

(2) Two Confidential Administrative Assistants to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director for Federal-State Relations.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director for Resources and Economic Affairs.* (1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison and Public Affairs.* (1) The Director.

(2) One Staff Assistant (Congressional Liaison Officer) to the Director.

(3) Chief, Information Division.

(g) *Economic Affairs Office.*

(1) The Director.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.

(2)-(3) [Reserved.]

(4) Two Confidential Assistants to the Special Assistant to the Administrator.

(5) The Deputy Administrator.

(6) The General Counsel.

(7) [Reserved.]

(8) The Associate Deputy Administrator.

(9) Chairman, Administrator's Advisory Council.

(10) One Assistant Deputy Administrator.

(11) [Reserved.]

(12) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Medicine and Surgery.* (1) [Reserved.]

(c) *Department of Insurance.* (1) The Chief Insurance Director.

(d) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 6.324 United States Information Agency.

(a) One Secretarial Assistant to the Deputy Director.

(b) One Executive Assistant to the Director.

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e)-(f) [Reserved.]

(g) One Special Assistant to the Deputy Director.

§ 6.325 Federal Power Commission.

(a) Two Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary and one Confidential Assistant to each Commissioner.

(b) One Assistant to the Chairman.

(c) General Counsel.

(d) Executive Director.

(e) Two Private Secretaries to the Executive Director.

(f) One Technical Assistant to each Commissioner.

§ 6.326 Securities and Exchange Commission.

(a) One General Counsel.

(b) One Chief Accountant.

(c) [Reserved.]

(d) One Associate General Counsel.

(e) One Confidential Assistant to each Member of the Commission (5 positions).

(f)-(h) [Reserved.]

(i) One Executive Assistant to the Chairman.

§ 6.327 National Mediation Board.

(a) One private secretary to each member of the National Railroad Adjustment Board.

(b) One Private Secretary to each Member of the Third Division Regional Supplemental Railroad Adjustment Board (10 positions).

§ 6.328 Small Business Administration.

(a) Three Deputy Administrators.

(b) One Special Assistant to each Deputy Administrator.

(c) Two Special and Confidential Assistants to the Administrator.

(d) One General Counsel.

(e) [Reserved.]

(f) Director, Office of Procurement and Technical Assistance.

(g) Director, Office of Economic Adviser.

(h) One Assistant Administrator (Information Services).

(i) One Special Assistant to the Administrator.

(j) One Private Secretary to the Administrator.

(k) One Confidential Assistant (Private Secretary) to each Deputy Administrator.

(l) Deputy Director, Office of Economic Adviser.

(m) Deputy Director, Office of Procurement and Technical Assistance.

(n) [Reserved.]

(o) One Program Coordinator (Department of Defense).

(p) [Reserved.]

(q) The Deputy Administrator for the Small Business Investment Division.

(r) The Director of the Small Business Investment Division.

(s) One Administrative Assistant to the Deputy Administrator for the Small Business Investment Division.

(t) Director and Deputy Director, Office of Management and Research Assistance.

(u) Director, Office of Loan Processing.

(v) Director, Office of Loan Administration.

(w) One Special Assistant to the Administrator (ARA).

(x) One Assistant to the Special Assistant to the Administrator.

§ 6.329 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.

(b) Confidential Assistant to the Board of Directors.

§ 6.330 Federal Trade Commission.

(a) [Reserved.]

(b) General Counsel.

(c)-(e) [Reserved.]

(f) Director, Bureau of Economics.

(g) One Secretary of the Federal Trade Commission.

(h) Executive Director.

(i) One Confidential Assistant and Chief Legal Adviser to the Chairman.

(j) Director, Bureau of Restraint of Trade.

(k) Director, Bureau of Deceptive Practices.

(l) Director, Bureau of Field Operations.

(m) Director, Bureau of Textiles and Furs.

(n) Director, Bureau of Trade Practice Conferences and Industry Guides.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* (1) Five Members of the Board of Review.

(2) The Deputy Administrator.

(3) [Reserved.]

(4) One Special Assistant to the Administrator.

(5) Three Confidential Assistants to the Administrator.

(6) [Reserved.]

(7) The Assistant Administrator.

(8)-(10) [Reserved.]

(11) Two Confidential Assistants to the Assistant Administrator.

(12) Two Assistants to the Assistant Administrator.

(13) One Deputy Assistant Administrator for Congressional and Public Affairs.

(14) [Reserved.]

(15) Two Confidential Assistants to the Deputy Administrator.

(16) One Assistant to the Assistant Administrator.

(b) *Public Buildings Service.* (1) The Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(e) *Defense Materials Service.* (1) The Commissioner.

(f) *Transportation and Communications Service.* (1) The Commissioner.

(g) *Utilization and Disposal Service.* (1) The Commissioner.

§ 6.334 Federal Communications Commission.

(a) One General Counsel.

(b) One Chief Engineer.

(c)-(d) [Reserved.]

(e) One Secretary to the Commission.

§ 6.335 United States Tariff Commission.

(a) One Private Secretary to each Commissioner.

§ 6.337 Civil Aeronautics Board.

- (a) [Reserved.]
- (b) [Reserved.]
- (c) One special assistant to the Chairman of the Board.
- (d) General Counsel of the Board.
- (e) Director, Bureau of Economic Regulations.
- (f)-(i) [Reserved.]
- (j) One Special Assistant for Congressional Relations.
- (k) One Secretary to the Special Assistant for Congressional Relations.
- (l) [Reserved.]
- (m) Director, Bureau of Safety.
- (n) One Administrative Assistant to each Member of the Board.
- (o) One Secretary to each Member of the Board.
- (p) The Executive Director of the Board.

§ 6.338 National Labor Relations Board.

- (a) One Private Secretary to the Chairman of the Board.
- (b) One Solicitor.
- (c) One Chief Legal Assistant to each Board Member.
- (d) One Confidential Assistant to each Board Member.
- (e) One Associate General Counsel, Division of Operations.
- (f) One Associate General Counsel, Division of Law.
- (g) Two Special Assistants to the General Counsel.
- (h) One Confidential Assistant to the General Counsel.
- (i) One Special Assistant to the Associate General Counsel, Division of Operations.

§ 6.340 Export-Import Bank of Washington.

- (a) One Executive Vice President.
- (b) [Reserved.]
- (c) One Confidential Assistant to the President.
- (d) [Reserved.]
- (e) One Private Secretary to the First Vice President.
- (f) The General Counsel.
- (g) One Private Secretary to each of the three members of the Board of Directors.
- (h)-(i) [Reserved.]
- (j) One Vice President for Program Planning and Information.
- (k) One Vice President for Exporter Credits, Guarantees, and Insurance.
- (l) One Vice President for Project Financing.
- (m) One Vice President for Finance and Administration.
- (n) One Special Assistant to the President and Chairman.

§ 6.341 Farm Credit Administration.

- (a) Three Directors of Credit Services.
- (b) One General Counsel.
- (c) [Reserved.]
- (d) One Deputy Governor.
- (e) Four Deputy Directors of Credit Services.

§ 6.342 Housing and Home Finance Agency.

- (a) *Office of the Administrator.* (1) [Reserved.]
- (2) One Deputy Administrator.

- (3) One Assistant Administrator (Program policy).
- (4) General Counsel.
- (5) One Assistant Administrator (International Housing).
- (6) [Reserved.]
- (7) Community Facilities Commissioner.
- (8) Deputy Urban Renewal Commissioner.
- (9) [Reserved.]
- (10) [Reserved.]
- (11) One Assistant Administrator for Public Affairs.
- (12) One Special Assistant to the Administrator.
- (13) [Reserved.]
- (14) One Special Assistant (Administrator's Office).
- (15) [Reserved.]
- (16) One Assistant Commissioner for Program Planning and Development Urban Renewal Administration.
- (17) One Confidential Assistant to the Commissioner, Urban Renewal Administration.
- (18) One Secretary to the Community Facilities Commissioner.
- (19) One Secretary to the General Counsel.
- (20) One Secretary to the Congressional Liaison Officer.
- (21) Assistant Commissioner for Technical Standards, Urban Renewal Administration.
- (22) One Secretary to the Assistant Administrator (Program Policy).
- (23)-(24) [Reserved.]
- (25) Assistant Administrator (Housing for the Elderly).
- (26) One Private Secretary to the Assistant Administrator (Program for Community Improvement).
- (27) Deputy Assistant Administrator (Housing for the Elderly).
- (28) One Executive Assistant to the Administrator.
- (29) [Reserved.]
- (30) One Special Assistant to the Commissioner, Community Facilities Administration.
- (31) One Assistant to the Congressional Liaison Officer.
- (32) One Assistant Administrator (Program for Community Improvement).
- (33) One Executive Assistant to the Commissioner, Urban Renewal Administration.
- (34) One Assistant Commissioner for Field Operations, Urban Renewal Administration.
- (35) Assistant Administrator (Transportation).
- (36) One Secretary to the Special Assistant to the Administrator.
- (37) One Private Secretary to the Assistant Administrator (Urban Transportation).
- (38) One Deputy Assistant Administrator (Program Policy).
- (39) One Deputy Assistant Administrator (Urban Transportation).
- (40) One Secretary and Confidential Assistant to the Assistant Administrator for Public Affairs.
- (41) One Congressional Liaison Officer.

- (42) Assistant Commissioner for Urban Planning and Community Development.
 - (b) *Federal Housing Administration.*
 - (1) Two Deputy Commissioners.
 - (2) One General Counsel.
 - (3) One Assistant Commissioner for Field Operations.
 - (4) One Assistant Commissioner, Technical Standards.
 - (5) One Assistant to the Commissioner.
 - (6) One Assistant to the Commissioner (Intergroup Relations Service).
 - (7) One Special Assistant to the Commissioner.
 - (8) One Assistant Commissioner for Programs.
 - (9) One Assistant Commissioner for Audit and Examination.
 - (10) Director, Program Division.
 - (11) One Confidential Assistant to the Assistant Commissioner for Programs.
 - (12)-(15) [Reserved.]
 - (16) One Congressional Liaison Officer.
 - (17) One Special Assistant for Home Mortgages.
 - (18) One Special Assistant for Rental Housing.
 - (19) One Special Assistant for Urban Renewal.
 - (20) One Special Assistant for Elderly Housing.
 - (21) Special Assistant for Nursing Homes.
 - (22) One Confidential Administrative Assistant to the Deputy Commissioner for Operations.
 - (23) One Assistant Commissioner for Multifamily Housing Operations.
 - (24) One Assistant Commissioner (Executive Officer).
 - (25) One Special Projects Officer to the Assistant Commissioner (Executive Officer).
 - (26) One Assistant Commissioner for Congressional Liaison and Public Information.
 - (27) One Special Assistant for Home Improvement Plans.
 - (c) *Public Housing Administration.*
 - (1) One Special Assistant to the Commissioner (Liaison).
 - (2) One Special Assistant to the Commissioner (Racial Relations).
 - (3) General Counsel.
 - (4) [Reserved.]
 - (5) [Reserved.]
 - (6) One Deputy Commissioner.
 - (7) [Reserved.]
 - (8) One Confidential Assistant to the Commissioner.
 - (9) Assistant Commissioner for Development.
 - (10) Assistant Commissioner for Management.
 - (11) One Assistant Commissioner for Program Planning.
 - (d) *Federal National Mortgage Association.* (1) The President.
 - (2) The Vice President.
- § 6.343 Indian Claims Commission.**
- (a) One Private Secretary to each Commissioner.

§ 6.346 Federal Mediation and Conciliation Service.

- (a) One General Counsel.

§ 6.347 National Aeronautics and Space Administration.

- (a) [Reserved.]
- (b) One Secretary to the Administrator.
- (c) One Secretary to the Deputy Administrator.
- (d) [Reserved.]
- (e) One Secretary to the Special Assistant to the Administrator.
- (f) One Confidential Assistant to the Assistant Administrator for Management Development.

§ 6.350 Foreign Claims Settlement Commission of the United States.

- (a) Special Assistant to the Commissioners.
- (b) One Confidential Assistant to the Chairman.
- (c) One Private Secretary to the Chairman and to each of the other two Commissioners.

§ 6.353 Subversive Activities Control Board.

- (a) One Executive Secretary and Chief Clerk.
- (b) One Private Secretary to each Member of the Board.
- (c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.354 Saint Lawrence Seaway Development Corporation.

- (a) One Private Secretary to the Administrator.
- (b) One Special Assistant to the Administrator.
- (c) One Administrative Assistant to the Deputy Administrator.

§ 6.357 Federal Home Loan Bank Board.

- (a) One Assistant to the Board.
- (b) One Director, Federal Home Loan Bank Operations.
- (c) One General Counsel.
- (d) One Director, Division of Supervision.
- (e) Two Secretaries to the Chairman of the Board.
- (f) Two Secretaries to Board Members.
- (g) One General Manager, Federal Savings and Loan Insurance Corporation.
- (h) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.
- (i) One Secretary to the Assistant to the Board.
- (j) One Director, Office of Research and Home Finance.
- (k) One Director, Office of Examinations and Supervision.

§ 6.359 The Renegotiation Board.

- (a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
- (b) One Secretary to the Chairman.
- (c) One Secretary to each of the four Board Members.

§ 6.360 Commission on Civil Rights.

- (a) [Reserved.]
- (b) [Reserved.]
- (c) [Reserved.]
- (d) One Special Assistant to the Staff Director.
- (e) One Assistant Staff Director for State Advisory Committees.

§ 6.363 Office of Civil and Defense Mobilization.

- (a)-(b) [Reserved.]
- (c) Deputy Assistant Director for Manpower.
- (d) Director of Security and Inspection.
- (e) One Assistant to the Director.
- (f) Director of Administration.
- (g) Director of Special Liaison.
- (h) Director of Program and Policy.
- (i) Director of Research.
- (j) The Deputy Assistant Director of the Office of Plans and Operations and the Deputy Assistant Director of each of the following offices under the Office of Plans and Operations: Federal, State, and Local Plans; Emergency Community Services; Continuity of Government; Chemical, Biological, and Radiological Defense; Communications and Warning; Shelter and Vulnerability Reduction.
- (k) The Deputy Assistant Director of the Office of Resources and Production and the Deputy Assistant Director of each of the following offices under the Office of Resources and Production: Economic Stabilization; Transportation; Fuel and Energy; Production and Materials; Telecommunications; and Food and Water.
- (l) The Deputy Assistant Director of the Office of Training, Education, and Public Affairs and the Deputy Assistant Director of each of the following offices under the Office of Training, Education, and Public Affairs: Public Affairs; Training and Education; National Organizations and Civic Affairs; Women's Activities.
- (m)-(p) [Reserved.]
- (q) One Special Assistant to the Deputy Assistant Director of Training and Education.

§ 6.364 Federal Aviation Agency.

- (a) One Congressional Liaison Officer.
- (b) Two Assistants to the Congressional Liaison Officer.
- (c) [Reserved.]
- (d) The Chief, Office of Public Affairs.
- (e) [Reserved.]
- (f) One Executive Advisor to the Administrator.
- (g) One Private Secretary to the Administrator.
- (h) One Special Assistant to the Administrator.

§ 6.367 National Capital Transportation Agency.

- (a) One Confidential Assistant to the Administrator.
- (b) One Confidential Assistant to the Deputy Administrator.
- (c) Two Special Assistants to the Administrator.
- (d) One Legislative Assistant.

§ 6.368 Peace Corps.

- (a) [Reserved.]
- (b) One Confidential Assistant (Secretary) to the Director.
- (c) [Reserved.]
- (d) One Confidential Secretary (Stenography) to the Director.
- (e) The General Counsel.
- (f) The Associate Director, Office of Program Development and Operations.
- (g) The Associate Director, Office of Peace Corps Volunteers.
- (h) One Deputy Associate Director, Office of Peace Corps Volunteers.
- (i) The Associate Director, Office of Public Affairs.
- (j) One Deputy Associate Director, Office of Public Affairs.
- (k) The Associate Director, Office of Planning and Evaluation.
- (l) [Reserved.]
- (m) The Chief, Division of University Relations.
- (n) The Chief, Division of Public Information.
- (o) One Deputy Associate Director, Office of Program Development and Operations.
- (p) One Special Assistant for Congressional Relations, Office of Public Affairs.
- (q) The Chief, Division of Private Organizations.
- (r) Chief, Division of Training.
- (s) One Special Assistant to the Director.
- (t) The Chief, Division of Selection, Office of Peace Corps Volunteers.

§ 6.372 U.S. Arms Control and Disarmament Agency.

- (a) One Private Secretary to the Director.
- (b) One Private Secretary to the Deputy Director.
- (c) One Private Secretary to each Assistant Director appointed by the President (four positions).
- (d) One Public Affairs Adviser.
- (e) One Special Assistant to the Deputy Director.
- (f) Three Disarmament Advisers, Disarmament Advisory Staff.
- (g) The General Counsel.
- (h) One Private Secretary to the General Counsel.

§ 6.374 Federal Maritime Commission.

- (a) One Confidential Assistant to each Commissioner.

§ 6.375 Agency for International Development.

- (a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.
- (2) One Confidential Assistant (Private Secretary) to the Administrator.
- (3) One Chauffeur for the Administrator.
- (4) One Private Secretary to each of the two Deputy Administrators.
- (b) *Office of the Assistant Administrator for Congressional Liaison.* (1) One Staff Assistant to the Assistant Administrator.
- (2) One Private Secretary to the Assistant Administrator.

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62-12348; Filed, Dec. 12, 1962;
8:53 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1963-64 Marketing Year DETERMINATION OF COUNTY NORMAL YIELDS

The regulations contained in § 728.1308 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1963, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available, or in which there were no actual yields.

Prior to preparing the regulations in § 728.1308, public notice (27 F.R. 11246) was given in accordance with the Administrative Procedure Act. No data, views, or recommendations pertaining to the regulations in § 728.1308 were submitted pursuant to such notice.

§ 728.1308 **Determination of the county normal yields for the 1963 crop of wheat.**

(a) A county normal yield shall be determined for each wheat producing county except counties in States designated by the Secretary as being outside the commercial wheat-producing area. The county normal yield for 1963 shall be determined on the basis of the average of the yields per harvested acre of wheat for the county during the ten calendar years, 1952 through 1961, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield for the crop for any year of the ten-year period 1952 through 1961 is less than 75 per centum of the averages of the remaining nine years, such year shall be eliminated in calculating the normal yield per acre; (2) if the yield for the crop for any year of the ten-year period is determined to be abnormally low due to abnormal weather conditions, and is 75 per centum or more of the average of the remaining nine years, such yield shall be adjusted by substituting therefor the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (3) (i) if the yield for the crop for any year is de-

termined to be abnormally high due to abnormal weather conditions, such yield shall be adjusted by substituting therefor 125 per centum of the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (ii) if five or more years of the ten-year period are eliminated as required under the provisions of subparagraph (1) of this paragraph, and it is determined that the yield for any other year is abnormally high due to abnormally favorable weather conditions, and that the adjusted yield as determined under the provisions of subdivision (i) of subparagraph (3) of this paragraph is inappropriate because of the elimination of five or more years of the ten-year period, the yield for such year shall be adjusted by substituting therefor 128 per centum of the unadjusted ten-year average yield.

(b) The adjustment for trend in yields shall be made by averaging the ten-year average of the annual yields as adjusted for abnormal weather conditions as described above with the average of the annual yields for the five-year period, 1957-61 inclusive, adjusted for abnormal weather conditions as described above, giving equal weight to each. No adjustment for trend shall be made in those counties in which it is determined that due to abnormally unfavorable weather conditions it is impossible to determine if there has been any trend in yields for the county.

(c) (1) If for any year of the ten-year period 1952 through 1961 the yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields for years for which data are available and the yield for such year in nearby or adjacent counties or crop reporting districts recognized by the Statistical Reporting Service in which the production of wheat is similar.

(2) In those counties in which the production of wheat is partially on irrigated land, partially on summer fallow land, and partially on continuous cropping land, a normal yield computed in accordance with the method described above shall be determined for the land devoted to irrigation, summer fallow, and continuous cropping cultural practices, respectively. The normal yield for land devoted to each of these practices shall be averaged, using for weights the latest data available as to the acreage devoted to each practice.

(d) County normal yields are as follows:

1963 Wheat Marketing Quota Program
County Normal Yields in Bushels per Acre

ALABAMA			
County	Normal yield	County	Normal yield
Autauga	21.8	Chilton	22.2
Baldwin	21.2	Clarke	21.4
Barbour	20.0	Clay	20.9
Bibb	20.4	Cleburne	20.0
Blount	22.2	Coffee	20.2
Bullock	20.4	Colbert	24.4
Butler	21.9	Conecuh	20.8
Calhoun	20.8	Coosa	17.7
Chambers	20.0	Covington	21.5
Cherokee	22.0	Crenshaw	19.4

ALABAMA—Continued

County	Normal yield	County	Normal yield
Cullman	22.8	Madison	24.8
Dale	19.6	Marengo	19.5
Dallas	20.6	Marion	21.8
De Kalb	22.5	Marshall	24.2
Elmore	22.4	Mobile	21.0
Escambia	22.5	Monroe	22.1
Etowah	22.6	Montgomery	20.1
Fayette	21.2	Morgan	23.6
Franklin	21.4	Perry	20.7
Geneva	20.3	Pickens	19.8
Greene	21.5	Pike	19.6
Hale	21.1	Randolph	19.0
Henry	20.7	Russell	20.1
Houston	21.1	St. Clair	21.2
Jackson	23.6	Shelby	22.9
Jefferson	21.0	Sumter	21.2
Lamar	21.3	Talladega	20.8
Lauderdale	24.0	Tallapoosa	19.6
Lawrence	23.7	Tuscaloosa	20.6
Lee	20.4	Walker	21.5
Limestone	23.8	Washington	21.2
Lowndes	20.0	Wilcox	21.6
Macon	19.1	Winston	20.8

ARIZONA

*Apache	17.0	*Mohave	30.0
*Cochise	27.0	*Navajo	18.5
*Coconino	18.5	*Pima	29.2
*Gila	25.1	*Pinal	36.6
*Graham	25.8	*Santa Cruz	24.0
*Greenlee	28.8	*Yavapai	27.0
*Maricopa	41.6	*Yuma	36.2

ARKANSAS

Arkansas	27.8	Lincoln	19.3
Ashley	23.3	Little River	21.0
Baxter	21.4	Logan	21.2
Benton	21.5	Lonoke	20.7
Boone	24.2	Madison	20.9
Carroll	18.3	Marion	13.7
Chicot	22.5	Miller	18.8
Clark	16.3	Mississippi	30.2
Clay	22.4	Monroe	25.5
Cleburne	16.1	Montgomery	16.3
Conway	22.6	Newton	17.9
Craighead	25.6	Ouachita	15.0
Crawford	26.0	Perry	19.2
Crittenden	29.6	Phillips	26.8
Cross	27.4	Poinsett	26.7
Desha	29.0	Polk	15.5
Drew	20.8	Pope	21.1
Faulkner	22.0	Prairie	20.2
Franklin	25.1	Pulaski	27.2
Fulton	17.8	Randolph	20.8
Garland	15.2	St. Francis	28.6
Grant	13.6	Saline	17.0
Greene	22.1	Scott	21.6
Hempstead	25.4	Searcy	24.4
Hot Spring	16.1	Sebastian	23.8
Independence	26.0	Sharp	17.5
Izard	14.0	Stone	17.7
Jackson	26.4	Van Buren	16.3
Jefferson	22.7	Washington	21.7
Johnson	24.7	White	17.8
Lafayette	21.0	Woodruff	25.8
Lawrence	19.6	Yell	22.7
Lee	25.9		

CALIFORNIA

*Alameda	31.1	*Marin	24.5
*Alpine	30.0	*Mariposa	30.0
*Amador	24.6	*Mendocino	24.2
*Butte	29.1	*Merced	32.2
*Calaveras	18.4	*Modoc	30.9
*Colusa	27.9	*Mono	20.0
*Contra Costa	38.8	*Monterey	19.1
*Fresno	40.3	*Napa	29.1
*Glenn	29.5	*Orange	19.1
*Humboldt	29.0	*Placer	21.5
*Imperial	55.2	*Plumas	19.6
*Inyo	20.6	*Riverside	19.7
*Kern	18.1	*Sacramento	37.5
*Kings	41.4	*San Benito	26.4
*Lake	25.9	*San Bernardino	28.0
*Lassen	18.8	*San Diego	26.8
*Los Angeles	14.7	*San Joaquin	34.6
*Madera	18.9		

* Indicates counties having special wheat cultural practices. See table below.

CALIFORNIA—Continued

County	Normal yield	County	Normal yield
*San Luis	15.9	*Sonoma	21.4
Obispo	20.8	*Stanislaus	29.4
*San Mateo	17.7	*Sutter	38.7
Santa	24.8	*Tehama	20.0
*Shasta	16.4	*Trinity	20.0
*Sierra	17.9	*Tulare	22.6
*Siskiyou	23.7	*Tuolumne	19.9
*Solano	39.5	*Ventura	23.0
		*Yolo	39.3
		*Yuba	27.2

COLORADO

*Adams	27.0	*La Plata	21.6
*Alamosa	28.2	*Larimer	27.3
*Arapahoe	25.6	*Las Animas	14.9
*Archuleta	22.2	*Lincoln	21.3
*Baca	20.0	*Logan	24.2
*Bent	25.2	*Mesa	26.3
*Boulder	30.8	*Moffat	18.0
*Chaffee	26.4	*Montezuma	15.7
*Cheyenne	21.5	*Montrose	34.9
*Conejos	26.2	*Morgan	24.4
*Costilla	25.5	*Otero	34.7
*Crowley	20.6	*Ouray	21.9
*Custer	17.7	*Park	14.5
*Delta	32.5	*Phillips	28.4
*Dolores	18.3	*Pitkin	38.9
*Douglas	26.7	*Prowers	20.9
*Eagle	40.3	*Pueblo	23.2
*Elbert	22.1	*Rio Blanco	21.2
*El Paso	17.7	*Rio Grande	33.3
*Fremont	23.3	*Routt	20.8
*Garfield	20.8	*Saguache	29.4
*Grand	21.5	*San Miguel	16.0
*Huerfano	19.4	*Sedgwick	28.2
*Jackson	17.2	*Teller	16.0
*Jefferson	30.2	*Washington	24.4
*Kiowa	18.6	*Weld	25.2
*Kit Carson	22.9	*Yuma	25.2

DELAWARE

Kent	24.8	Sussex	24.0
New Castle	28.9		

GEORGIA

Appling	23.6	De Kalb	22.4
Atkinson	20.0	Dodge	21.0
Bacon	23.7	Dooly	24.2
Baker	24.9	Dougherty	26.1
Baldwin	18.7	Douglas	18.8
Banks	19.2	Early	24.7
Barrow	19.9	Echols	21.0
Bartow	22.6	Effingham	19.5
Ben Hill	20.2	Elbert	20.5
Berrien	24.8	Emanuel	21.8
Bibb	25.1	Evans	21.4
Bleckley	21.3	Fannin	18.0
Brantley	20.0	Fayette	19.7
Brooks	22.6	Floyd	20.6
Bryan	20.4	Forsyth	20.2
Bulloch	23.8	Franklin	20.5
Burke	18.3	Fulton	23.6
Butts	22.8	Gilmer	18.0
Calhoun	22.6	Glascocock	19.3
Camden	20.0	Glynn	20.0
Candler	21.8	Gordon	20.4
Carroll	23.2	Grady	23.1
Catoosa	22.6	Greene	17.9
Charlton	20.0	Gwinnett	20.7
Chatham	20.0	Habersham	20.5
Chattooga	19.2	Hall	18.3
Cherokee	20.7	Hancock	18.8
Clarke	26.2	Haralson	21.8
Clay	21.0	Harris	20.3
Clayton	19.5	Hart	21.8
Clinch	20.0	Heard	22.8
Cobb	19.6	Henry	22.3
Coffee	22.5	Houston	27.8
Colquitt	22.0	Irwin	21.5
Columbia	15.8	Jackson	21.9
Cook	22.0	Jasper	21.4
Coweta	20.8	Jeff Davis	20.0
Crawford	26.0	Jefferson	21.3
Cris	23.2	Jenkins	18.2
Dade	18.2	Johnson	18.0
Dawson	19.2	Jones	17.5
Decatur	22.0	Lamar	22.4

* Indicates counties having special wheat cultural practices. See table below.

GEORGIA—Continued

County	Normal yield	County	Normal yield
Lanier	22.0	Screven	20.4
Laurens	21.6	Seminole	23.9
Lee	26.1	Spalding	21.9
Liberty	20.0	Stephens	19.8
Lincoln	17.6	Stewart	25.0
Long	20.0	Sumter	24.4
Lowndes	22.8	Talbot	20.9
Lumpkin	21.0	Taliaferro	17.4
McDuffie	17.8	Tattnall	19.7
McIntosh	20.0	Taylor	21.0
Macon	26.3	Telfair	19.6
Madison	20.1	Terrell	23.5
Marion	20.6	Thomas	22.4
Meriwether	21.1	Tift	21.9
Miller	22.8	Toombs	20.5
Mitchell	22.3	Towns	20.8
Monroe	19.6	Treutlen	17.6
Montgomery	19.2	Troup	21.5
Morgan	20.4	Turner	23.5
Murray	20.8	Twiggs	25.8
Newton	19.4	Union	22.1
Oconee	21.9	Upson	20.8
Oglethorpe	21.0	Walker	22.4
Paulding	19.9	Walton	21.2
Peach	27.6	Ware	21.0
Pickens	18.4	Warren	23.2
Pierce	21.0	Washington	21.9
Pike	22.3	Wayne	21.0
Polk	20.5	Webster	19.7
Pulaski	21.7	Wheeler	20.4
Putnam	22.4	White	18.6
Quitman	23.8	Whitfield	20.5
Rabun	19.6	Wilcox	20.8
Randolph	24.2	Wilkes	18.7
Richmond	17.6	Wilkinson	22.4
Rockdale	20.6	Worth	23.0
Schley	23.2		

IDAHO

*Ada	48.8	*Gem	43.3
*Adams	28.1	*Gooding	46.8
*Bannock	24.3	*Idaho	36.2
*Bear Lake	20.5	*Jefferson	45.2
*Benewah	36.4	*Jerome	61.1
*Bingham	50.6	*Kootenai	31.7
*Blaine	38.2	*Latah	39.5
*Boise	29.6	*Lemhi	43.6
*Bonner	24.2	*Lewis	41.5
*Bonneville	27.9	*Lincoln	53.0
*Boundary	42.0	*Madison	28.8
*Butte	31.6	*Minidoka	52.0
*Camas	20.7	*Nez Perce	41.8
*Canyon	59.7	*Oneida	22.5
*Caribou	25.3	*Owyhee	59.6
*Cassida	28.0	*Payette	45.0
*Clark	21.0	*Power	20.5
*Clearwater	36.8	*Teton	24.4
*Custer	42.8	*Twin Falls	65.0
*Elmore	32.8	*Valley	22.8
*Franklin	26.0	*Washington	27.4
*Fremont	32.0		

ILLINOIS

Adams	29.7	Effingham	29.7
Alexander	25.6	Fayette	29.2
Bond	28.4	Ford	33.1
Boone	32.7	Franklin	26.5
Brown	28.6	Fulton	29.4
Bureau	33.6	Gallatin	28.1
Calhoun	27.8	Greene	32.1
Carroll	32.1	Grundy	33.9
Cass	32.1	Hamilton	25.1
Champaign	35.4	Hancock	29.8
Christian	35.0	Hardin	25.2
Clark	29.0	Henderson	29.6
Clay	25.4	Henry	32.6
Clinton	29.0	Iroquois	35.4
Coles	32.4	Jackson	26.8
Cook	34.9	Jasper	28.0
Crawford	25.8	Jefferson	27.2
Cumberland	30.0	Jersey	30.7
De Kalb	35.8	Jo Daviess	27.4
De Witt	32.6	Johnson	23.9
Douglas	39.0	Kane	37.2
Du Page	38.0	Kankakee	34.7
Edgar	34.7	Kendall	38.0
Edwards	25.5	Knox	31.0

ILLINOIS—Continued

County	Normal yield	County	Normal yield
Lake	34.4	Pope	24.2
La Salle	36.5	Pulaski	24.4
Lawrence	26.1	Putnam	34.2
Lee	34.4	Randolph	28.1
Livingston	33.2	Richland	25.2
Logan	34.1	Rock Island	28.0
McDonough	31.0	St. Clair	31.6
McHenry	33.8	Saline	26.6
McLean	33.9	Sangamon	34.5
Macon	37.3	Schuyler	30.4
Macoupin	34.5	Scott	31.1
Madison	31.0	Shelby	32.4
Marion	27.2	Stark	33.3
Marshall	32.9	Stephenson	30.2
Mason	29.8	Tazewell	31.2
Massac	25.3	Union	27.8
Menard	32.2	Vermilion	35.0
Mercer	27.8	Wabash	27.3
Monroe	30.1	Warren	30.7
Montgomery	32.7	Washington	30.0
Morgan	35.0	Wayne	25.6
Moultrie	35.4	White	25.5
Ogle	33.6	Whiteside	33.1
Peoria	32.4	Will	35.8
Perry	25.4	Williamson	26.8
Piatt	35.9	Winnebago	30.4
Pike	29.9	Woodford	32.0

INDIANA

Adams	29.5	Lawrence	25.0
Allen	32.7	Madison	33.7
Bartholomew	26.1	Marion	31.5
Benton	38.0	Marshall	30.7
Blackford	30.0	Martin	24.1
Boone	32.9	Miami	33.2
Brown	22.2	Monroe	25.3
Carroll	34.5	Montgomery	32.0
Cass	33.0	Morgan	29.8
Clark	24.6	Newton	36.0
Clay	27.3	Noble	30.3
Clinton	33.9	Ohio	22.5
Crawford	23.6	Orange	25.0
Daviess	29.4	Owen	23.6
Dearborn	23.4	Parke	30.6
Decatur	25.2	Perry	21.1
De Kalb	28.3	Pike	24.8
Delaware	31.4	Porter	35.0
Dubois	23.8	Posey	27.0
Elkhart	30.7	Pulaski	31.7
Fayette	25.0	Putnam	29.6
Floyd	25.4	Randolph	29.5
Fountain	31.3	Ripley	23.6
Franklin	23.0	Rush	25.4
Fulton	30.2	St. Joseph	31.5
Gibson	28.8	Scott	22.8
Grant	33.9	Shelby	26.3
Greene	25.6	Spencer	23.1
Hamilton	32.6	Starke	29.1
Hancock	31.1	Steuben	31.0
Harrison	23.5	Sullivan	28.0
Hendricks	33.0	Switzerland	23.5
Henry	29.6	Tiptecanoe	34.1
Howard	36.0	Tipton	36.3
Huntington	31.4	Union	26.1
Jackson	23.6	Vanderburgh	27.1
Jasper	33.6	Vermillion	32.0
Jay	28.0	Vigo	28.6
Jefferson	24.4	Wabash	31.1
Jennings	21.7	Warren	34.5
Johnson	30.7	Warrick	26.3
Knox	30.9	Washington	25.1
Kosciusko	30.6	Wayne	26.2
Lagrange	31.4	Wells	31.2
Lake	35.3	White	35.2
La Porte	32.2	Whitley	31.4

IOWA

Adair	25.9	Buena Vista	23.6
Adams	23.7	Butler	30.5
Allamakee	27.6	Calhoun	26.8
Appanoose	23.8	Carroll	29.0
Audubon	27.5	Cass	25.6
Benton	25.5	Cedar	31.2
Black Hawk	26.8	Cerro Gordo	29.4
Boone	28.3	Cherokee	30.3
Bremer	28.6	Chickasaw	26.7
Buchanan	26.0	Clarke	22.5

RULES AND REGULATIONS

IOWA—Continued

County	Normal yield	County	Normal yield
Clay	29.3	Madison	25.3
Clayton	27.4	Mahaska	25.2
Clinton	28.6	Marion	25.3
Crawford	26.4	Marshall	27.6
Dallas	25.2	Mills	28.5
Davis	23.0	Mitchell	27.1
Decatur	23.5	Monona	23.7
Delaware	29.7	Monroe	20.6
Des Moines	30.3	Montgomery	27.7
Dickinson	21.6	Muscatine	25.6
Dubuque	28.5	O'Brien	24.3
Emmet	25.6	Osceola	25.1
Fayette	25.4	Page	26.5
Floyd	25.9	Palo Alto	25.6
Franklin	30.4	Plymouth	26.2
Fremont	28.8	Pocahontas	24.2
Greene	24.5	Polk	28.2
Grundy	28.1	Pottawattamie	26.7
Guthrie	24.2	Poweshiek	28.0
Hamilton	32.8	Ringgold	21.5
Hancock	28.4	Sac	27.6
Hardin	30.0	Scott	29.8
Harrison	26.4	Shelby	30.1
Henry	23.4	Sioux	27.0
Howard	25.6	Story	31.4
Humboldt	29.0	Tama	24.8
Ida	25.4	Taylor	22.2
Iowa	27.2	Union	21.5
Jackson	31.3	Van Buren	23.1
Jasper	26.2	Wapello	23.5
Jefferson	21.9	Warren	25.6
Johnson	23.0	Washington	26.6
Jones	28.5	Wayne	23.4
Keokuk	22.6	Webster	30.1
Kossuth	31.9	Winnebago	28.2
Lee	26.7	Winneshiek	24.1
Linn	25.6	Woodbury	25.9
Louisa	28.8	Worth	25.7
Lucas	19.7	Wright	26.2
Lyon	24.5		

KANSAS

Allen	28.3	Jefferson	28.2
Anderson	29.6	*Jewell	23.3
Atchison	28.1	Johnson	29.5
*Barber	24.4	*Kearny	29.3
*Barton	21.3	*Kingman	20.0
Bourbon	24.4	*Klowa	21.0
Brown	29.3	Labette	25.3
Butler	25.2	*Lane	26.6
Chase	28.0	Leavenworth	27.2
Chautauqua	26.4	*Lincoln	22.1
Cherokee	24.8	Linn	25.1
*Cheyenne	27.6	*Logan	27.8
*Clark	21.6	Lyon	27.4
*Clay	23.8	*McPherson	24.1
*Cloud	23.1	*Marion	25.1
Coffey	28.2	Marshall	27.2
*Comanche	20.6	*Meade	22.2
Cowley	27.4	Miami	27.5
Crawford	24.9	*Mitchell	21.9
*Decatur	28.3	Montgomery	26.9
*Dickinson	25.8	Morris	25.1
Doniphan	28.8	*Morton	23.1
Douglas	29.9	Nemaha	28.4
*Edwards	23.3	Neosho	26.7
Elk	25.9	*Ness	21.5
*Ellis	19.4	*Norton	25.9
*Ellsworth	21.6	Osage	28.8
*Finney	27.9	*Osborne	20.7
*Ford	24.0	*Ottawa	23.8
Franklin	28.7	*Pawnee	24.5
Geary	28.4	*Phillips	22.2
*Gove	27.4	Pottawatomie	26.4
*Graham	22.1	*Pratt	21.0
*Grant	22.7	*Rawlins	29.5
*Gray	25.4	*Reno	23.1
*Greeley	25.6	*Republic	23.5
Greenwood	25.0	*Rice	22.0
*Hamilton	26.5	Riley	26.3
*Harper	23.6	*Rooks	19.4
*Harvey	26.5	*Rush	20.1
*Haskell	24.6	*Russell	18.6
*Hogeman	21.9	*Saline	24.4
Jackson	28.0	*Scott	31.2

* Indicates counties having special wheat cultural practices. See table below.

KANSAS—Continued

County	Normal yield	County	Normal yield
*Sedgwick	25.7	*Thomas	26.7
*Seward	22.7	*Trego	23.6
Shawnee	29.4	Wabaunsee	27.1
*Sheridan	26.5	*Wallace	22.8
*Sherman	25.7	*Washington	24.9
*Smith	22.3	*Wichita	29.7
*Stafford	22.1	Wilson	26.9
*Stanton	27.3	Woodson	26.1
*Stevens	25.3	Wyandotte	31.4
*Sumner	26.7		

KENTUCKY

Adair	22.2	Jessamine	21.0
Allen	21.8	Kenton	21.6
Anderson	20.3	Knox	19.0
Ballard	22.0	Larue	21.6
Barren	22.0	Laurel	20.4
Bath	21.8	Lee	20.0
Boone	21.2	Lewis	20.7
Bourbon	24.2	Lincoln	20.4
Boyd	21.0	Livingston	21.4
Boyle	21.2	Logan	28.4
Bracken	24.4	Lyon	23.2
Breckinridge	21.7	McCracken	23.4
Bullitt	22.6	McLean	22.6
Butler	19.8	Madison	21.6
Caldwell	24.6	Marion	21.8
Calloway	22.2	Marshall	20.0
Campbell	22.9	Mason	21.6
Carlisle	22.0	Meade	22.6
Carroll	21.4	Mercer	20.6
Carter	21.0	Metcalfe	20.2
Casey	20.6	Monroe	19.6
Christian	26.8	Montgomery	22.4
Clark	24.2	Morgan	19.2
Clay	17.4	Muhlenberg	21.3
Clinton	21.0	Nelson	22.1
Crittenden	22.4	Nicholas	21.4
Cumberland	18.8	Ohio	20.5
Davies	25.0	Oldham	25.4
Edmonson	19.6	Owen	22.6
Estill	20.0	Pendleton	20.8
Fayette	25.3	Powell	20.0
Fleming	21.7	Pulaski	21.2
Franklin	21.9	Robertson	20.6
Fulton	25.4	Rockcastle	21.5
Gallatin	23.6	Rowan	19.6
Garrard	20.6	Russell	19.8
Grant	23.8	Scott	23.8
Graves	23.6	Shelby	23.0
Grayson	20.1	Simpson	27.8
Green	21.6	Spencer	21.3
Greenup	20.6	Taylor	22.3
Hancock	22.7	Todd	27.6
Hardin	22.6	Trigg	25.8
Harrison	23.0	Trimble	23.0
Hart	20.6	Union	25.4
Henderson	27.0	Warren	26.0
Henry	23.6	Washington	20.4
Hickman	24.6	Wayne	22.4
Hopkins	21.8	Webster	22.8
Jackson	20.0	Wolfe	17.6
Jefferson	26.8	Woodford	24.2

MARYLAND

Allegany	21.4	Howard	26.7
Anne Arundel	17.4	Kent	28.4
Baltimore	26.6	Montgomery	26.3
Calvert	19.1	Prince Georges	17.6
Caroline	24.2	Queen Annes	25.6
Carroll	25.3	St. Marys	21.2
Cecil	28.6	Somerset	25.1
Charles	19.0	Talbot	25.6
Dorchester	26.4	Washington	25.8
Frederick	24.6	Wicomico	22.2
Garrett	25.4	Worcester	23.6
Harford	29.8		

MICHIGAN

Alcona	26.8	Bay	35.2
Alger	23.8	Benzie	18.4
Allegan	30.2	Berrien	30.4
Alpena	28.8	Branch	29.2
Antrim	25.2	Calhoun	32.0
Arenac	27.5	Cass	28.8
Baraga	22.9	Charlevoix	23.6
Barry	30.2	Cheboygan	23.6

MICHIGAN—Continued

County	Normal yield	County	Normal yield
Chippewa	20.8	Manistee	21.6
Clare	29.8	Marquette	20.1
Clinton	32.8	Mason	28.0
Crawford	15.0	Mecosta	31.0
Delta	20.5	Menominee	26.8
Dickinson	22.2	Midland	35.8
Eaton	34.0	Missaukee	29.6
Emmet	25.5	Monroe	30.8
Genesee	32.0	Montcalm	29.6
Gladwin	30.4	Montmorency	25.6
Gogebic	13.8	Muskegon	29.2
Grand		Newaygo	28.8
Traverse	24.0	Oakland	31.4
Gratiot	36.5	Oceana	26.8
Hillsdale	28.5	Ogemaw	28.1
Houghton	18.6	Ontonagon	16.8
Huron	35.7	Osceola	25.8
Ingham	34.1	Oscoda	26.4
Ionia	33.4	Otsego	21.2
Iosco	23.8	Ottawa	30.0
Iron	18.8	Presque Isle	25.9
Isabella	30.6	Roscommon	24.6
Jackson	30.9	Saginaw	36.2
Kalamazoo	32.0	St. Clair	30.8
Kalkaska	17.7	St. Joseph	30.8
Kent	28.5	Sanilac	32.0
Lake	23.2	Schoolcraft	18.8
Lapeer	34.0	Shiawassee	33.9
Leelanau	22.4	Tuscola	36.8
Lenawee	32.8	Van Buren	28.9
Livingston	31.2	Washtenaw	31.6
Luce	15.6	Wayne	26.5
Mackinac	20.1	Wexford	22.4
Macomb	30.0		

MINNESOTA

Aitkin	19.4	Martin	25.0
Anoka	19.2	Meeker	26.0
Becker	25.4	Mille Lacs	20.3
Beltrami	19.4	Morrison	20.0
Benton	19.6	Mower	26.8
Big Stone	21.9	Murray	22.4
Blue Earth	28.4	Nicollet	26.2
Brown	23.8	Nobles	21.4
Carlton	20.1	Norman	26.4
Carver	27.3	Olmsted	26.1
Cass	18.8	Otter Tail	23.2
Chippewa	22.2	Pennington	23.8
Chisago	20.4	Pine	19.8
Clay	27.2	Pipestone	22.0
Clearwater	23.2	Polk	27.2
Cottonwood	22.8	Pope	21.8
Crow Wing	18.6	Ramsey	20.4
Dakota	26.6	Red Lake	24.0
Dodge	27.2	Redwood	23.1
Douglas	22.8	Renville	24.8
Faribault	30.2	Rice	25.4
Fillmore	24.8	Rock	22.1
Freeborn	29.0	Roseau	22.4
Goodhue	25.2	St. Louis	24.2
Grant	24.8	Scott	27.0
Hennepin	24.0	Sherburne	20.6
Houston	24.4	Sibley	27.3
Hubbard	19.4	Stearns	22.4
Isanti	19.4	Steele	29.1
Itasca	19.2	Stevens	22.0
Jackson	22.5	Swift	20.6
Kanabec	22.2	Todd	21.7
Kandiyohi	24.8	Traverse	23.4
Kittson	22.9	Wabasha	26.5
Koochiching	20.4	Wadena	19.8
Lac qui Parle	20.2	Waseca	30.2
Lake of the		Washington	24.0
Woods	22.2	Watsonwan	21.8
Le Sueur	27.7	Wilkin	25.3
Lincoln	21.2	Winona	25.8
Lyon	21.7	Wright	26.6
McLeod	27.6	Yellow Medi-	
Mahnomen	26.0	cine	21.1
Marshall	25.2		

MISSISSIPPI

Adams	19.2	Bolivar	26.2
Alcorn	19.8	Calhoun	21.3
Amite	18.0	Carroll	25.8
Attala	15.0	Chickasaw	22.6
Benton	22.0	Choctaw	16.0

MISSISSIPPI—Continued

County	Normal yield	County	Normal yield
Claiborne	22.2	Monroe	21.3
Clarke	24.3	Montgomery	20.6
Clay	23.2	Neshoba	17.5
Coahoma	27.0	Newton	18.0
Copiah	19.0	Noxubee	23.6
Covington	19.2	Oktibbeha	21.5
De Soto	25.3	Panola	25.0
Forrest	19.0	Pearl River	17.5
Franklin	18.0	Perry	17.5
George	19.0	Pike	20.0
Grenada	21.5	Pontotoc	20.8
Hinds	21.2	Prentiss	22.2
Holmes	24.2	Quitman	26.0
Humphreys	26.7	Rankin	20.0
Issaquena	27.8	Scott	20.0
Itawamba	23.0	Sharkey	26.9
Jackson	18.0	Shuford	27.2
Jasper	17.5	Tallahatchie	27.1
Jefferson	20.4	Tate	24.2
Jefferson	19.0	Tippah	20.2
Davis	19.0	Tishomingo	19.6
Jones	18.0	Tunica	24.5
Kemper	24.0	Union	19.7
Lafayette	21.6	Walthall	20.0
Lauderdale	17.0	Warren	26.0
Leake	23.4	Washington	29.4
Lee	22.7	Wayne	19.0
Leflore	27.6	Webster	23.2
Lincoln	18.8	Wilkinson	17.0
Lowndes	22.0	Winston	19.3
Madison	23.1	Yalobusha	21.4
Marion	19.0	Yazoo	24.3
Marshall	21.8		

MISSOURI

Adair	30.0	Knox	28.5
Andrew	28.3	Laclede	26.5
Atchison	26.7	Lafayette	29.6
Audrain	33.2	Lawrence	25.4
Barry	25.9	Lewis	26.1
Barton	25.0	Lincoln	31.5
Bates	25.5	Linn	30.2
Benton	24.8	Livingston	30.5
Bollinger	24.0	McDonald	22.9
Boone	28.5	Macon	27.6
Buchanan	29.8	Madison	21.1
Butler	30.8	Maries	25.5
Caldwell	31.6	Marion	29.6
Callaway	32.4	Mercer	29.9
Camden	23.2	Miller	26.5
Cape		Mississippi	32.0
Girardeau	30.9	Moniteau	27.9
Carroll	31.3	Monroe	28.7
Carter	24.4	Montgomery	33.0
Cass	27.7	Morgan	28.3
Cedar	23.9	New Madrid	33.2
Chariton	30.0	Newton	26.1
Christian	25.0	Nodaway	29.6
Clark	25.5	Oregon	23.1
Clay	31.0	Osage	28.1
Clinton	31.2	Ozark	21.0
Cole	28.1	Pemiscot	35.0
Cooper	30.6	Perry	29.4
Crawford	22.8	Pettis	29.7
Dade	27.5	Phelps	25.7
Dallas	24.0	Pike	28.5
Davies	27.8	Platte	31.2
De Kalb	30.4	Polk	26.8
Dent	21.2	Pulaski	20.9
Douglas	18.5	Putnam	27.2
Dunklin	31.2	Ralls	30.9
Franklin	28.8	Randolph	27.5
Gasconade	28.9	Ray	33.4
Gentry	30.1	Reynolds	23.5
Greene	25.9	Ripley	22.0
Grundy	28.0	St. Charles	32.6
Harrison	27.7	St. Clair	24.3
Henry	26.0	St. Francois	27.6
Hickory	25.3	St. Louis	29.6
Holt	27.2	Ste. Genevieve	28.3
Howard	29.0	Saline	29.0
Howell	18.7	Schuyler	27.6
Iron	20.7	Scotland	25.1
Jackson	29.6	Scott	30.4
Jasper	27.3	Shannon	21.9
Jefferson	25.6	Shelby	28.0
Johnson	26.9	Stoddard	31.6

MISSOURI—Continued

County	Normal yield	County	Normal yield
Stone	24.6	Washington	28.2
Sullivan	28.6	Wayne	23.6
Taney	20.0	Webster	23.6
Texas	22.4	Worth	26.1
Vernon	24.5	Wright	24.4
Warren	30.4		

MONTANA

*Beaverhead	21.4	*McCone	15.5
*Big Horn	23.6	*Madison	22.4
*Blaine	18.3	*Meagher	22.0
*Broadwater	23.9	*Mineral	23.0
*Carbon	22.0	*Missoula	27.4
*Carter	12.0	*Musselshell	19.2
*Cascade	25.8	*Park	22.4
*Chouteau	25.2	*Petroleum	14.5
*Custer	18.2	*Phillips	17.8
*Daniels	14.7	*Pondera	25.4
*Dawson	16.1	*Powder River	21.8
*Deer Lodge	31.7	*Powell	26.3
*Fallon	14.2	*Prairie	16.8
*Fergus	24.9	*Ravalli	31.4
*Flathead	31.9	*Richland	18.8
*Gallatin	27.8	*Roosevelt	17.0
*Garfield	14.1	*Rosebud	19.2
*Glacier	24.6	*Sanders	22.8
*Golden		*Sheridan	16.7
Valley	19.2	*Silver Bow	22.3
*Granite	26.6	*Stillwater	20.3
*Hill	22.0	*Sweet Grass	20.2
*Jefferson	19.8	*Teton	26.0
*Judith Basin	24.7	*Toole	22.9
*Lake	25.6	*Treasure	23.2
*Lewis and Clark	21.0	*Valley	16.1
*Liberty	23.4	*Wheatland	19.0
*Lincoln	23.1	*Wibaux	15.7
		*Yellowstone	22.3

NEBRASKA

*Adams	24.7	*Jefferson	25.3
*Antelope	24.5	*Johnson	23.9
*Arthur	17.6	*Kearney	24.5
*Banner	29.1	*Keith	27.5
*Blaine	10.1	*Keya Paha	21.4
*Boone	25.0	*Kimball	26.0
*Box Butte	27.9	*Knox	23.2
*Boyd	18.5	*Lancaster	26.5
*Brown	25.3	*Lincoln	24.0
*Buffalo	24.8	*Logan	22.3
*Burt	31.7	*Loup	22.2
*Butler	29.1	*McPherson	19.4
*Cass	31.3	*Madison	26.3
*Cedar	21.0	*Merrick	24.3
*Chase	26.3	*Morrill	26.5
*Cherry	24.6	*Nance	26.9
*Cheyenne	27.9	*Nemaha	26.4
*Clay	23.6	*Nuckolls	24.3
*Colfax	29.4	*Otoe	27.9
*Cuming	29.3	*Pawnee	24.5
*Custer	26.9	*Perkins	26.5
*Dakota	26.8	*Phelps	28.0
*Dawes	28.0	*Pierce	25.1
*Dawson	25.2	*Platte	28.2
*Deuel	29.5	*Polk	29.2
*Dixon	28.2	*Red Willow	27.5
*Dodge	29.4	*Richardson	28.0
*Douglas	30.5	*Rock	16.4
*Dundy	27.2	*Saline	24.5
*Fillmore	25.1	*Sarpy	31.6
*Franklin	23.6	*Saunders	28.7
*Frontier	26.0	*Scotts Bluff	28.3
*Furnas	26.3	*Seward	27.2
*Gage	25.6	*Sheridan	27.0
*Garden	29.1	*Sherman	23.8
*Garfield	22.4	*Sioux	25.1
*Gosper	27.3	*Stanton	26.7
*Greeley	24.3	*Thayer	23.4
*Hall	24.3	*Thomas	14.0
*Hamilton	25.6	*Thurston	27.2
*Harlan	27.7	*Valley	26.0
*Hayes	26.2	*Washington	32.0
*Hitchcock	26.5	*Wayne	26.6
*Holt	17.6	*Webster	23.3
*Hooker	10.0	*Wheeler	20.6
*Howard	24.7	*York	25.3

* Indicates counties having special wheat cultural practices. See table below.

NEW JERSEY

County	Normal yield	County	Normal yield
Atlantic	24.0	Middlesex	31.8
Bergen	29.6	Monmouth	32.2
Burlington	31.5	Morris	28.6
Camden	26.0	Ocean	30.1
Cape May	23.2	Passaic	29.2
Cumberland	29.6	Salem	32.1
Essex	29.2	Somerset	28.1
Gloucester	27.0	Sussex	29.4
Hunterdon	29.6	Union	28.3
Mercer	32.8	Warren	31.1

NEW MEXICO

*Bernalillo	17.7	*Mora	14.0
*Catron	13.4	*Otero	24.2
*Chaves	38.1	*Quay	14.9
*Colfax	18.2	*Rio Arriba	13.3
*Curry	20.3	*Roosevelt	16.3
*De Baca	30.0	*Sandoval	15.4
*Donna Ana	30.0	*San Juan	21.3
*Eddy	35.7	*San Miguel	15.9
*Grant	28.7	*Santa Fe	16.7
*Guadalupe	13.0	*Sierra	25.2
*Harding	12.8	*Socorro	16.0
*Hidalgo	27.0	*Taos	18.7
*Lea	18.2	*Torrance	14.5
*Lincoln	18.0	*Union	12.9
*Luna	27.0	*Valencia	20.5
*McKinley	10.2		

NEW YORK

Albany	28.8	Oneida	34.4
Allegany	29.2	Onondaga	32.5
Broome	30.8	Ontario	33.6
Cattaraugus	30.9	Orange	27.5
Cayuga	33.7	Orleans	32.8
Chautauqua	29.6	Oswego	27.7
Chemung	30.3	Otsego	30.6
Chenango	31.8	Rensselaer	27.9
Columbia	29.4	St. Lawrence	26.6
Cortland	33.2	Saratoga	31.4
Delaware	30.4	Schenectady	27.4
Dutchess	29.0	Schoharie	30.4
Erie	29.6	Schuyler	28.7
Essex	30.0	Seneca	33.2
Fulton	25.9	Steuben	29.2
Genesee	33.0	Suffolk	33.0
Greene	28.4	Sullivan	28.4
Herkimer	30.1	Tioga	30.0
Jefferson	23.6	Tompkins	31.9
Lewis	27.4	Ulster	29.6
Livingston	33.2	Washington	29.6
Madison	32.3	Wayne	29.7
Monroe	32.6	Westchester	30.9
Montgomery	29.0	Wyoming	32.2
Nassau	27.4	Yates	32.8
Niagara	30.7		

NORTH CAROLINA

Alamance	23.3	Duplin	26.9
Alexander	21.0	Durham	22.9
Alleghany	25.4	Edgecombe	26.6
Anson	21.0	Forsyth	23.3
Ashe	23.4	Franklin	23.7
Avery	21.0	Gaston	21.0
Beaufort	26.1	Gates	25.9
Bertie	24.8	Graham	18.1
Bladen	23.6	Granville	22.7
Brunswick	25.0	Greene	27.2
Buncombe	23.5	Guilford	23.9
Burke	22.0	Halifax	23.8
Cabarrus	19.9	Harnett	26.3
Caldwell	21.3	Haywood	21.8
Camden	29.9	Henderson	22.5
Carteret	25.2	Hertford	23.8
Caswell	22.8	Hoke	22.2
Catawba	23.0	Hyde	27.8
Chatham	21.9	Iredell	22.3
Cherokee	20.6	Jackson	19.8
Chowan	26.2	Johnston	25.8
Clay	19.3	Jones	24.4
Cleveland	22.6	Lee	25.3
Columbus	24.8	Lenoir	28.2
Craven	24.1	Lincoln	22.8
Cumberland	23.0	Mc Dowell	18.0
Currituck	28.0	Macon	21.5
Davidson	23.0	Madison	19.5
Davie	23.3	Martin	25.5

RULES AND REGULATIONS

NORTH CAROLINA—Continued

County	Normal yield	County	Normal yield
Mecklenburg	21.3	Rowan	24.2
Mitchell	19.0	Rutherford	21.9
Montgomery	18.3	Sampson	24.7
Moore	19.6	Scotland	23.8
Nash	28.2	Stanly	20.3
New Hanover	23.4	Stokes	22.7
Northampton	24.0	Surry	23.7
Onslow	23.4	Transylvania	20.9
Orange	22.8	Tyrrell	25.8
Pamlico	27.1	Union	22.0
Pasquotank	29.1	Vance	22.6
Pender	24.2	Wake	25.5
Perquimans	27.0	Warren	21.7
Person	22.2	Washington	27.3
Pitt	26.7	Watauga	23.9
Polk	21.0	Wayne	27.0
Randolph	22.8	Wilkes	23.7
Richmond	17.8	Wilson	29.8
Robeson	24.2	Yadkin	24.0
Rockingham	23.9	Yancey	20.3

NORTH DAKOTA

*Adams	13.4	*McKenzie	15.0
*Barnes	22.0	*McLean	17.6
*Benson	18.9	*Mercer	15.8
*Billings	13.4	*Morton	15.5
*Bottineau	17.6	*Mountrail	16.2
*Bowman	13.3	*Nelson	22.7
*Burke	17.0	*Oliver	14.4
*Burleigh	15.9	*Pembina	25.0
*Cass	24.9	*Pierce	15.1
*Cavaller	22.4	*Ramsey	21.3
*Dickey	17.8	*Ransom	18.4
*Divide	14.3	*Renville	18.7
*Dunn	14.4	*Richland	22.0
*Eddy	18.5	*Rolette	17.3
*Emmons	13.8	*Sargent	20.6
*Foster	19.9	*Sheridan	16.3
*Golden		*Sioux	11.6
Valley	16.5	*Slope	17.4
*Grand Forks	27.7	*Stark	16.0
*Grant	14.0	*Steele	27.6
*Griggs	23.0	*Stutsman	19.2
*Hettinger	16.6	*Towner	21.1
*Kidder	15.1	*Traill	28.9
*La Moure	17.5	*Walsh	24.0
*Logan	14.4	*Ward	20.1
*McHenry	15.6	*Wells	18.8
*McIntosh	13.4	*Williams	15.2

OHIO

Adams	21.3	Henry	32.6
Allen	30.9	Highland	22.4
Ashland	27.9	Hocking	22.2
Ashtabula	26.0	Holmes	28.4
Athens	24.4	Huron	30.2
Auglaize	30.0	Jackson	21.9
Belmont	28.6	Jefferson	29.4
Brown	20.5	Knox	24.2
Butler	24.5	Lake	25.3
Carroll	28.2	Lawrence	25.4
Champaign	30.8	Licking	25.2
Clark	30.9	Logan	29.3
Clermont	23.2	Lorain	27.6
Clinton	26.2	Lucas	34.3
Columbiana	30.2	Madison	30.4
Coshocton	25.3	Mahoning	29.2
Crawford	29.3	Marion	30.8
Cuyahoga	27.0	Medina	28.0
Darke	29.4	Meigs	22.4
Defiance	28.6	Mercer	30.2
Delaware	27.9	Miami	30.8
Erie	32.0	Monroe	25.6
Fairfield	25.3	Montgomery	27.2
Fayette	28.4	Morgan	25.2
Franklin	28.0	Morrow	26.3
Fulton	32.0	Muskingum	24.8
Gallia	23.4	Noble	24.7
Geauga	27.0	Ottawa	29.0
Greene	27.8	Paulding	27.8
Guernsey	24.7	Perry	24.9
Hamilton	25.8	Pickaway	26.2
Hancock	31.1	Pike	21.8
Hardin	30.7	Portage	27.4
Harrison	27.0	Preble	26.8

* Indicates counties having special wheat cultural practices. See table below.

OHIO—Continued

County	Normal yield	County	Normal yield
Putnam	30.8	Tuscarawas	28.6
Richland	27.7	Union	27.3
Ross	23.7	Van Wert	31.9
Sandusky	31.2	Vinton	22.8
Scioto	23.5	Warren	24.6
Seneca	29.5	Washington	24.3
Shelby	29.9	Wayne	30.0
Stark	29.7	Williams	28.9
Summit	28.9	Wood	32.4
Trumbull	27.2	Wyandot	30.2

OKLAHOMA

Adair	19.4	LeFlore	22.6
*Alfalfa	22.9	Lincoln	19.2
Atoka	19.5	Logan	22.2
*Beaver	18.5	Love	16.9
*Beckham	17.8	McClain	24.2
*Blaine	20.3	McCurtain	20.0
Bryan	19.0	McIntosh	20.3
*Caddo	20.3	*Major	21.6
*Canadian	20.1	Marshall	18.3
Carter	19.3	Mayes	21.2
Cherokee	20.8	Murray	23.6
Choctaw	20.6	Muskogee	22.0
Cimarron	18.2	Noble	22.5
Cleveland	20.8	Nowata	22.7
Coal	20.4	Oklfuskee	19.0
*Comanche	17.3	Oklahoma	23.2
*Cotton	17.9	Okmulgee	20.1
Craig	22.9	Osage	23.4
Creek	17.0	Ottawa	24.0
*Custer	20.0	Pawnee	21.6
Delaware	23.2	Payne	19.8
*Dewey	20.4	Pittsburg	18.2
*Ellis	17.4	Pontotoc	20.4
*Garfield	23.2	Pottawatomie	23.6
Garvin	22.7	Pushmataha	19.0
*Grady	21.2	*Roger Mills	17.2
*Grant	22.2	Rogers	21.5
*Greer	19.3	Seminole	20.5
*Harmon	20.2	Sequoyah	22.0
*Harper	19.0	Stephens	20.2
Haskell	22.6	*Texas	18.5
Hughes	20.1	*Tillman	20.9
*Jackson	21.3	Tulsa	23.0
Jefferson	17.6	Wagoner	22.6
Johnston	19.1	Washington	23.4
Kay	26.0	*Washita	20.2
*Kingfisher	20.1	*Woods	24.4
*Kiowa	20.6	*Woodward	18.4
Latimer	17.0		

OREGON

*Baker	34.3	*Lane	27.8
*Benton	29.4	*Linn	27.0
*Clackamas	29.2	*Malheur	48.3
*Columbia	28.9	*Marion	30.8
*Crook	44.4	*Morrow	27.2
*Deschutes	36.8	*Multnomah	32.5
*Douglas	22.0	*Polk	32.8
*Gilliam	29.0	*Sherman	33.8
*Grant	24.4	*Umatilla	33.6
*Harney	21.2	*Union	39.1
*Hood River	25.8	*Wallowa	30.4
*Jackson	32.0	*Wasco	31.8
*Jefferson	32.8	*Washington	32.9
*Josephine	25.9	*Wheeler	23.9
*Klamath	29.2	*Yamhill	32.1
*Lake	23.0		

PENNSYLVANIA

Adams	25.4	Clearfield	24.2
Allegheny	28.0	Clinton	28.2
Armstrong	25.0	Columbia	26.6
Beaver	28.2	Crawford	25.2
Bedford	27.0	Cumberland	27.2
Berks	27.6	Dauphin	26.0
Blair	30.4	Delaware	31.8
Bradford	26.4	Elk	25.2
Bucks	29.0	Erie	26.3
Butler	28.1	Fayette	27.9
Cambria	25.6	Forest	21.2
Cameron	22.4	Franklin	26.2
Carbon	25.0	Fulton	24.3
Centre	27.8	Greene	25.0
Chester	32.4	Huntingdon	27.0
Clarion	25.1	Indiana	25.1

PENNSYLVANIA—Continued

County	Normal yield	County	Normal yield
Jefferson	25.4	Philadelphia	29.6
Juniata	26.4	Pike	24.4
Lackawanna	28.3	Potter	28.4
Lancaster	33.1	Schuylkill	24.9
Lawrence	28.1	Snyder	25.0
Lebanon	30.6	Somerset	26.6
Lehigh	29.7	Sullivan	24.5
Luzerne	25.2	Susquehanna	28.0
Lycoming	25.6	Tioga	25.8
McKean	26.4	Union	26.8
Mercer	26.6	Venango	25.9
Mifflin	28.8	Warren	25.6
Monroe	26.2	Washington	28.1
Montgomery	28.9	Wayne	26.8
Montour	23.8	Westmore-	
Northampton	32.7	land	27.2
Northumber-		Wyoming	25.7
land	26.2	York	28.8
Perry	26.2		

SOUTH CAROLINA

Abbeville	20.2	Greenwood	20.3
Aiken	19.7	Hampton	23.7
Allendale	22.8	Horry	25.7
Anderson	20.7	Jasper	21.4
Bamberg	21.2	Kershaw	22.1
Barnwell	21.4	Lancaster	21.4
Beaufort	25.0	Laurens	22.6
Berkeley	22.7	Lee	24.1
Calhoun	24.1	Lexington	19.0
Charleston	23.9	McCormick	19.5
Cherokee	20.4	Marion	24.8
Chester	22.2	Marlboro	24.0
Chesterfield	20.8	Newberry	22.5
Clarendon	22.4	Oconee	19.6
Colleton	22.2	Orangeburg	20.8
Darlington	22.2	Pickens	19.0
Dillon	24.2	Richland	23.6
Dorchester	22.9	Saluda	21.5
Edgefield	21.8	Spartanburg	20.0
Fairfield	21.3	Sumter	22.4
Florence	22.3	Union	19.0
Georgetown	21.6	Williamsburg	22.4
Greenville	20.6	York	20.9

SOUTH DAKOTA

*Aurora	18.9	*Jackson	26.3
*Beadle	14.2	*Jerauld	14.9
*Bennett	29.9	*Jones	22.8
*Bon Homme	18.0	*Kingsbury	16.8
*Brookings	19.2	*Lake	18.9
*Brown	16.3	*Lawrence	19.4
*Brule	20.4	*Lincoln	20.4
*Buffalo	20.6	*Lyman	24.3
*Butte	19.8	*McCook	20.6
*Campbell	14.6	*McPherson	13.7
*Charles Mix	20.8	*Marshall	16.9
*Clark	15.2	*Meade	18.0
*Clay	23.6	*Mellette	22.4
*Codington	16.5	*Miner	16.0
*Corson	11.8	*Minnehaha	20.6
*Custer	18.4	*Moody	23.4
*Davison	18.6	*Pennington	20.1
*Day	17.6	*Perkins	12.7
*Deuel	19.0	*Potter	17.8
*Dewey	13.8	*Roberts	18.5
*Douglas	21.4	*Sanborn	15.5
*Edmunds	16.8	*Shannon	27.9
*Fall River	21.8	*Spink	16.0
*Faulk	16.9	*Stanley	23.6
*Grant	20.5	*Sully	20.3
*Gregory	23.0	*Todd	24.9
*Haakon	23.5	*Tripp	25.5
*Hamlin	19.3	*Turner	19.7
*Hand	18.7	*Union	21.6
*Hanson	20.4	*Walworth	16.3
*Harding	12.8	*Washabaugh	28.1
*Hughes	18.8	*Yankton	18.6
*Hutchinson	18.6	*Ziebach	13.3
*Hyde	17.1		

TENNESSEE

Anderson	20.2	Bradley	18.8
Bedford	17.2	Campbell	20.3
Benton	18.2	Cannon	17.2
Bledsoe	18.2	Carroll	18.7
Blount	21.6	Carter	21.6

TENNESSEE—Continued

County	Normal yield	County	Normal yield
Cheatham	22.5	Loudon	19.2
Chester	19.2	McMinn	18.8
Claiborne	19.9	McNairy	19.8
Clay	17.0	Macon	17.6
Coke	20.4	Madison	20.0
Coffee	21.8	Marion	19.7
Crockett	20.4	Marshall	16.6
Cumberland	17.0	Mauzy	20.7
Davidson	20.3	Meigs	18.6
Decatur	15.4	Monroe	20.6
De Kalb	17.3	Montgomery	25.9
Dickson	17.8	Moore	18.6
Dyer	23.7	Morgan	18.6
Fayette	19.8	Obion	23.3
Fentress	17.8	Overton	19.6
Franklin	25.3	Perry	13.9
Gibson	17.7	Pickett	18.2
Giles	18.2	Polk	18.7
Grainger	21.3	Putnam	19.0
Greene	19.7	Rhea	17.0
Grundy	24.6	Roane	17.7
Hamblen	24.4	Robertson	24.8
Hamilton	19.0	Rutherford	18.9
Hancock	19.2	Suqatchie	18.8
Hardeman	20.8	Sevier	20.6
Hardin	16.4	Shelby	22.3
Hawkins	21.8	Smith	15.4
Haywood	19.3	Stewart	18.8
Henderson	18.2	Sullivan	21.0
Henry	20.6	Sumner	19.2
Hickman	17.0	Tipton	23.7
Houston	19.5	Trousdale	16.5
Humphreys	18.0	Unicoi	22.8
Jackson	14.0	Union	18.4
Jefferson	22.2	Van Buren	20.2
Johnson	22.3	Warren	20.8
Knox	21.2	Washington	22.2
Lake	31.0	Wayne	16.2
Lauderdale	24.5	Weakley	18.5
Lawrence	19.7	White	21.4
Lewis	14.8	Williamson	19.4
Lincoln	17.7	Wilson	16.0

TEXAS

Andrews	16.0	*Crosby	18.8
Anderson	15.0	Culberson	20.0
Archer	15.0	*Dallam	16.3
*Armstrong	18.4	Dallas	19.1
Atascosa	13.0	*Dawson	15.6
Austin	11.0	*Deaf Smith	24.5
*Bailey	23.7	Delta	16.9
Bandera	16.4	Denton	19.3
Bastrop	12.0	De Witt	12.0
Baylor	18.0	*Dickens	15.6
Bee	12.0	*Donley	16.8
Bell	14.6	Eastland	13.0
Bexar	14.6	Edwards	10.0
Blanco	15.4	Ellis	17.2
Borden	14.4	Erath	13.2
Bosque	16.7	Falls	14.6
Bowie	20.6	Fannin	18.0
Brazos	12.0	Fayette	10.0
*Briscoe	17.9	Fisher	14.8
Brown	13.0	*Floyd	21.1
Burleson	11.0	*Foard	17.4
Burnet	15.9	Freestone	12.0
Caldwell	12.0	Frio	14.4
Callahan	13.9	*Gaines	17.1
*Carson	18.8	*Garza	13.9
*Castro	27.6	Gillespie	17.2
Cherokee	13.0	Glasscock	17.2
*Childress	19.0	Gonzales	13.0
Clay	15.9	*Gray	20.1
*Cochran	23.0	Grayson	18.9
Coke	16.4	Guadalupe	13.2
Coleman	14.0	*Hale	28.9
Collin	18.7	*Hall	16.3
*Collingsworth	18.2	Hamilton	14.8
Colorado	12.0	*Hansford	17.1
Comal	13.5	*Hardeman	18.2
Comanche	13.8	Harris	10.0
Concho	14.5	*Hartley	16.9
Cooke	19.3	*Haskell	16.8
Coryell	15.4	Hays	13.0
*Cottle	16.8	*Hemphill	17.7
		Henderson	14.0

* Indicates counties having special wheat cultural practices. See table below.

TEXAS—Continued

County	Normal yield	County	Normal yield
Hill	17.1	Panola	11.0
*Hockley	23.6	Parker	13.4
Hood	17.9	*Parmer	30.3
Hopkins	16.3	Pecos	20.0
Houston	13.0	*Potter	17.7
Howard	14.6	Presidio	25.0
Hudspeth	20.0	Rains	14.0
Hunt	17.2	*Randall	19.5
*Hutchinson	20.0	Reagan	15.0
Irion	10.0	Real	10.0
Jack	13.8	Red River	15.2
Jackson	13.9	Reeves	20.0
Johnson	17.3	*Roberts	19.4
Jones	16.0	Robertson	12.0
Karnes	14.2	Rockwall	17.8
Kaufman	17.0	Runnels	13.1
Kendall	16.7	San Saba	17.3
Kent	13.8	Schleicher	14.5
Kerr	15.6	Scurry	14.1
Kimble	12.8	Shackelford	15.0
King	14.8	Shelby	12.0
*Knox	18.2	*Sherman	16.7
Lamar	17.9	Smith	12.0
*Lamb	25.2	Somervell	14.6
Lampasas	16.2	Stephens	13.8
Lavaca	11.0	Sterling	15.2
Lee	11.0	Stonewall	14.4
Leon	13.4	Sutton	10.0
Limestone	13.3	*Swisher	23.9
*Lipscomb	18.1	Tarrant	17.9
Live Oak	13.0	Taylor	14.8
Llano	12.0	*Terry	19.8
*Lubbock	24.3	Throck-	
*Lynn	20.6	morton	16.4
McCulloch	14.8	Titus	12.0
McLennan	15.8	Tom Green	14.6
Madison	12.0	Travis	14.0
Martin	16.8	Uvalde	13.8
Mason	16.2	Van Zandt	15.6
Maverick	13.0	Victoria	12.0
Medina	15.2	Walker	12.0
Menard	13.4	Waller	13.4
Midland	16.1	Ward	15.0
Milam	14.8	Washington	11.0
Mills	15.1	Wharton	14.0
Mitchell	13.2	*Wheeler	16.9
Montague	16.4	*Wichita	17.8
*Moore	19.5	*Wilbarger	19.3
Morris	13.0	Williamson	14.4
*Motley	16.2	Wilson	15.4
Nacogdoches	12.0	Wise	18.0
Navarro	17.7	Wood	17.0
Nolan	13.8	*Yoakum	17.3
*Ochiltree	18.3	Young	15.0
*Oldham	15.5	Zavala	14.3
Palo Pinto	14.4		

UTAH

*Beaver	36.4	*Piute	33.0
*Box Elder	19.2	*Rich	19.8
*Cache	25.9	*Salt Lake	24.9
*Carbon	34.0	*San Juan	13.8
*Daggett	33.0	*Sanpete	22.9
*Davis	51.6	*Sevier	48.2
*Duchesne	36.0	*Summit	27.0
*Emery	33.0	*Tooele	14.7
*Garfield	27.0	*Uintah	27.0
*Grand	17.4	*Utah	27.3
*Iron	17.3	*Wasatch	38.0
*Juab	15.2	*Washington	15.7
*Kane	20.0	*Wayne	36.0
*Millard	16.5	*Weber	46.8
*Morgan	28.0		

VIRGINIA

Accomac	27.2	Buckingham	23.8
Albermarle	25.6	Campbell	23.0
Alleghany	21.0	Caroline	24.9
Amelia	25.3	Carroll	23.2
Amherst	21.4	Charles City	28.0
Appomattox	23.7	Charlotte	26.0
Augusta	25.6	Chesterfield	23.9
Bath	21.3	Clarke	25.6
Bedford	23.8	Craig	24.5
Bland	22.5	Culpeper	26.0
Botetourt	24.2	Cumberland	24.6
Brunswick	23.9	Dickenson	22.5
Buchanan	21.4	Dinwiddie	25.5

VIRGINIA—Continued

County	Normal yield	County	Normal yield
Essex	24.2	Northampton	27.9
Fairfax	25.8	Northumber-	
Fauquier	25.6	land	26.9
Floyd	25.1	Nottoway	26.4
Fluvanna	24.2	Orange	25.7
Franklin	24.1	Page	25.2
Frederick	24.0	Patrick	23.2
Giles	22.0	Pittsylvania	23.4
Gloucester	23.1	Powhatan	24.9
Goochland	24.4	Prince Ed-	
Grayson	22.2	ward	25.2
Greene	23.4	Prince George	23.9
Greensville	22.4	Prince	
Halifax	24.3	William	25.0
Hampton	22.5	Princess Anne	28.2
Hanover	24.0	Pulaski	24.0
Henrico	25.9	Rappahan-	
Henry	21.6	nock	24.3
Highland	23.2	Richmond	26.4
Isle of Wight	25.8	Roanoke	26.0
James City	30.5	Rockbridge	22.4
King and		Rockingham	25.8
Queen	23.3	Russell	22.1
King George	26.6	Scott	21.1
King William	27.7	Shenandoah	25.6
Lancaster	25.4	Smyth	23.3
Lee	22.2	Southamp-	
Loudoun	26.9	ton	24.4
Louisa	24.5	Spotsylvania	23.3
Lunenburg	24.6	Stafford	24.8
Madison	25.4	Surry	24.0
Mathews	23.4	Sussex	24.0
Mecklenburg	24.3	Tazewell	22.4
Middlesex	24.4	Warren	24.0
Montgomery	24.7	Washington	23.2
Nansemond	26.3	Westmore-	
Nelson	20.2	land	27.7
New Kent	24.5	Wise	21.1
Newport News	22.0	Wythe	23.7
Norfolk	27.8	York	24.5

WASHINGTON

*Adams	27.9	*Klickitat	25.4
*Asotin	28.9	*Lewis	32.2
*Benton	23.7	*Lincoln	34.8
*Chelan	19.9	*Okanogan	22.5
*Challam	44.9	*Pacific	34.0
*Clark	25.4	*Pend Oreille	21.5
*Columbia	39.1	*Pierce	31.1
*Cowlitz	29.2	*San Juan	38.0
*Douglas	23.3	*Skagit	46.0
*Ferry	26.2	*Skamania	20.0
*Franklin	29.4	*Snohomish	39.0
*Garfield	40.7	*Spokane	35.0
*Grant	29.8	*Stevens	32.6
*Grays Harbor	28.5	*Thurston	29.1
*Island	48.0	*Walla Walla	38.6
*Jefferson	40.5	*Whatcom	39.2
*King	34.3	*Whitman	41.0
*Kittitas	39.1	*Yakima	36.5

WEST VIRGINIA

Barbour	23.4	Mineral	22.2
Berkeley	24.6	Monongalia	25.3
Boone	20.0	Monroe	24.5
Braxton	23.2	Morgan	18.6
Brooke	26.6	Nicholas	24.4
Cabell	21.5	Ohio	27.1
Calhoun	22.2	Pendleton	24.1
Clay	22.1	Pleasants	24.4
Doddridge	22.1	Pocahontas	26.3
Fayette	22.8	Preston	26.5
Gilmer	22.5	Putnam	19.6
Grant	25.1	Raleigh	18.6
Greenbrier	24.6	Randolph	26.2
Hampshire	25.5	Ritchie	21.5
Hancock	26.9	Roane	19.1
Hardy	26.0	Summers	23.4
Harrison	24.1	Taylor	23.7
Jackson	20.3	Tucker	23.5
Jefferson	23.2	Tyler	22.9
Kanawha	20.9	Upshur	23.0
Lewis	23.7	Wayne	19.4
Lincoln	19.6	Webster	19.8
Marion	23.6	Wetzel	21.6
Marshall	23.7	Wirt	24.2
Mason	23.5	Wood	21.4
Mercer	24.0	Wyoming	18.2

RULES AND REGULATIONS

WISCONSIN

County	Normal yield	County	Normal yield
Adams	21.2	Marathon	25.8
Ashland	20.2	Marinette	24.3
Barron	24.8	Marquette	20.6
Bayfield	21.7	Milwaukee	31.7
Brown	30.0	Monroe	26.4
Buffalo	25.2	Oconto	25.6
Burnett	19.0	Oneida	21.4
Calumet	33.2	Outagamie	31.8
Chippewa	21.7	Ozaukee	32.0
Clark	23.8	Pepin	24.1
Columbia	29.1	Pierce	23.5
Crawford	28.6	Polk	21.8
Dane	31.0	Portage	21.8
Dodge	31.5	Price	21.0
Door	27.8	Racine	34.6
Douglas	18.7	Richland	25.8
Dunn	24.2	Rock	30.8
Eau Claire	23.0	Rusk	19.5
Florence	19.4	St. Croix	24.8
Fond du Lac	32.1	Sauk	27.3
Forest	20.6	Sawyer	18.8
Grant	29.0	Shawano	27.6
Green	28.0	Sheboygan	31.8
Green Lake	25.7	Taylor	21.6
Iowa	28.3	Trempealeau	25.6
Iron	19.4	Vernon	27.4
Jackson	24.3	Vilas	20.5
Jefferson	31.9	Walworth	33.2
Juneau	22.4	Washburn	20.8
Kenosha	33.0	Washington	32.8
Kewaunee	30.0	Waukesha	30.6
La Crosse	25.4	Waupaca	22.8
Lafayette	28.2	Waushara	21.7
Langlade	24.6	Winnebago	32.0
Lincoln	25.0	Wood	24.6
Manitowoc	31.4		

WYOMING

*Albany	13.8	*Natrona	23.6
*Big Horn	34.4	*Niobrara	19.0
*Campbell	15.7	*Park	37.3
*Carbon	12.2	*Platte	22.5
*Converse	17.9	*Sheridan	22.4
*Crook	19.5	*Sublette	18.9
*Fremont	35.8	*Sweetwater	21.6
*Goshen	22.0	*Teton	35.8
*Hot Springs	31.8	*Uinta	23.6
*Johnson	17.9	*Washakie	35.4
*Laramie	24.5	*Weston	18.5
*Lincoln	15.4		

*Indicates counties having special wheat cultural practices. See table below.

(Secs. 301, 375, 52 Stat. 38, as amended 66; 7 U.S.C. 1901, 1375)

Effective thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 6, 1962.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

Normal Yields of Wheat for Special Cultural Practices

ARIZONA

County	Irrigated	Summer fallow	Con- tinuous cropping
Apache	30.0		17.0
Cochise	27.0		
Cocconino	30.0		18.5
Gila	25.1		
Graham	25.8		
Greenlee	28.8		
Maricopa	41.6		
Mohave	30.0		15.0
Navajo	30.0		18.5
Pima	29.2		
Pinal	36.6		
Santa Cruz	24.0		
Yavapai	27.0		
Yuma	36.2		

CALIFORNIA

County	Irrigated	Summer fallow	Con- tinuous cropping
Alameda		23.2	31.1
Alpine			30.0
Amador			24.6
Butte		30.3	28.2
Calaveras			18.4
Colusa			27.0
Contra Costa			38.8
Fresno	46.6	18.2	12.9
Glenn	35.0	28.2	25.1
Humboldt			29.0
Imperial	55.2		
Inyo		20.6	
Kern	31.6	12.8	11.0
Kings	41.4		
Lake			25.9
Lassen	20.2	18.6	19.1
Los Angeles	26.3	12.2	6.7
Madera	32.2	15.6	12.1
Marin			24.5
Mariposa			30.0
Mendocino			24.2
Merced	39.4	25.8	23.6
Modoc	46.4	17.3	16.1
Mono			20.0
Monterey	33.6	19.2	17.9
Napa			29.1
Orange			19.1
Placer		21.8	18.5
Plumas			19.6
Riverside	30.0	17.8	15.9
Sacramento	47.6	26.4	36.0
San Benito			26.4
San Bernardino			28.0
San Diego			26.8
San Joaquin	43.0	29.8	36.5
San Luis Obispo		16.2	13.6
San Mateo			20.8
Santa Barbara		16.4	22.1
Santa Clara			24.8
Shasta		13.7	16.4
Sierra			17.9
Siskiyou	44.7	18.7	18.8
Solano	53.0	30.0	43.4
Sonoma			21.4
Stanislaus			29.4
Sutter	43.9	28.8	40.2
Tehama		20.0	18.2
Trinity			20.0
Tulare	28.5	20.8	15.9
Tuolumne			19.9
Ventura			23.0
Yolo	43.2	36.1	41.9
Yuba			27.2

COLORADO

Adams	33.7	26.9	24.0
Alamosa	28.2		
Arapahoe	36.4	25.6	22.2
Archuleta	28.4	17.4	13.4
Baca	29.4	19.8	15.5
Bent	33.6	16.5	12.8
Boulder	34.9	29.2	22.6
Chaffee	26.4		
Cheyenne	30.0	21.6	17.0
Conejos	26.2		
Costilla	25.5		
Crowley	33.7	16.6	12.0
Custer	29.5	14.8	11.0
Delta	36.2	18.6	12.5
Dolores		14.9	12.2
Douglas	29.0	26.8	21.0
Eagle	40.3		19.5
Elbert	28.0	22.3	18.9
El Paso	28.4	18.1	12.6
Fremont	29.4	17.4	8.5
Garfield	33.4	18.4	14.7
Grand	27.8	17.3	14.6
Huerfano	26.8	19.0	13.4
Jackson		17.2	14.0
Jefferson	33.0	30.5	22.3
Kiowa	30.2	18.6	16.6
Kit Carson	30.2	23.1	15.4
La Plata	28.6	16.8	13.9
Larimer	34.4	26.5	20.9
Las Animas	28.7	15.2	11.7
Lincoln	28.0	21.6	15.1
Logan	27.0	24.2	17.8
Mesa	32.8	15.8	13.1
Moffat	31.0	17.8	14.5
Montezuma	30.1	17.8	14.2
Montrose	38.0	15.0	12.3
Morgan	36.0	22.6	17.4
Otero	37.9	17.3	9.7
Ouray	35.3	16.7	12.2
Park			14.5
Phillips	28.0	28.5	18.6
Pitkin	38.9	18.6	16.5
Prowers	32.6	19.3	16.8
Pueblo	35.8	22.3	14.4
Rio Blanco	33.1	21.4	16.0
Rio Grande	33.3		
Routt	32.8	21.3	16.7
Saguache	32.4		
San Miguel	32.7	14.9	13.8

COLORADO—Continued

County	Irrigated	Summer fallow	Con- tinuous cropping
Sedgwick	30.0	28.2	21.2
Teller			16.0
Washington	33.8	24.6	16.6
Weld	33.6	24.8	19.0
Yuma	32.4	25.4	16.7

IDAHO

Ada	52.4	22.4	19.7
Adams	42.0	21.4	22.6
Bannock	45.5	21.1	17.8
Bear Lake	36.0	19.2	17.2
Benewah		37.2	24.9
Bingham	55.7	16.9	15.2
Blaine	44.2	17.7	18.1
Boise	40.0	22.1	22.7
Bonner	33.2	25.3	19.6
Bonneville	52.9	20.6	17.3
Boundary		45.2	40.8
Butte	46.6	9.2	7.7
Camas	38.0	20.0	19.1
Canyon	60.2		22.8
Caribou	40.8	23.8	19.2
Cassia	57.4	18.6	17.0
Clark	43.2	16.4	13.7
Clearwater		38.5	28.8
Custer	47.4		15.1
Elmore	46.0	20.6	16.4
Franklin	45.8	23.2	22.4
Fremont	47.4	25.6	21.0
Gem	47.9		20.2
Gooding	50.6	18.6	15.0
Idaho		36.5	26.2
Jefferson	51.8	15.7	13.6
Jerome	61.6		13.0
Kootenai	33.2	31.9	24.4
Latah		40.2	28.8
Lemhi	43.6		
Lewis		42.2	34.6
Lincoln	53.4	16.5	14.7
Madison	52.0	24.6	19.0
Minidoka	55.8	14.6	8.4
Nez Perce	39.4	42.4	32.4
Oneida	40.7	21.4	17.5
Owyhee	59.6		18.0
Payette	47.2		18.0
Power	46.8	18.2	14.7
Teton	36.5	23.7	20.8
Twin Falls	67.8	14.8	12.3
Valley	34.0	19.1	17.2
Washington	46.8	22.9	21.0

KANSAS

Barber		26.8	24.2
Barton	31.3	23.9	20.5
Cheyenne		28.3	20.0
Clark		23.9	19.3
Clay		26.6	23.6
Cloud	31.2	27.1	22.8
Comanche		24.2	19.2
Decatur		29.0	21.4
Dickinson		28.2	23.7
Edwards	30.3	25.2	21.0
Ellis		23.1	16.8
Ellsworth		24.4	18.3
Finney	35.6	27.8	20.7
Ford	39.0	25.8	21.5
Gove		28.6	19.9
Graham	27.0	22.7	17.3
Grant	34.0	28.2	19.2
Gray	30.5	26.9	21.3
Greeley	31.0	26.2	20.7
Hamilton	31.5	27.1	18.0
Harper		29.2	23.4
Harvey	32.7	31.1	26.3
Haskell	29.2	25.4	18.6
Hodgeman	27.5	24.0	19.6
Jewell		26.3	22.2
Kearny	36.1	29.9	22.5
Kingman		25.8	19.6
Kiowa	27.4	23.3	18.4
Lane	32.6	27.9	19.1
Lincoln		24.6	21.3
Logan		29.0	20.1
McPherson		28.6	23.6
Marion		29.7	18.5
Meade	25.5	23.4	19.6
Mitchell		27.4	16.5
Morton	32.8	24.1	17.0
Ness	32.6	23.6	20.0
Norton	27.0	24.1	18.7
Osborne		27.6	23.2
Ottawa		27.5	22.3
Pawnee	29.3	23.8	17.6
Phillips	28.2	22.9	19.9
Pratt	27.0	30.4	21.0
Rawlins		27.2	22.8
Reno	31.0	26.6	23.2
Republic		26.1	21.2
Rice		21.1	13.7
Rooks		22.6	18.1
Rush	30.0		

KANSAS—Continued

County	Irrigated	Summer fallow	Continuous cropping
Russell		22.4	16.3
Saline		27.4	24.2
Scott	33.7	32.4	20.2
Sedgwick		29.5	25.6
Seward	29.3	23.9	17.3
Sheridan	27.0	27.4	20.4
Sherman	32.0	26.2	19.3
Smith	29.5	24.6	18.9
Stafford	30.0	24.9	20.9
Stanton	32.5	27.9	20.4
Stevens	30.9	27.1	18.3
Summer		30.6	26.6
Thomas	33.0	27.7	19.0
Trego		25.2	16.2
Wallace	31.0	23.2	18.9
Washington		29.7	24.5
Wichita	35.6	29.8	22.1

MONTANA

Beaverhead	37.2	18.2	13.0
Big Horn	29.6	23.3	17.2
Blaine	28.7	17.9	14.6
Broadwater	34.0	20.8	13.8
Carbon	32.0	20.5	16.0
Carter	21.0	14.7	7.8
Cascade	31.1	25.8	18.5
Chouteau	29.8	25.3	19.2
Custer	32.1	18.7	11.1
Daniels		14.8	11.7
Dawson	30.1	16.2	11.4
Deer Lodge	31.7	21.9	20.3
Fallon		14.6	11.1
Fergus	27.8	25.0	14.2
Flathead	35.1	32.6	22.0
Gallatin	41.0	24.8	20.0
Garfield	29.0	14.3	9.0
Glacier	37.1	24.6	17.8
Golden Valley	25.2	19.2	10.6
Granite	32.1	21.1	14.0
Hill	30.0	22.0	15.0
Jefferson	30.2	19.7	13.1
Judith Basin	32.0	24.8	15.8
Lake	27.6	26.2	18.2
Lewis and Clark	27.0	20.8	14.7
Liberty		23.4	15.8
Lincoln	25.7	22.4	18.2
McCone	27.5	15.6	11.6
Madison	32.6	19.0	16.7
Meagher	22.6	22.0	14.3
Mineral	35.9	25.6	20.4
Missoula	36.1	25.4	21.4
Musselshell	25.6	19.2	11.1
Park	23.3	21.8	16.0
Petroleum	25.8	14.7	10.7
Phillips	29.0	17.6	11.4
Pondera	33.2	25.2	21.9
Powder River	25.0	22.7	11.6
Powell	35.2	19.2	15.2
Prairie	30.8	17.0	10.5
Ravalli	41.7	24.6	17.2
Richland	35.2	18.4	12.7
Roosevelt	25.1	17.3	12.1
Rosebud	32.2	18.6	9.7
Sanders	30.2	23.8	16.7
Sheridan	24.2	16.8	13.3
Silver Bow	25.1	17.4	13.0
Stillwater	31.9	20.2	15.6
Sweet Grass	30.0	19.5	13.3
Teton	34.5	25.3	20.4
Toole		22.9	19.0
Treasure	35.2	20.3	13.9
Valley	23.6	16.1	11.2
Wheatland	25.3	19.0	11.3
Wibaux		16.2	13.6
Yellowstone	35.6	21.3	13.4

NEBRASKA

Adams	32.8	27.8	23.0
Antelope	20.1		24.5
Banner		29.3	17.6
Blaine			14.1
Boone	24.0		10.1
Box Butte	31.8	28.0	25.0
Boyd			14.3
Brown	20.0	21.0	18.5
Buffalo	32.8	26.4	20.5
Burt			31.7
Butler	36.2	27.9	29.2
Cass	32.5	34.2	31.3
Cedar			21.0
Chase	34.4	26.4	17.0
Cherry		25.0	23.6
Cheyenne	34.5	28.0	14.6
Clay	31.7	26.7	23.0
Colfax	34.5	28.2	29.4
Cumming			29.3
Custer	32.2	28.2	21.6
Dakota			26.8
Dawes	32.2	28.1	16.1

NEBRASKA—Continued

County	Irrigated	Summer fallow	Continuous cropping
Dawson	32.2	27.6	20.0
Deuel	40.0	29.6	16.8
Dixon			28.2
Dodge	35.8	27.4	29.4
Douglas		30.6	30.5
Dundy	34.5	27.6	16.0
Fillmore	33.7	27.0	23.6
Franklin	29.0	24.8	20.1
Frontier	31.2	26.4	19.8
Furnas	35.0	26.4	21.2
Gage	32.0	28.4	25.6
Garden	34.0	29.2	16.8
Garfield			22.4
Gosper	35.7	27.4	22.4
Greely	30.0	25.4	23.6
Hall	37.6	26.4	23.9
Hamilton	32.0	27.7	25.3
Harlan	34.2	28.2	23.2
Hayes	32.7	26.8	17.4
Hitchcock	30.5	26.6	20.1
Holt	20.0		17.6
Hooker			10.0
Howard	34.0	26.1	23.3
Jefferson	31.8	28.4	25.2
Johnson	32.5	24.9	23.9
Kearney	35.4	26.8	21.6
Keith	36.2	27.6	17.4
Keya Paha		25.0	19.0
Kimball	32.4	26.1	12.8
Knox			23.2
Lancaster	32.5	27.1	26.5
Lincoln	31.0	24.7	17.7
Logan	34.2	22.7	19.6
Loup			22.2
McPherson			19.4
Madison			26.3
Merrick	31.2	26.0	24.0
Morrill	35.3	26.6	13.0
Nance	35.0	29.0	26.2
Nemaha		27.7	26.4
Nuckolls	30.5	26.6	23.0
Otoe		28.6	27.9
Pawnee	31.0	25.9	24.5
Perkins	32.6	26.6	16.8
Phelps	35.4	29.4	22.0
Pierce			25.1
Platte	37.2	30.1	28.0
Polk	33.2	30.9	29.1
Redwillow	35.4	27.5	20.8
Richardson		27.2	28.0
Rock			16.4
Saline	31.7	28.0	24.3
Sarpy		30.1	31.6
Saunders	35.3	28.3	28.7
Scotts Bluff	36.3	28.4	13.7
Seward	34.2	28.2	27.1
Sheridan	36.0	27.4	14.7
Sherman	35.2	26.6	20.8
Sioux	31.6	26.0	14.6
Stanton			26.7
Thayer	32.0	26.0	22.8
Thomas			14.0
Thurston			27.2
Valley	36.4	27.5	24.0
Washington	32.1	28.4	32.1
Wayne			26.6
Webster	30.0	24.6	19.7
Wheeler			20.6
York	35.0	28.9	25.1

NEW MEXICO

Bernalillo	26.8	8.5	6.0
Catron	23.1	9.0	7.0
Chaves	38.1		
Colfax	26.0	16.6	12.6
Curry	29.1	18.0	15.4
De Baca	34.2	10.0	6.5
Dona Ana	30.0		
Eddy	35.7		
Grant	29.8	9.0	7.0
Guadalupe	20.0	9.5	6.0
Harding	35.0	14.8	12.3
Hidalgo	27.0		
Lea	31.0	8.0	7.0
Lincoln	29.6	8.6	6.5
Luna	27.0		
McKinley	18.5	9.0	6.5
Mora	23.0	9.5	7.0
Otero	23.2	8.0	7.0
Quay	25.9	16.1	13.4
Rio Arriba	20.2	13.0	12.0
Roosevelt	27.5	18.2	13.6
Sandoval	18.0	10.0	7.5
San Juan	25.2	9.5	7.0
San Miguel	21.5	10.0	7.5
Sante Fe	22.8	13.0	12.0
Sierra	25.2		
Socorro	21.9	8.2	6.0
Taos	19.3	13.0	6.5
Torrance	26.0	8.6	6.5
Union	27.2	10.4	9.0
Valencia	22.6	7.0	6.5

NORTH DAKOTA

County	Irrigated	Summer fallow	Continuous cropping
Adams		14.6	12.4
Barnes		23.8	17.8
Benson		20.9	14.8
Billings		16.8	11.2
Bottineau		18.5	11.8
Bowman		15.9	10.3
Burke		17.4	11.2
Burleigh		22.6	14.1
Cass		28.6	21.8
Cavalier		23.0	18.4
Dickey		23.5	16.5
Divide		14.4	11.6
Dunn		16.1	13.1
Eddy		21.5	13.8
Emmons		19.9	13.1
Foster		21.6	16.8
Golden Valley		17.6	14.4
Grand Forks		29.2	24.0
Grant		16.1	12.4
Griggs		24.3	17.8
Hettinger		17.2	14.7
Kidder		18.1	14.2
La Moure		21.6	14.2
Logan		19.3	13.0
McHenry		18.0	11.1
McIntosh		18.2	12.7
McKenzie		14.9	10.8
McLean	33.9	18.6	14.5
Mercer		17.1	15.1
Morton		18.2	12.7
Mountrail		16.8	12.4
Nelson		25.1	16.8
Oliver		16.1	14.0
Pembina		27.3	21.7
Pierce		17.5	11.6
Ramsey		21.6	16.0
Ransom		21.8	17.6
Renville		19.1	12.2
Richland		25.8	21.2
Rolette		18.2	12.8
Sargent		24.2	19.8
Sheridan		19.3	11.6
Sioux		15.4	10.4
Slope		18.6	14.8
Stark		17.3	13.5
Steele		39.2	21.8
Stutsman		22.0	14.5
Towner		21.8	15.6
Trails		30.6	25.9
Walsh		24.8	22.4
Ward		21.2	14.9
Wells		20.5	15.7
Williams	29.4	15.2	11.8

OKLAHOMA

Alfalfa		32.0	22.6
Beaver	26.5	21.9	16.6
Beckham		21.2	17.0
Blaine		27.5	20.0
Caddo	32.0	25.0	20.0
Canadian		26.8	20.0
Cimarron	35.0	18.9	14.2
Comanche		24.0	17.0
Cotton		25.0	17.8
Custer	29.0	23.0	20.0
Dewey	27.8	25.0	20.0
Ellis		22.3	16.7
Garfield		29.0	23.1
Grady		28.0	21.0
Grant		27.8	22.1
Greer	30.0	27.0	18.8
Harmon	30.0	27.0	18.5
Harper	25.0	24.2	18.3
Jackson	27.2	27.0	20.6
Kingfisher		26.0	20.0
Kiowa		28.0	20.0
Major		28.0	21.4
Roger Mills		21.2	17.0
Texas	30.0	19.2	16.2
Tillman	30.0	27.0	20.4
Washita	30.0	25.0	20.0
Woods		31.1	24.1
Woodward	27.1	25.9	18.1

OREGON

Baker	39.5	24.3	13.7
Benton			29.4
Clackamas	35.0		29.1
Columbia			28.9
Crook	50.4	20.7	18.3
Deschutes	36.8	23.4	21.5
Douglas			22.0
Gilliam	36.2	29.0	22.9
Grant		24.5	20.0
Harney	24.5	18.7	16.3
Hood River			25.8
Jackson			32.0
Jefferson	47.4	23.8	14.5
Josephine			25.9
Klamath	36.8	21.2	14.7
Lake	26.8	23.2	17.6

OREGON—Continued

County	Irrigated	Summer fallow	Continuous cropping
Lane			27.8
Linn			27.0
Malheur	50.4	21.0	14.1
Marion	41.8		30.6
Morrow	33.3	27.2	23.6
Multnomah			32.5
Polk			32.8
Sherman		33.8	24.4
Umatilla	39.2	33.5	29.1
Union	42.1	40.4	27.0
Wallowa	37.3	28.9	20.7
Wasco	31.7	31.8	21.8
Washington	39.2		32.8
Wheeler	31.2	23.9	23.3
Yamhill	45.8		32.0

SOUTH DAKOTA

Aurora		24.5	17.4
Beadle		21.6	13.3
Bennett		30.4	18.2
Bon Homme			18.0
Brookings			19.2
Brown		22.9	15.8
Brule		24.8	15.1
Buffalo		24.0	14.4
Butte		20.9	16.3
Campbell		19.8	12.2
Charles Mix		25.7	19.4
Clark		21.0	14.8
Clay			23.6
Codington		21.4	16.1
Corson		14.7	10.2
Custer		20.0	15.0
Davison			18.6
Day		23.6	16.4
Deuel		20.3	18.0
Dewey		15.8	11.0
Douglas		25.0	17.9
Edmonds		20.0	15.4
Fall River		23.6	13.5
Faulk		20.6	14.8
Grant		22.5	18.8
Gregory		28.7	17.6
Haakon		25.0	14.1
Hamlin		20.5	18.1
Hand		23.6	15.1
Hanson		19.0	21.8
Harding		14.9	11.4
Hughes		22.6	15.9
Hutchinson			18.6
Hyde		23.0	13.9
Jackson		28.1	16.4
Jerauld		20.6	13.9
Jones		25.0	13.7
Kingsbury		22.6	16.0
Lake			18.9
Lawrence		21.8	15.8
Lincoln			20.4
Lyman		26.8	16.0
McCook			20.6
McPherson		19.5	11.9
Marshall		22.7	16.6
Meade		21.3	11.2
Mellette		23.9	15.1
Miner			16.0
Minnehaha			20.6
Moody			23.4
Pennington		22.1	12.0
Perkins		15.2	10.1
Potter		22.8	15.8
Roberts		24.9	18.0
Sanborn			15.5
Shannon		28.2	15.6
Spink		21.0	15.0
Stanley		26.1	14.3
Sully		26.1	16.7
Todd		26.8	17.7
Tripp		27.9	15.4
Turner			19.7
Union			21.6
Walworth		20.2	13.5
Washabaugh		28.7	16.5
Yankton			18.6
Ziebach		15.6	10.0

TEXAS

Armstrong	25.0	21.9	16.4
Bailey	30.8	16.5	15.2
Briscoe	26.9	19.2	15.2
Carson	25.0	19.3	17.0
Castro	32.6	17.4	16.0
Childress	25.0		19.0
Cochran	26.5		18.2
Collingsworth	25.0		18.2
Cottle	25.0		16.8
Crosby	25.7	18.0	13.8
Dallam	25.0	17.1	14.8
Dawson	23.0		15.6
Deaf Smith	31.2	17.8	15.3
Dickens	25.0		15.6
Donley	25.0	18.6	16.3
Floyd	29.0	17.6	14.0

TEXAS—Continued

County	Irrigated	Summer fallow	Continuous cropping
Foard	25.0		17.4
Gaines	23.0		17.1
Garza	24.0		13.9
Gray	25.0	21.3	19.8
Hale	30.9	17.8	15.2
Hall	25.0		16.3
Hansford	25.0	17.0	15.1
Hardeman	25.0		18.2
Harley	25.0	17.6	15.2
Haskell	25.0		16.8
Hemphill	25.0	18.9	16.7
Hockley	26.0		23.6
Hutchinson	25.0	18.8	15.6
Knox	25.0		18.2
Lamb	29.0	21.8	18.8
Lipscomb	25.0	20.0	17.1
Lubbock	30.6	20.3	20.0
Lynn	25.0		20.6
Moore	25.0	19.1	16.0
Motley	25.0		16.2
Ochiltree	25.0	19.0	17.3
Oldham	25.0	15.6	13.4
Parmer	33.0	18.9	19.3
Potter	28.4	17.4	15.5
Randall	28.2	17.4	15.4
Roberts	25.0	20.8	18.5
Sherman	25.0	16.8	13.8
Swisher	29.9	17.0	15.2
Terry	25.0	17.0	14.5
Wheeler	25.0	19.2	16.2
Wichita	26.0		17.8
Wilbarger	26.0		19.3
Yoakum	25.0		17.3

UTAH

Beaver	36.4	15.0	
Box Elder	42.8	15.3	
Cache	42.1	19.5	
Carbon	34.0	15.0	
Daggett	33.0	15.0	
Davis	53.6	26.8	
Duchesne	36.0	15.0	
Emery	33.0	15.0	
Garfield	27.5	15.0	
Grand	30.0	15.0	
Iron	28.3	16.5	
Juab	27.5	14.4	
Kane	25.0	15.0	
Millard	30.9	13.7	
Morgan	38.8	20.0	
Piute	33.0	16.0	
Rich	32.0	17.9	
Salt Lake	45.7	14.8	
San Juan	21.7	13.6	
Sanpete	33.4	15.5	
Sevier	48.2	15.0	
Summit	35.0	17.5	
Tooele	32.2	13.8	
Uintah	28.3	20.0	
Utah	43.3	15.0	
Wasatch	38.0	20.0	
Washington	26.6	14.7	
Wayne	36.0	16.0	
Weber	50.2	29.4	

WASHINGTON

County	Irrigated	Summer fallow	Continuous cropping	Seeded after peas
Adams	44.3	27.5	20.5	
Asotin		28.9	20.8	
Benton	46.8	22.8	22.4	
Chelan	37.4	19.9	19.2	
Clallam			44.9	
Clark			25.4	
Columbia	46.2	39.2	34.2	40.6
Cowlitz			29.2	
Douglas	47.0	23.1	23.8	
Ferry	34.8	27.4	23.4	
Franklin	41.4	26.3	22.2	
Garfield	46.0	40.8	33.0	40.4
Grant	41.3	26.4	20.4	
Grays Harbor			28.5	
Island			48.0	
Jefferson			40.5	
King			34.3	
Kittitas	44.9	25.5	23.4	
Klickitat	37.5	26.1	19.7	20.8
Lewis			32.2	
Lincoln	44.8	34.7	29.1	26.7
Okanogan	31.7	21.9	18.8	
Pacific			34.0	
Pend Oreille		20.8	22.2	
Pierce			31.1	
San Juan			38.0	
Skagit			46.0	
Skamania			20.0	
Snohomish			39.0	

WASHINGTON—Continued

County	Irrigated	Summer fallow	Continuous cropping	Seeded after peas
Spokane	41.1	35.5	29.9	35.3
Stevens	35.4	36.2	24.0	26.6
Thurston			29.1	
Walla Walla	45.0	37.8	34.0	45.5
Whatcom			39.2	
Whitman	42.0	41.6	36.7	39.8
Yakima	45.8	26.2	20.0	

WYOMING

County	Irrigated	Summer fallow	Continuous cropping
Albany	19.6	13.8	8.7
Big Horn	34.4		
Campbell	23.7	16.4	10.3
Carbon	24.2	12.0	8.7
Converse	23.2	18.4	12.0
Crook	25.0	20.8	14.4
Fremont	35.8		
Goshen	26.0	22.2	12.8
Hot Springs	31.8		
Johnson	28.0	15.5	10.1
Laramie	28.7	24.6	16.6
Lincoln	23.7	16.7	13.2
Natrona	23.6	15.7	8.0
Niobrara	20.0	20.0	12.3
Park	37.3		
Platte	25.6	22.6	11.4
Sheridan	31.0	20.9	13.9
Sublette	18.9		
Sweetwater	21.6		
Teton	35.8	23.7	21.1
Uinta	23.6		
Washakie	35.4	11.7	9.0
Weston	24.1	20.0	13.0

[F.R. Doc. 62-12220; Filed, Dec. 12, 1962; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1963

Basis and purpose and statement of bases and considerations. The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1963 and to establish pursuant to section 202 of the Act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1963. Further, this regulation establishes (1) the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the Act, (2) the liquid sugar quota pursuant to section 208 of the Act, and (3) the import fee applicable to sugar imported from foreign countries as provided by section 213 of the Act.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER (27 F.R.

11895) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1963. Interested persons were given until December 5, 1962, to submit written data, views or arguments for consideration in connection with the proposed regulation. All data, views and comments received relative to the proposed regulation were thoroughly considered. In addition, consideration has been given to changes, subsequent to the issuance of the notice of proposed rule making, in the price of sugar and other sugar market conditions. In view of such considerations, the fee to be paid on sugar is less than the fee originally proposed.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 12-month period ended October 31, 1962, distribution of sugar for consumption in the continental United States totaled 9,711,000 short tons, raw value. Inventories of sugar in the hands of food processors, wholesalers and retailers are believed to have increased during this period in which case actual consumption would have been less than the quantity distributed. Allowing for this on the one hand and on the other for normal increases in consumption due to the increase in population and for refining losses, the quantity of sugar needed in the calendar year 1963 is expected to approximate 9,800,000 short tons, raw value.

Refiners' inventories of quota sugar at the end of 1962 are expected to be slightly higher than at the end of 1961 and significantly higher than those held at the end of other recent years. It is essential that these inventories be maintained at present or higher levels to assure an uninterrupted flow of supplies to consumers.

Prices for sugar in recent months have been within a range of 6.35 to 6.55 cents per pound and the quotations on the New York Coffee and Sugar Exchange for contracts for delivery in the early months of 1963 have also been within this range.

Accordingly, the quantity of sugar needed to meet the requirements of consumers in the continental United States during the calendar year 1963 is herein determined to be 9,800,000 short tons, raw value.

The determination made herein has been based insofar as is required in section 201 of the Act, on official statistics of the Department of Agriculture and

statistics published by other agencies of the Federal Government.

The quotas and prorations thereof, the amounts of such quotas or prorations that may be filled by direct-consumption sugar and the limitations on the entry of liquid sugar are established herein pursuant to sections 202, 207 and 208 of the Sugar Act, as amended.

Since the United States is not in diplomatic relations with Cuba, the provisions of section 202(c)(4) of the Act preclude the establishment of the proration for that country of 1,654,341 short tons, raw value. Of that quantity 150,000 short tons, raw value, is allocated, 130,000 tons to the Dominican Republic and 20,000 tons to Argentina in accordance with section 202(c)(4)(B) of the Act and the President's Proclamation 3485. Of the remaining 1,504,341 short tons, raw value, 750,000 tons is herein authorized for purchase and importation from any country that is a net exporter of sugar and with which this country is in diplomatic relations. Provision is made to authorize for purchase and importation during the period January-May 1963 the 750,000 tons on the basis of proposals to be submitted by foreign countries on or before December 20, 1962, to give special consideration to countries purchasing United States agricultural commodities. Any part of the 750,000 tons not authorized pursuant to such proposals may be authorized on the basis of the order of eligibility established in Part 817 of this chapter.

Based on expected price relationships, it is hereby found that a fee of 1.80 cents per pound, raw value, will approximate the difference between the market price for raw sugar (adjusted for freight to New York and most-favored-nation-tariff) eligible for importation into the United States from foreign countries within the quantity provided pursuant to section 202(c)(4) of the Act and the price for raw sugar at a level that will fulfill the domestic price objective set forth in section 201. Accordingly, as a condition for the importation of sugar within the quantities and quota prorations established in this regulation, fees are provided of 1.80 cents per pound for the quantity authorized for importation from foreign countries as a group pursuant to section 202(c)(4) of the Act; 0.36 cent per pound for raw sugar authorized from individual foreign countries within quota prorations established pursuant to section 202(c)(3) of the Act; and 0.56 cent per pound for direct-consumption sugar authorized for importation within the limitations established pursuant to section 207(e)(2) of the Act.

The procedures for payment of such fees are established in this regulation. The initial amount of fee to be paid on raw sugar is determined by multiplying the actual pounds to be imported by 1.05 and then by the fee per pound; on direct-consumption sugar, by multiplying the actual pounds by 1.07 and then by the fee per pound. Thus, consideration is given to the fact that the raw value equivalent weight of sugar customarily exceeds the actual weight. Provision is made for final settlement on the basis of the pounds of sugar, raw value, imported multiplied by the fee.

The initial payment of fee must be submitted when an importer makes application for the release of sugar which may be made any time between five days before the expected date of departure of the sugar from the area of origin and the time of its arrival at Customs clearance. To accommodate a variety of sales and shipment agreements provision is made in Part 817 of this chapter for approval of set-aside of quota and fixing the rate of fee as much as 110 days before the departure of the sugar from the area of origin and 155 days before arrival of the sugar in the continental United States.

Approval of applications for set-aside of quota is subject to a letter of credit to assure the subsequent payment of fees that become due when an application for entry of sugar is made or for the failure to import sugar. On all sugar imported subject to a fee, an applicant is obligated to make payment of the fee at the rate per pound established as applicable at the time (1) an application for set-aside of quota was approved, or in the absence of an approved set-aside application, (2) an authorization for the release of sugar was issued. Subject to tolerances to cover normal loading variations and shipping losses, an importer is obligated to pay the applicable fee on sugar authorized for entry or approved for set-aside but not imported, except when the importation of the sugar is prevented by force majeure or other enumerated reasons.

Effective date. The Act provides that the Secretary of Agriculture shall, during December 1962, determine sugar requirements and establish sugar quotas for the continental United States for the calendar year 1963. The regulations determining 1963 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1963, but also to any sugar imported prior thereto for refining, storage and subsequent release within 1963 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act and the provisions of §§ 811.14 of these regulations, as they apply to sugar which may be imported in December 1962, and aspects of §§ 811.13 and 811.17 relating to proposals to be submitted by December 20, 1962, shall be effective upon publication in the FEDERAL REGISTER; and, all other provisions of this regulation shall become effective January 1, 1963.

Sec.

- 811.10 Sugar requirements, 1963.
- 811.11 Quotas for domestic areas.
- 811.12 [Reserved].
- 811.13 Quotas for foreign countries.
- 811.14 Import fee.
- 811.15 Applicability of quotas.
- 811.16 Restrictions on importations and marketings within quotas.
- 811.17 Procedures and requirements applicable to sugar imported with special consideration to countries purchasing agricultural commodities.

AUTHORITY: §§ 811.10 to 811.17 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208,

209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 928, as amended, sec. 213 as added by Public Law 87-535 approved July 13, 1962; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

§ 811.10 Sugar requirements, 1963.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1963 is hereby determined to be 9,800,000 short tons, raw value.

§ 811.11 Quotas for domestic areas.

(a) For the calendar year 1963 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar.....	2,698,590	(1)
Mainland cane sugar.....	911,410	(1)
Hawaii.....	1,110,000	33,516
Puerto Rico.....	1,140,000	147,000
Virgin Islands.....	15,000	0

¹ No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.12 [Reserved]

§ 811.13 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1963 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section. All importations of sugar within the prorations or quantities established in paragraphs (c), (d) and (e) of this section are conditioned upon the payment of a fee as provided in § 811.14.

(b) For the calendar year 1963 the quota for the Republic of the Philippines is 1,050,000 short tons, raw value, and of this quantity of 1,050,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(c) (1) For the calendar year 1963 the prorations or allocations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) of the Act are as follows:

Country:	Short tons, raw value
Peru.....	192,152
Dominican Republic.....	192,152
Mexico.....	192,152
Brazil.....	182,416
British West Indies.....	91,351
Australia.....	40,378
Republic of China.....	35,510
French West Indies.....	30,355
Colombia.....	30,355
Nicaragua.....	25,200
Costa Rica.....	25,200
Ecuador.....	25,200
India.....	20,332
Haiti.....	20,332
Guatemala.....	20,332
South Africa.....	20,332
Panama.....	15,177
El Salvador.....	10,309
Paraguay.....	10,023
British Honduras.....	10,023
Fiji Islands.....	10,023
Ireland.....	10,000
Belgium.....	182

On the basis of information available, it is found that in the calendar year 1962 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1963 to fill the quota prorations for the calendar year 1963 for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 516, 631, 3 and 10,023 short tons, raw value.

(2) For the calendar year 1963 the allocations for foreign countries pursuant to section 202(c) (4) (B) of the Act and the President's Proclamation 3485 are as follows:

Country:	Short tons, raw value
Dominican Republic.....	130,000
Argentina.....	20,000

Country:	Short tons, raw value
Ireland.....	10,000
Panama.....	3,817
Belgium.....	182

(e) For the calendar year 1963 the quantity of sugar available for authorization for purchase and importation from foreign countries as a group, in addition to the quantities established as the quota for the Republic of the Philippines in paragraph (b) of this section and the quota prorations or allocations for individual foreign countries in paragraph (c) of this section, is 1,504,341 short tons, raw value. Of this total quantity 750,000 short tons, raw value, shall be authorized at this time for purchase and importation from foreign countries as a group on the following basis.

(1) The quantity of 750,000 short tons, raw value, may be authorized for pur-

chase and importation during the period January 1 through May 31, 1963, pursuant to proposals received on or before December 20, 1962, and subsequently accepted as provided for in § 811.17. This quantity is being made available for authorization for purchase and importation for purposes of giving special consideration to Western Hemisphere countries and to those countries purchasing United States agricultural commodities.

(2) Any part of the quantity of 750,000 short tons, raw value, not authorized for purchase and importation pursuant to proposals accepted under paragraph (e) (1) of this section may be authorized for purchase and importation in accordance with the procedures set forth in Part 817 of this chapter.

(3) It is hereby found that the total quantity of 750,000 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 750,000 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this chapter. Sugar may be authorized for purchase and importation within the quantity of 750,000 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1962 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports.

(f) For the calendar year 1963 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup or can juice of the type of Barbados molasses, limited to liquid sugar-containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

(g) Quotas or prorations thereof for any foreign country, in subsequent years shall be reduced in accordance with the provisions of paragraph (e) of section 202 of the Act if sugar is imported into the continental United States within the quotas or prorations established in this section in violation of such paragraph (e) of section 202 of the Act.

§ 811.14 Import fee.

(a) As a condition for the importation of any quantity of sugar within the quantity established for foreign countries as a group in paragraph (e) of § 811.13, a fee of 1.40 cents per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(b) As a condition for the importation of any quantity of raw sugar within the quota prorations established for individual foreign countries in paragraph

(c) of § 811.13, a fee of 0.28 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section. Notwithstanding the provisions of § 811.5, as amended, for the calendar year 1962 (27 F.R. 6863), as a condition for the importation of any quantity of raw sugar prior to January 1, 1963, for refining and storage, pursuant to paragraph (c) or (d) of § 817.8 of Part 817 of this chapter, for subsequent release within the quota prorations established for 1963 for individual foreign countries in paragraph (c) of § 811.13, a fee of 0.28 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(c) As a condition for the importation of any quantity of direct-consumption sugar within the limitations provided for in paragraph (d) of § 811.13, a fee of 0.48 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(d) The fee per pound as established in paragraphs (a), (b) and (c) of this section shall be subject to change by amendment of the regulations in this part effective when filed for public inspection in the Office of the Federal Register. Payment as provided in paragraphs (e) and (f) of this section with respect to an application for release of sugar shall be based upon the fee per pound effective at the time such application first becomes eligible for authorization as provided in § 817.6(b) of this chapter: *Provided, That, if the application for authorization for release of sugar is applicable to sugar being imported, under an application for set-aside approved pursuant to § 817.4(e) of this chapter, the payment as provided in paragraphs (e) and (f) of this section with respect to such application for authorization for release of sugar shall be based upon the fee per pound effective at the time such application for set-aside became eligible for approval as provided in § 817.6(b) of this chapter.*

(e) The applicable fee established in paragraphs (a), (b) or (c) of this section shall be paid by the person applying to the Secretary for authorization for release of sugar for consumption in the continental United States. With each application submitted as provided in § 817.4 of Part 817 covering sugar to be imported within the quota prorations and quantity established in paragraphs (c) and (e) of § 811.13, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.05 and multiplying the result by the applicable fee per pound as established in paragraph (a) or (b) of this section. With each application submitted as provided in § 817.4 of this chapter covering direct-consumption sugar to be imported within the direct-consumption limitation established in paragraph (d) of § 811.13, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.07 and multiplying the result by the applicable fee per pound as established in paragraph (c) of this section. Upon receipt of such an application and initial pay-

ment, the Secretary may issue an authorization for release by a Collector as provided in § 817.6 of this chapter of the quantity of sugar covered by the application. The payment required under this paragraph shall be made in the form of a certified check payable to the Agricultural Stabilization and Conservation Service and submitted to the Sugar Division of such Service. Any application submitted for the purpose of changing the date of departure to a subsequent date of not more than fifteen days after the date stated on the application, the port of departure or the port of arrival in the continental United States, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application shall be considered as an amendment to the original application and no initial payment is required to accompany the amendatory application.

(f) In making final settlement with respect to the initial payment provided for under paragraph (e) of this section, a determination will be made of the quantity of sugar in terms of raw value as provided in § 817.7(c) (2) of this chapter with respect to the quantity imported pursuant to each application for the purpose of ascertaining whether any further payment by the applicant or any refund to the applicant is required. Upon such determination further payment shall be made by the applicant in the amount by which the product of the quantity of sugar, raw value, imported multiplied by the applicable fee per pound provided for in paragraph (a), (b), or (c) and in paragraph (d) of this section, exceeds the amount of the initial payment made pursuant to paragraph (e) of this section: *Provided, however, That if all or any part of the quantity of sugar which has been authorized for release is not imported into the United States other than for reasons of force majeure, disasters at sea, acts of God, or strikes so extensive and of such duration as to preclude importation, no refund will be made of the amount of the initial payment applicable to the quantity not imported as represented by the difference between the authorized quantity reduced by 10 per centum (to cover normal shipping losses and normal loading variations) and the quantity imported (commercial weight):* *Provided further, That upon submission of evidence satisfactory to the Secretary that due to force majeure, acts of God, or strike, which precluded exportation of sugar, departure of the shipment or cargo of sugar has been delayed more than 15 days beyond the date of departure stated on the application for authorization for release of sugar, the authorization will be canceled and the initial payment made pursuant to paragraph (e) of this section with respect to the application will be refunded to the applicant.*

§ 811.15 Applicability of quotas.

All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas, prora-

tions, or quantities made available to countries as a group are filled by the marketing and importation of sugar or liquid sugar. The quantitative limitations established by §§ 811.11 to 811.13, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.16 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.11 to 811.13, inclusive, has been filled, or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

§ 811.17 Procedures and requirements applicable to sugar imported with special consideration to countries purchasing United States agricultural commodities.

(a) This section sets forth the procedures to be followed and requirements to be met for purposes of giving special consideration to foreign countries purchasing United States agricultural products in connection with authorizing sugar for importation into the continental United States pursuant to paragraph (e) of § 811.13.

(b) A representative authorized by and acting on behalf of the Government of a foreign country desiring special consideration in accordance with paragraph (a) of this section, shall offer a proposal in writing to the Sugar Division, Agricultural Stabilization and Conservation Service, Washington 25, D.C., which shall be received on or before the date for submission of such proposals as specified in paragraph (e) of § 811.13 and shall include in substance the following information and commitments:

(1) The quantity of raw sugar proposed for importation into the United States indicating the minimum and maximum quantities expected to be imported by month of its importation, and stating in the proposal that such sugar is to be imported pursuant to § 811.13(e) and subject to the import fee established under § 811.14(a);

(2) The latest date the country's proposal may be accepted in whole or in part;

(3) A statement that the country will agree to use for the purchase and export of United States agricultural commodities prior to December 31, 1963, the percentage stated in the proposal, of the net receipts, i.e., port of shipment, derived from the sale of sugar covered by the proposal and that on or before a date specified in the agreement, it will certify to the Government of the United States that an amount equivalent to the percentage stated in the proposal of the net receipts derived from the sale of sugar has been used for the purchase and export of United States agricultural commodities prior to December 31, 1963.

Subject to meeting sugar supply needs, proposals will be accepted in the order of the stated percentage of net receipts (highest first) to be used for the purchase of agricultural products.

(4) A statement that the country will agree that the agricultural commodities purchased will be consumed solely within the country or geographical area thereof.

(c) The representatives of foreign countries submitting proposals found acceptable by the Secretary will be notified of the acceptance, in whole or in part; and agreements shall thereafter be entered into by the Governments of the respective foreign countries with the Government of the United States which agreements shall give effect to each proposal in accordance with the acceptance. Upon the acceptance by the Secretary of proposals made in accordance with the requirements of this section, authorizations for importation will be issued and set-asides will be approved in accordance with the provisions of Part 817 of this chapter for the quantities of sugar covered by the Agreements.

Issued at Washington, D.C., this 10th day of December 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-12312; Filed, Dec. 12, 1962;
8:48 a.m.]

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

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

1961-62 Expenses of Filbert Control Board; Operating Reserve Fund Increases

Notice was published in the *FEDERAL REGISTER* on November 2, 1962 (27 F.R. 10705), that the Department was considering a proposal to authorize revised expenses including maintenance of an operating reserve of the Filbert Control Board for the 1961-62 fiscal year by increasing the total amount thereof to \$25,827. The proposal was based on a recommendation of the Filbert Control Board established pursuant to the amended marketing agreement and order (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington effective under the 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 other available information. The revision was proposed for the purpose of making additional funds available for the operating reserve fund which was proposed to be increased from \$5,000 to \$7,269.

The notice afforded interested persons opportunity to submit written data, views, or arguments pertaining thereto with the Department for consideration prior to final action on the proposal. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters presented, including the recommendation of the Filbert Control Board, the data and information in the notice, and other available information, it is hereby found that increasing the expenses (pursuant to § 982.60) for the 1961-62 fiscal year to \$25,827 and the operating reserve fund (pursuant to § 982.62) for such year to \$7,269 will tend to effectuate the declared policy of the act.

Therefore, the expenses heretofore authorized to be incurred by the Filbert Control Board for the 1961-62 fiscal year (§ 982.306(a), 26 F.R. 10688), and the size of the operating reserve fund (formerly § 997.305(c), 25 F.R. 10648; 26 F.R. 9911, 10688) are each increased as hereinafter set forth in paragraphs (a) and (c), respectively, of said § 982.306 as hereby revised. Since the rate of assessment for the 1961-62 fiscal year (§ 982.306(b); 26 F.R. 10688), remains the same, it is carried forward into the revised § 982.306 unchanged.

As hereby revised, § 982.306 reads as follows:

§ 982.306 Expenses of the Filbert Control Board and rate of assessment for the 1961-62 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1961, in accordance with § 982.60, will amount to \$25,827; and the Board is authorized to incur such expenses.

(b) *Assessment rate.* In accordance with § 982.61, the assessment rate for said fiscal year is fixed at 0.16 cent per pound of assessable filberts, and each handler shall pay to the Board on demand, assessments on all assessable filberts at such rate.

(c) The operating reserve fund for said fiscal year is fixed at \$7,269.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the assessment rate fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year and be such as to provide sufficient funds to meet the authorized expenses and reserve requirements of the Board for such year; (2) the revised expenses including maintenance of an operating reserve apply to the 1961-62 fiscal year which began August 1, 1961, and the assessment rate heretofore fixed (26 F.R. 10688) will automatically apply to all assessable filberts beginning with such date; (3) no modification of such previously fixed assessment rate is required in order to provide necessary funds to meet authorized Board expenses; and (4) the Board has on hand sufficient funds pursuant to such assessment rate to satisfy the increased total expenses of the Board.

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

Dated December 10, 1962, to become effective upon publication in the *FEDERAL REGISTER*.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-12342; Filed, Dec. 12, 1962;
8:52 a.m.]

PART 990—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Subpart—Administrative Rules and Regulations

Notice was published in the October 12, 1962, issue of the *FEDERAL REGISTER* (27 F.R. 10048) regarding a proposal to amend § 990.154 of the Subpart—Administrative Rules and Regulations (27 F.R. 3158, as amended) to prescribe procedures for the (1) identification of items set aside pursuant to § 990.54 and held for the account of the Grape Crush Administrative Committee, and (2) authorized substitution of eligible material for items set aside. The amended administrative rules and regulations are operative pursuant to the marketing agreement and Order No. 990 (7 CFR Part 990), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments on the proposal. The time for the submission and receipt of such written comments was thereafter extended (27 F.R. 10459) to 5 p.m., e.s.t., November 9, 1962.

The proposed procedures for the identification of setaside required the attachment by handlers of a "Setaside Tank Card" to each container holding setaside; and for setaside of any crop year after the 1961-62 crop year, the attachment was required to be effected no later than February 1 of the particular crop year.

During the time afforded for receipt of written data, views, or arguments, written comments were received from the Grape Crush Administrative Committee. The Committee recommended that the procedures for identification should require attachment of the tank card no later than 15 days after the close of the crop year. In drafting the notice, it was contemplated that the February 1 requirement would assist the Committee during the period February 1 through June 30 of any crop year in ascertaining whether handlers were in compliance with their setaside obligations of that crop year and that no substitutions of products were occurring without evidence of the substitutions. However, the Committee, in its recommendation to revise the proposed tank card requirement, indicated that during this period the requirement would be particularly burdensome on handlers and the Committee because (1) there is a considerable shifting of material from container to container by handlers, (2) there is relatively frequent substitution of eligible

items for items set aside, and (3) the processing of dessert wine is not completed. In view of the handler problem of complying with the February 1 requirement, and to permit the Committee to gain experience by alternative means (e.g., such as those prescribed herein) in assuring handler compliance with set-aside requirements during the period February 1 through June 30, the procedures pertaining to the attachment of tank cards should require that, with respect to setaside of the 1962-63 crop year and of each crop year thereafter, the tank card be attached to each container (containing setaside) no later than July 15 of the following crop year.

After consideration of all relevant matters presented, including those in the notice, the recommendations and comments submitted by the Committee, and other available information, it is hereby found that the further amendment, as hereinafter set forth, of the administrative rules and regulations is in accordance with the marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That § 990.154 of Subpart—Administrative Rules and Regulations (27 F.R. 3158, 7539, 9248, 10249, 11494, 11756), is hereby amended as follows:

1. Present paragraph (d) *Storage of high proof in the same container* of § 990.154 is redesignated as paragraph (f) and amended to read as hereinafter set forth. The following are inserted as paragraph (d) *Identification of setaside* and paragraph (e) *Substitution* of § 990.154:

(d) *Identification of setaside*—(1) *During the crop year.* Each handler who, on January 31 of a crop year that is subsequent to the 1961-62 crop year, is holding setaside of such subsequent crop year for the account of the Grape Crush Administrative Committee shall designate each specific setaside item so held by entering, on such date, in his records (that are required to be maintained pursuant to § 990.66) the information prescribed by § 990.65(c). Each handler shall submit to the Committee by the following February 10 a certified report on Form GCAC-10 including but not limited to the information required to be entered in his records on the preceding January 31. Subsequent certified reports, each on Form GCAC-10, shall be submitted as of, and at, such other times as may be requested by the Committee.

(2) *Following the crop year*—(i) *Setaside tank card.* Each handler who holds setaside of a particular crop year shall identify the setaside by completing and attaching a "Setaside Tank Card", furnished by the Committee, to each container of setaside near the tank outlet, or in any other appropriate and conspicuous location on the container, and setting forth the number of wine gallons of setaside in the container on the date the tank card is attached. Each handler shall keep such tank card identification current. With respect to any setaside of the 1961-62 crop year that is held on the effective date of this paragraph, such card shall be attached no

later than five days thereafter; and with respect to setaside of any crop year subsequent to the 1961-62 crop year, such card shall be attached no later than July 15 of the following crop year. With respect to eligible items of the applicable crop year set aside and held for the account of the Committee subsequent to the aforesaid effective date of this paragraph or July 15, as applicable, the requisite tank card shall be attached no later than five days after such item is so set aside.

(ii) *Samples of wine.* Each handler shall complete the drawing of samples from each container of setaside wine from the 1961-62 crop year no later than five days after the effective date of this paragraph and, for setaside of all subsequent crop years, no later than 15 days after the end of each of those crop years. Two one-fifth ($\frac{1}{5}$) gallon representative samples shall be drawn consecutively through the top of each container of setaside wine in a manner to avoid contamination. Metal sampling devices, other than stainless steel, shall not be used. Sample bottles shall be clean, filled, and tightly closed with a screw cap. Each sample bottle shall be labeled with a "GCAC Setaside Sample Label" furnished by the Committee, and the handler shall show at least the following on such label:

- (a) The name of the handler;
- (b) bonded premise number;
- (c) location of bonded premise;
- (d) container number;
- (e) type of wine;
- (f) brix of wine;
- (g) alcohol content of wine;
- (h) date sample taken; and
- (i) crop year of crush of the wine.

Samples shall be submitted to the Committee within three days after being drawn.

(iii) *Reports.* Each handler holding setaside of the prior crop year for the account of the Committee shall submit a certified report of that setaside on Form GCAC-12 to the Committee showing, for each item so held, at least the number of wine gallons and the equivalent number of proof gallons. A completed "Setaside Location Schedule" on Form GCAC-12A shall accompany each Form GCAC-12 and shall show the container number and location of each container holding the setaside. Each such report and related location schedule shall be as of July 1 following the crop year and shall be submitted to the Committee no later than the following July 15 unless otherwise specified by the Committee.

(3) *Resampling.* Whenever setaside wine in a container is commingled with other like wine after samples have been drawn from the setaside, the commingled wine shall be sampled in accordance with subparagraph (2) (ii) of this paragraph and the samples submitted to the Committee within three days following the commingling.

(4) *Transfer of setaside.* Whenever a handler intends to transfer setaside of a crop year to a different tank after the crop year has ended, he shall notify the Committee of this intention, prior to the transfer, on a form furnished by

the Committee showing at least the two container numbers involved.

(e) *Substitution*—(1) *Notice to the Committee.* Pursuant to § 990.54, each handler holding setaside may substitute therefor only items of the same crop year eligible for setaside. If such substitution is to be made during that crop year, the handler shall submit a certified "Report of Substitution of Setaside Held for the Account of the Committee" on Form GCAC-11 to the Committee so as to be received by it prior to the reported effective date of the substitution. If the substitution is to be made after that crop year has ended, the handler shall notify the Committee of his intention to substitute eligible items for setaside by completing a certified "Notice of Intention to Substitute Setaside Held for the Account of the Grape Crush Administrative Committee" on Form GCAC-13 showing at least the number of gallons of each item to be withdrawn from setaside and the number of gallons of each eligible item to be substituted therefor. Such notice shall be received by the Committee at least seven days prior to the proposed date of the substitution. If more than three items are to be withdrawn or placed in the setaside, the additional items shall be listed on a "Setaside Substitution Schedule" on Form GCAC-13A and this form shall accompany the appropriate Form GCAC-13. Unless the Committee determines that the item to be substituted is ineligible for substitution, it shall approve such substitution within seven days after receipt of the handler's notice of intent to transfer and, when applicable, the samples required in subparagraph (2) of this paragraph. After the crop year has ended, no substitution shall be made by a handler prior to the receipt of written approval from the Committee. Upon substitution, regardless of when made, the handler shall complete and attach, in the manner prescribed in paragraph (d) (2) (i) of this section, a new "Setaside Tank Card" to the container holding the setaside.

(2) *Sampling.* Whenever a handler intends to substitute wine for setaside of the same crop year's crush after the crop year has ended, he shall draw two one-fifth ($\frac{1}{5}$) gallon samples in accordance with paragraph (d) (2) (ii) of this section from each container of wine and submit these samples with the notice of intention to substitute. Each sample bottle shall be labeled with the appropriate label furnished by the Committee. Such labels shall show in addition to the information required in (a) through (i), inclusive, in paragraph (d) (2) (ii) of this section, at least the number of wine gallons and the number of proof gallons of the type of wine proposed to be held for the account of the Committee.

(3) *Verification of eligibility.* The Committee shall have access to all relevant handler records and premises in order to verify the eligibility of the material substituted or offered for substitution. The handler substituting one setaside item for another shall furnish such evidence bearing on the eligibility of the material to be substituted as the Committee may request.

2. Present paragraph (d) *Storage of high proof in the same container*, hereinafter redesignated as paragraph (f) of § 990.154, is amended to read as follows:

(f) *Storage of high proof in the same container*—(1) *Simultaneous storage*. No handler shall store setaside high proof from grapes for crushing of any crop year in the same container with other high proof, whether or not setaside pursuant to § 990.54, from grapes for crushing of any other crop year(s) except in accordance with the requirements of § 990.54 and the following: Such handler (i) stores in such container only marketable high proof of not less than 185 degrees proof or only high proof within the lesser range of alcohol at which setaside storage is permitted by the Committee pursuant to § 990.54; (ii) stores all high proof in such container to preserve the quality of the setaside high proof and maintain its condition as required by § 990.54; (iii) attaches a tank card, as prescribed in paragraph (d)(2)(i) of this section, showing, in addition to the information required to be shown thereon, the number of proof gallons, by crop year, of the setaside high proof being held in such container for the account of the Committee; and (iv) makes no withdrawal from such container below the handler's then effective aggregate setaside therein.

(2) *Substitution*. Each handler holding setaside high proof may make substitutions therefor in accordance with paragraph (e) of this section. If such setaside high proof of a particular crop year is in the same container with other high proof, the handler may, upon the setting aside of the requisite proof gallons of eligible product(s) of that crop year, withdraw the applicable proof gallon quantity of high proof.

(3) *Disposition*. Whenever setaside high proof in simultaneous storage is included in a disposition of the Committee, pursuant to § 990.62, the withdrawal gallonage shall be deemed to be from the setaside of the crop year specified by the Committee in its disposition action.

It is hereby further found that good cause exists for making this action effective at the time hereinafter set forth and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (c)) in that: (1) Volume regulations are currently in effect for the 1962-63 crop year which began July 1, 1962; (2) handlers have been receiving grapes for crushing since July 1 and using the products resulting from the crush to satisfy their 1962-63 setaside obligations; (3) handlers are still holding 1961-62 setaside for the account of the Committee; and (4) it is imperative that this action be made effective promptly so that 1961-62 setaside will be identified in accordance with the procedures contained herein in order to prevent unauthorized substitution of products of one crop year for those of another crop year.

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

Dated December 7, 1962, to become effective upon publication in the FEDERAL REGISTER.

F. L. SOUTHERLAND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-12311; Filed, Dec. 12, 1962;
8:48 a.m.]

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

[Milk Order No. 138]

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Rio Grande Valley market area (7 CFR Part 1138), it is hereby found and determined that:

(a) The following provision of the order, does not tend to effectuate the declared policy of the Act for December 1962: § 1138.7(b)(1).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit the diversion of producer milk in excess of the present 9-day limitation during the month of December 1962. This suspension is necessary because:

(i) Several handlers are obtaining milk in plastic containers which are processed in plants located outside the marketing area. This practice, which displaces producer milk, will be largely discontinued after December 1962 as plants in the marketing area will then be processing their own plastic containers;

(ii) The substantial drop in Class I sales to schools during December results in surplus at several plants which must be diverted to nonpool plants; and

(iii) The most economical and orderly manner to handle this surplus in the market is the diversion to a nonpool plant. In view of the current marketing problems, the diversion limitations should be suspended during the month of December 1962. This will enable the Dairy Farmers Association, a cooperative association, to keep its milk in the market pool and thus share the surplus and Class I sales equally with non-member producers.

(4) The cooperative association representing more than two-thirds of the

producers in the market has requested suspension of this provision.

(5) An invitation to all interested parties to submit written data, views, or arguments in connection with a similar suspension for the month of July 1962 was issued July 18, 1962, and published in the FEDERAL REGISTER on July 21, 1962 (27 F.R. 6940). No data, views, or arguments opposing the suspension were received.

Therefore, good cause exists for making this order effective for the period December 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective for the period December 1962.

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

Effective date: December 1, 1962.

Signed at Washington, D.C., on December 10, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-12344; Filed, Dec. 12, 1962;
8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Retirement of Stock

§ 220.119 Applicability of margin requirements to credit extended to corporation in connection with retirement of stock.

(a) The Board of Governors has been asked whether Part 220 was violated when a dealer in securities transferred to a corporation 4,161 shares of the stock of such corporation for a consideration of \$33,288, of which only 10 percent was paid in cash.

(b) If the transaction was of a kind that must be included in the corporation's "general account" with the dealer (§ 220.3), it would involve an excessive extension of credit in violation of § 220.3(b)(1). However, the transaction would be permissible if the transaction came within the scope of § 220.4(f)(8), which permits a "creditor" (such as the dealer) to "Extend and maintain credit to or for any customer without collateral or on any collateral whatever for any purpose other than purchasing or carrying or trading in securities." Accordingly, the crucial question is whether the corporation, in this transaction, was "purchasing" the 4,161 shares of its stock, within the meaning of that term as used in this part.

(c) Upon first examination, it might seem apparent that the transaction was a purchase by the corporation. From the viewpoint of the dealer the transac-

tion was a sale, and ordinarily, at least, a sale by one party connotes a purchase by the other. Furthermore, other indicia of a sale/purchase transaction were present, such as a transfer of property for a pecuniary consideration. However, when the underlying objectives of the margin regulations are considered, it appears that they do not encompass a transaction of this nature, where securities are transferred on credit to the issuer thereof for the purpose of retirement.

(d) Section 7(a) of the Securities Exchange Act of 1934 requires the Board of Governors to prescribe margin regulations "For the purpose of preventing the excessive use of credit for the purchase or carrying of securities." Accordingly, the provisions of this part are not intended to prevent the use of credit where the transaction will not have the effect of increasing the volume of credit in the securities markets.

(e) It appears that the instant transaction would have no such effect. When the transaction was completed, the equity interest of the dealer was transmuted into a dollar-obligation interest; in lieu of its status as a stockholder of the corporation, the dealer became a creditor of that corporation. The corporation did not become the owner of any securities acquired through the use of credit; its outstanding stock was simply reduced by 4,161 shares.

(f) The meaning of "sale" and "purchase" in the Securities Exchange Act has been considered by the Federal courts in a series of decisions dealing with corporate "insiders'" profits under section 16(b) of that Act. Although the statutory purpose sought to be effectuated in those cases is quite different from the purpose of the margin regulations, the decisions in question support the propriety of not regarding a transaction as a "purchase" where this accords with the probable legislative intent, even though, literally, the statutory definition seems to include the particular transaction. See *Roberts v. Eaton* (CA 2 1954) 212 F. 2d 82, and cases and other authorities there cited. The governing principle, of course, is to effectuate the purpose embodied in the statutory or regulatory provision being interpreted, even where that purpose may conflict with the literal words. *U.S. v. Amer. Trucking Ass'n*, 310 U.S. 534, 543 (1940); 2 Sutherland, *Statutory Construction* (3d ed. 1943) ch. 45.

(g) There can be little doubt that an extension of credit to a corporation to enable it to retire debt securities would not be for the purpose of "purchasing" securities" and therefore would come within § 220.4(f) (8), regardless of whether the retirement was obligatory (e.g., at maturity) or was a voluntary "call" by the issuer. This is true, it is difficult to see any valid distinction, for this purpose, between (1) voluntary retirement of an indebtedness security and (2) voluntary retirement of an equity security.

(h) For the reasons indicated above, it is the opinion of the Board of Governors that the extension of credit here involved is not of the kind which the

margin requirements are intended to regulate and that the transaction described does not involve an unlawful extension of credit as far as this part is concerned.

(i) The foregoing interpretation relates, of course, only to cases of the type described. It should not be regarded as governing any other situations; for example, the interpretation does not deal with cases where securities are being transferred to someone other than the issuer, or to the issuer for a purpose other than immediate retirement. Whether the margin requirements are inapplicable to any such situations would depend upon the relevant facts of actual cases presented.

(15 U.S.C. 78w)

Dated at Washington, D.C., this 29th day of November 1962.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-12297; Filed, Dec. 12, 1962;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-SW-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIR- SPACE AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Reporting Point

On April 25, 1962, a notice of proposed rule making was published in the *FEDERAL REGISTER* (27 F.R. 3931) stating that the Federal Aviation Agency (FAA) proposed to alter the segment of Intermediate altitude VOR Federal airway No. 1711 between Houston, Tex., and Dallas, Tex.

On September 14, 1962, a supplemental notice of proposed rule making was published in the *FEDERAL REGISTER* (27 F.R. 9150) stating the FAA proposed to amend the original proposal by further altering the segment of Victor 1711 and extending VOR Federal airway No. 1531 from Dallas to Houston.

The Air Transport Association of America submitted a comment to the original proposal recommending the establishment of a dual route structure between Dallas and Houston. This recommendation was ultimately proposed in the supplemental notice. The Department of the Army submitted a comment to the original proposal indicating that they interposed no objection to the proposal. No other comments were received in response to the original notice. The Chance Vought Corporation, Dallas, Tex., submitted a comment in response to the supplemental proposal. They contend that the subject proposal would reduce the available

off-airway airspace within which flight test activities are conducted. They also recommended further review of the subject proposal and consideration of the advisability of combining the proposed routes between the Dallas VOR and the Leona, Tex., VOR.

The proposed alteration and extension of Victor 1711 and Victor 1531 between Dallas and Houston to accommodate a dual route structure would only slightly reduce the off-airway airspace within the Dallas, Tex., Flight test area within which Chance Vought Corporation conducts flight test activities between the altitudes of 14,500 feet MSL and flight level 240. The FAA is of the opinion that the adoption of the proposal contained in the supplemental notice would not derogate flight operations within the established flight test area. Aircraft which would be conducting flight tests within the area on an approved instrument type flight plan would be afforded separation from instrument type air traffic operating on the proposed routes, by the Fort Worth, Tex., and San Antonio, Tex., Air Route Traffic Control Centers. For flight tests operating VFR or encountering other aircraft operating VFR, the primary responsibility for avoidance of collision rests equally with the pilots conducting flight test activities and the pilots flying through the flight test area, as there is no prohibition to navigation through approved flight test areas by nonparticipating aircraft.

Adoption of the dual route structure proposed in the supplemental notice would provide compatibility with the Houston and Dallas terminal routing procedures and would allow expeditious movement of intermediate altitude traffic between these terminals.

Subsequent to the issuance of the notice and the supplemental notice Parts 600 and 601 of the regulations of the Administrator have been consolidated and recodified into a new Part 71 [New] of the Federal Aviation Regulations which will become effective December 12, 1962, (27 F.R. 10352, 220-2). The airspace action taken herein reflects the new format and numbering system adopted for these parts.

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 notices, the following actions are taken

1. In § 71.143 *Intermediate altitude VOR Federal airways*:

a. V1711 (27 F.R. 220-51, November 10, 1962) is amended to read:

V1711 Houston, Tex., INT Houston 353°, Leona, Tex., 141° radials; Leona; INT Leona 353°, Dallas 155° radials; Dallas.

b. V1531 (27 F.R. 220-42, November 10, 1962) is amended as follows: "Dallas, Tex.," is deleted and "Houston, Tex., INT Houston 314°, Leona, Tex., 173° radials; Leona; INT Leona 338°, Dallas,

Tex., 170° radials; Dallas;" is substituted therefor.

In § 71.205 *Domestic intermediate altitude reporting points*, Leona, Tex., (27 F.R. 220-167, November 10, 1962) is amended to read:

Leona, Tex., V1711, V1531.

These amendments shall become effective 0001 e.s.t. February 7, 1963.

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

Issued in Washington, D.C. on December 7, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-12290; Filed, Dec. 12, 1962;
8:45 a.m.]

[Airspace Docket No. 62-WA-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS [NEW]

Alteration of Reporting Points

The purpose of this amendment to § 71.203 is to designate the Wolbach, Nebr., VORTAC and the Grand Island, Nebr., VOR as reporting points. Part 71 [New] was published in the *FEDERAL REGISTER* on October 24, 1962, as a part of the Agency's recodification program. This new part contains the regulatory material presently found in Parts 600 and 601 of the regulations of the Administrator and becomes effective on December 12, 1962 (27 F.R. 10352, 220-2).

A requirement exists for designation of Wolbach VORTAC and the Grand Island VOR as reporting points to permit more accurate ground speed calculations of aircraft utilizing airways based on these facilities. Therefore, action is taken herein to designate these reporting points.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment 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 action is taken:

1. In the text of § 71.203 (27 F.R. 220-157, November 10, 1962) "Wolbach, Nebr." and "Grand Island, Nebr." are added.

This amendment shall become effective 0001 e.s.t. February 7, 1963.

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

Issued in Washington, D.C., on December 6, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-12291; Filed, Dec. 12, 1962;
8:45 a.m.]

SUBCHAPTER I—AIRPORTS [NEW]

[Reg. Docket No. 1329]

ADDITIONS TO SUBCHAPTER

This amendment adds Parts 151—Federal Aid to Airports [New]; Part 153—Acquisition of U.S. Land for Public Airports [New]; Part 155—Release of Airport Property From Surplus Property Disposal Restrictions [New]; Part 157—Notice of Construction, Alteration, or Deactivation of Airports [New]; Part 161—Cold Bay, Alaska, Airport [New]; and Part 163—Canton Island Airport [New] to Subchapter I—Airports [New] of Chapter I of Title 14 of the Code of Federal Regulations. The parts contained in this amendment were published as a notice of proposed rule making in the *FEDERAL REGISTER* on August 9, 1962 (27 F.R. 7908), and as Draft Release 62-36.

The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator". Subchapter I—Airports [New] was added to Chapter I of Title 14 by an amendment adopted on September 4, 1962, prescribing Part 165—"Wake Island Code [New] (27 F.R. 8855). Part 159—National Capital Airports [New] of Subchapter I [New] was adopted on September 19, 1962 (27 F.R. 9443). In other respects, this amendment conforms to the "Outline and Analysis" of the proposed recodification published in the *FEDERAL REGISTER* on November 15, 1961 (26 F.R. 10698) and as Draft Release 61-25.

This amendment includes Part 161 [New] as originally proposed in Draft Release 62-36. While Draft Release 62-41, published in the *FEDERAL REGISTER* on September 13, 1962 (27 F.R. 9107) indicated that it would replace the original Part 161 [New], comments received are still in the process of evaluation and the Agency has decided to promulgate Part 161 [New] as originally proposed. The new part will, of course, be subject to such amendments as the Agency considers necessary and appropriate after the evaluation of comments received on Draft Release 62-41 has been completed.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as these, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new parts.

Of the comments received on the proposal, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

In general, most of the comments received on the notice relating to this amendment, expressed approval with the recodification and restatement of existing regulations. The Airport Operators Council expressed general concern with the revision of the language involved and requested the issue of a further notice of proposed rule making specifying the exact changes in language made in it. Due to the presumption of no change intended in such a recodification program and to the general satisfaction expressed by other commentators, this request has not been complied with. However, as a result of the Council's comments, the language revisions made to the proposed subchapter have been carefully reviewed a second time to assure that none of them have resulted in a change in substance. As was stated in the draft release announcing the recodification project (Draft Release 61-25) and published in the *FEDERAL REGISTER* on November 15, 1961 (26 F.R. 10698), "The object [of the recodification] is to restate existing regulations, not to make new ones. The purpose * * * is simply to combine and streamline the present Civil Air Regulations and related regulatory material and arrange them in simplified accessible form. The program will not result in any new regulatory requirements. Nor will it change any of the regulatory requirements in the present system with the exception that some obviously obsolete rules possibly can be eliminated."

The specific comments of the Airport Operators Council have been carefully considered, and where pertinent have been adopted. As a result, the distribution table for Part 151 [New] has been revised to eliminate two erroneous references therein, and to clarify three other references. In addition, § 151.9(e), relating to the property interests that an airport operator or owner should have for the purposes of a runway clear zone, has been revised to adhere closely to the language of the section upon which it was based (§ 550.38(a)(4)). Section 151.35 has been amended to include within it the definition of the term "public airport", formerly contained in § 550.1(r). Other technical corrections have been made in the subchapter, none of which involved more than technical changes in wording to clarify the intended purposes.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective February 11, 1963, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 550, 555, 565, 574, 575, 576, 577, and 625 and Chapter I of Title 14 is amended by adding Parts 151 [New], 153 [New], 155 [New], 157 [New], 161 [New], and 163 [New] reading as hereinafter set forth.

This amendment is made under the authority of the Federal Airport Act (49 U.S.C. 1101 through 1119); sections

3 and 4 of the Act of October 1, 1949, as amended (50 U.S.C. App. 1622b and 1622c); section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); and sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on December 7, 1962.

N. E. HALABY,
Administrator.

PART 151—FEDERAL AID TO AIRPORTS (NEW)

Subpart A—General Requirements

- Sec. 151.1 Applicability.
- 151.3 National airport plan.
- 151.5 General policies.
- 151.7 Grants of funds: General policies.
- 151.9 Runway clear zones: General.
- 151.11 Runway clear zones: Requirements.
- 151.13 Federal-aid airport program: Policy affecting landing aid requirements.

Subpart B—Project Rules and Procedures

- 151.21 Procedures: Application; general information.
- 151.23 Procedures: Application; funding information.
- 151.25 Procedures: Application; information as to property interests.
- 151.27 Procedures: Application, plans, specifications, and appraisals.
- 151.29 Procedures: Offer, amendment, and acceptance.
- 151.31 Procedures: Grant agreement.
- 151.33 Cosponsorship and agency.
- 151.35 Airport development and facilities to which part applies.
- 151.37 Sponsor eligibility.
- 151.39 Project eligibility.
- 151.41 Project costs.
- 151.43 United States share of project costs.
- 151.45 Performance of construction work: General requirements.
- 151.47 Performance of construction work: Letting of contracts.
- 151.49 Performance of construction work: Contract requirements.
- 151.51 Performance of construction work: Force accounts.
- 151.53 Performance of construction work: Labor requirements.
- 151.55 Accounting and audit.
- 151.57 Grant payments: General.
- 151.59 Grant payments: Land acquisition.
- 151.61 Grant payments: Partial.
- 151.63 Grant payments: Semifinal and final.
- 151.65 Memoranda and hearings.
- 151.67 Forms.

Subpart C—Programming Standards

- 151.71 General.
- 151.73 Land acquisition.
- 151.75 Preparation of site.
- 151.77 Runway paving: General rules.
- 151.79 Runway paving: Additional runways.
- 151.81 Taxiway paving.
- 151.83 Aprons.
- 151.85 Special treatment areas.
- 151.87 Lighting and electrical work.
- 151.89 Roads.
- 151.91 Removal of obstructions.
- 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.
- 151.95 Fences; distance markers; navigational and landing aids; and off-site work.
- 151.97 Maintenance and repair.

AUTHORITY: §§ 151.1 to 151.97 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4 of Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Fed-

eral Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

Subpart A—General Requirements

§ 151.1 Applicability.

This part prescribes the policies and procedures for administering the Federal-aid Airport Program under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.).

§ 151.3 National Airport Plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, and the Virgin Islands specifying the maximum limits of airport development, in terms of general location and type of development, necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) An airport may be included in the National Airport Plan, and qualify for Federal aid if, within the forecast period, it will have a substantial aeronautical necessity. To be eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations or authorizations, a project must be included in the current Plan, but the Plan is not related to the need for financial participation in the Program. For this reason, the inclusion of an airport in the Plan does not commit the local community to proceed with the development or commit the United States to participate financially in that development under the Program.

§ 151.5 General policies.

(a) *Master plan layout.* All work under the Program must be done in accordance with an approved master plan layout, consisting of a basic layout plan for the airport showing—

(1) Its boundaries and proposed additions, the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes, and proposed additions thereto;

(2) The location and nature of existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and proposed extensions and reductions of those facilities and structures; and

(3) The location of existing and proposed nonaviation areas and existing improvements thereon.

Each master plan layout, and any change thereof, is subject to the approval of the FAA. That approval must be shown by the signature of the Administrator on the face of the layout.

(b) *Useful and usable unit.* Each project under the Program should provide a safe, usable, and useful unit of the airport concerned or add materially to its safety or utility. If the development of a usable unit can be done more economically under stage construction, Program funds may be programmed in advance for developing the project over a period of two or more years, within the limits of available authorizations.

(c) *National defense needs.* In administering the Program, the needs of

national defense are fully considered, but project approval is limited to development necessary for civil needs.

(d) *Stage development.* In a case where it is economically feasible, a large development that can be financed over a period of more than one year and be made under more than one grant agreement, is given tentative allocations for future years rather than the entire United States share in one fiscal year. A grant agreement is made against such a tentative allocation only during the fiscal year in which the funds are authorized to be obligated.

§ 151.7 Grants of funds: General policies.

(a) *Compliance with sponsorship requirements.* No funds are authorized for expenditure under the Program at any airport unless the Administrator is satisfied that the sponsorship requirements under existing and proposed agreements with the United States, with respect to that airport, have been or will be met.

(b) *Small projects.* A project involving less than \$5,000 in United States funds is not considered for inclusion under the Program unless there is a special need for United States participation. Small projects on one airport should, wherever possible, be consolidated in one grant agreement even though the work is to be done over a period of years.

(c) *Previously obligated work.* Unless specifically authorized by the Administrator, a proposed project may not include any airport development that the sponsor of the project or any other non-United States public agency is obligated to do under any prior agreement with the United States providing for payment to the sponsor or other non-United States public agency of funds for all or part of that development.

(d) *Land donation.* A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Program if the sponsor requests a grant on the basis of the value of that land, unless the Project also includes other items of airport development, the cost of which would require a sponsor's contribution equal to or more than the United States share of the estimated value of the donated land.

§ 151.9 Runway clear zones: General.

(a) Whenever funds are allocated for developing new runways or landing strips, or to improve or repair existing runways, the sponsor must own, acquire, or agree to acquire, runway clear zones. Exceptions are considered (on the basis of a full statement of facts by the sponsor) upon a showing of uneconomical acquisition costs, or lack of necessity for the acquisition.

(b) A runway clear zone consists of the innermost part of the runway approach area, as defined in FAA Technical Standard Order N18, within which the agency that owns or operates the airport should hold an adequate property interest to allow the unobstructed passage of aircraft landing or taking off from a runway.

(c) The standard configuration of each runway clear zone conforms to the

inner part of the appropriate approach area prescribed in Technical Standard Order N18.

(d) The standard length of each runway clear zone is that required for the obstruction clearance slope applicable to each particular runway approach area under Technical Standard Order N18 to reach a height—

(1) 50 feet above the terrain at the outer edge of the runway clear zone; or

(2) 50 feet above the elevation at the end of the runway or landing strip;

whichever distance is shorter. However, greater lengths may be approved by the Administrator.

(e) For purposes of this section, an airport operator or owner is considered to have an adequate property interest if it has an easement (or a covenant running with the land) giving it enough control to clear the area of all obstructions (objects so far as they project above the approach surface established by Technical Standard Order N18), and to prevent the creation of future obstructions; together with the right of entrance and exit for those purposes, to assure the safe and unrestricted passage of aircraft in and over the area.

§ 151.11 Runway clear zones: requirements.

(a) In projects involving grants-in-aid under the Federal-aid Airport Program, a sponsor must own, acquire, or agree to acquire an adequate property interest in runway clear zone areas as prescribed in paragraph (b), (c), (d), or (e) of this section, as applicable. Property interests that a sponsor acquires to meet the requirements of this section are eligible for inclusion in the Program.

(b) On new airports, the sponsor must own, acquire, or agree to acquire adequate property interest in runway clear zone areas (in connection with initial land acquisition) for all eligible runways, without substantial deviation from standard configuration and length.

(c) On existing airports where new runways or landing strips are developed, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway and landing strip to be developed or extended, to the extent that the Administrator determines practical and feasible considering all facts presented by the airport owner or operator, preferably without substantial deviation from standard configuration and length.

(d) On existing airports where improvements are made to runways or landing strips, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway or landing strip that is to be improved to the extent that the Administrator determines is practical and feasible with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator. Any development that improves a specific runway is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

(e) On existing airports where substantial improvements are made that do not benefit a specific runway or landing strip, such as over-all grading or drainage, terminal area or building developments, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for the dominant runway or landing strip to the extent that the Administrator determines is practical and feasible, with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator.

(f) If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

§ 151.13 Federal-aid Airport Program: policy affecting landing aid requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

- (1) Land needed for installing approach lighting systems (ALS).
- (2) In-runway lighting.
- (3) High intensity runway lighting.
- (4) Runway distance markers.

For the purposes of this section "approach lighting system (ALS)" is a standard configuration of high intensity aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

(b) *Specific landing aid requirements.* The landing aids set forth in subparagraphs (1) through (4) of paragraph (a) of this section are required for the safe and efficient use of airports by aircraft in the following cases:

(1) Lands for installing approach lighting systems are required as part of a project if the installing of the components of the system on the airport is

in an approved FAA budget, unless the sponsor has already acquired the land necessary for the system or is otherwise undertaking to acquire that land. If the sponsor is otherwise undertaking to acquire the land, the grant agreement for the project must obligate the sponsor to complete the acquisition within a time limit prescribed by the Administrator. The Administrator immediately notifies a sponsor when a budget is approved providing for installing an approach lighting system at the airport concerned.

(2) In-runway lighting (narrow gauge, centerline, and turnoff) is, after design standards for it have been approved and published by the Administrator for the purpose of uniformity, required as a part of a project for—

(i) Constructing a new designated instrument landing runway programed (and included in an approved FAA budget) to be equipped by the FAA with an IFR precision approach system including ALS and ILS;

(ii) An extension of 3,000 feet or more (for landing purposes) of the approach end of a designated instrument landing runway equipped, or programed by FAA to be equipped, with an IFR precision approach system including ALS and ILS;

(iii) Reconstructing a designated instrument landing runway, equipped or programed by FAA for an IFR precision approach system, including ALS and ILS, in a case in which the reconstruction requires the closing of a runway; or

(iv) Any airport development on an airport whose designated instrument landing runway is equipped, or is programed to be equipped, by FAA with an IFR precision approach system including ALS and ILS, if installing in-runway lighting does not require closing the runway for so long a time that the adverse affect on safety of its closing would outweigh the contribution to safety that would be gained by the in-runway lights or that it would unduly interfere with the efficiency of aircraft operations.

Decisions under subparagraph (2)(iv) of this paragraph are made on a case-by-case basis, after consulting the sponsor and reviewing pertinent facts and circumstances.

(c) *High intensity runway lighting.* High intensity runway edge lighting on the designated instrument landing runway is required as a part of a project whenever that runway is equipped or programed for the installation of an ILS and high intensity runway edge lights are not then installed on the runway or included in another project. A project for extending a runway that has high intensity runway edge lights on the existing runway requires, as a part of the project, the extension of the high intensity runway edge lights.

(d) *Runway distance markers.* Runway distance markers whose design standards have been approved and published by the FAA are required as a part of a project on a case-by-case basis if, after reviewing the pertinent facts and circumstances of the case, the Administrator determines that they are needed for the safe and efficient use of the airport by aircraft.

Subpart B—Project Rules and Procedures

§ 151.21 Procedures: Application; general information.

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit a request on Form FAA-1623 to the Director of the District Office of the Airports Division of an FAA Regional Office for the district in which the sponsor is located (hereafter in this part referred to as the "District Airport Engineer").

(b) If the Administrator selects a proposed project for inclusion in a program, a tentative allocation of funds is made for it and the sponsor is notified of the allocation. The tentative allocation may be withdrawn if the sponsor fails to submit an acceptable project application as provided in paragraph (c) of this section or fails to proceed diligently with the project.

(c) As soon as practicable after receiving notice of the tentative allocation, the sponsor must submit a project application on Form FAA-1624 to the District Airport Engineer, without changing the language of the form, unless the change is approved in advance by the Administrator. In the case of a joint project, each sponsor executes only those provisions of the project application that apply to it. A sponsor who has executed a grant agreement for a project for the development of an airport under the Program, may, in the Administrator's discretion, submit additional project applications on Form FAA-1624.1 for further development of that airport.

§ 151.23 Procedures: Application; funding information.

Each sponsor must state in its application that it has on hand, or show that it can obtain as needed, funds to pay all estimated costs of the proposed project that are not borne by the United States or by another sponsor. If any of the funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor, by a State agency or any other public agency that is not a sponsor of the project, that agency may, instead of the sponsor, submit evidence that the funds will be provided if the project is approved. If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, the sponsor must so state in the application, indicating the nature of each donation and the value it places on it.

§ 151.25 Procedures: Application; information as to property interests.

(a) Each sponsor must state in its application all of the property interests that he holds in the lands to be developed or used as part of, or in connection with, the airport as it will be when the project is completed. Each project application contains a covenant on the part of the sponsor to acquire, before starting construction work, or within a reasonable time if not needed for the construction, property interests satisfactory to the Administrator in all the lands in which it does not hold those property interests at the time it submits

the application. In the case of a joint project, any one or more of the sponsors may hold or acquire the necessary property interests. In such a case, each sponsor may show on its application only those property interests that it holds or is to acquire.

(b) Each sponsor of a project must send with its application a property map (designated as Exhibit A) or incorporate such a map by reference to one in a previous application that was approved. The sponsor must clearly identify on the map all property interests required in paragraph (a) of this section, showing prior and proposed acquisitions for which United States aid is requested under the project.

(c) For the purposes of paragraphs (a) and (b) of this section, the property interest that the sponsor must have or agree to obtain, is—

(1) Title free and clear of any reversionary interest, lien, easement, lease, or other encumbrance that, in the opinion of the Administrator, would create an undue risk that it might deprive the sponsor of possession or control, interfere with its use for public airport purposes, or make it impossible for the sponsor to carry out the agreements and covenants in the application;

(2) A lease of not less than 20 years granted to the sponsor by another public agency that has title as described in subparagraph (1) of this paragraph, on terms that the Administrator considers satisfactory; or

(3) In the case of an offsite area an agreement, easement, leasehold, or other right or property interest that, in the Administrator's opinion, provides reasonable assurance that the sponsor will not be deprived of its right to use the land for the intended purpose during the period necessary to meet the requirements of the grant agreement.

(d) For the purposes of this section, the word "land" includes landing areas, building areas, runway clear zones, clearways and approach zones, and areas required for offsite construction, entrance roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

§ 151.27 Procedures: Application, plans, specifications, and appraisals.

(a) Except as provided in paragraph (b) of this section, each sponsor shall incorporate by reference in its project application the final plans and specifications, describing the items of airport development for which it requests United States aid. It must submit the plans and specifications with the application unless they were previously submitted or are submitted with that of another sponsor of the project.

(b) In special cases, the Administrator authorizes the postponement of the submission of final plans and specifications until a later date to be specified in the grant agreement, if the sponsor has submitted—

(1) A master plan layout approved by the Administrator; and

(2) Preliminary plans and specifications in enough detail to identify all items of development included in the project, and prepared so as to provide

for accomplishing the project in accordance with the master plan layout, the rules in this part, and applicable local laws and regulations.

(c) The sponsor of each project that involves acquiring property interests in land by donation, or acquiring property interests the cost of which (as represented by the sponsor), is based on other than the actual cost or the amount of an award in eminent domain proceedings, must submit with the application at least two independent appraisals of the property interest, made by qualified appraisers who have no present or prospective interest in that land.

§ 151.29 Procedures: Offer, amendment, and acceptance.

(a) Upon approving a project, the Administrator makes an offer to the sponsor to pay the United States share of the allowable project costs. The offer states a definite amount as the maximum obligation of the United States, and is subject to change or withdrawal by the Administrator, in his discretion, at any time before it is accepted.

(b) If, before the sponsor accepts the offer, it is determined that the maximum obligation of the United States stated in the offer is not enough to pay the United States share of the allowable project costs, the sponsor may request an increase in the amount in the offer, through the District Airport Engineer.

(c) An official of the sponsor must accept the offer for the sponsor within the time prescribed in the offer, and in the required number of counterparts, by signing it in the space provided. The signing official must have been authorized to sign the acceptance by a resolution or ordinance adopted by the sponsor's governing body. The resolution or ordinance must, as appropriate under the local law—

(1) Set forth the terms of the offer at length; or

(2) Have a copy of the offer attached to the resolution or ordinance and incorporated into it by reference.

The sponsor must attach a certified copy of the resolution to each executed copy of an accepted offer or grant agreement that it is required to send to the District Airport Engineer.

§ 151.31 Procedures: Grant agreement.

(a) An offer by the Administrator, and acceptance by the sponsor, as set forth in § 151.29, constitute a grant agreement between the sponsor and the United States. Except as provided in § 151.41

(c) (3), the United States does not pay, and is not obligated to pay, any part of the project costs that have been or may be incurred, before the grant agreement is executed.

(b) The Administrator and the sponsor may agree to a change in a grant agreement if—

(1) The change does not increase the maximum obligation of the United States under the grant agreement by more than 10 percent;

(2) The change provides only for airport development that meets the requirements of this part; and

(3) The change does not prejudice the interests of the United States.

(c) When a change is agreed to, the Administrator issues a supplemental agreement incorporating the change. The sponsor must accept the supplemental agreement in the manner provided in § 151.29(c).

§ 151.33 Cosponsorship and agency.

(a) Any two or more public agencies that desire to participate either in accomplishing development under a project or in maintaining or operating the airport, may cosponsor it if they meet the requirements of this part, including—

(1) The eligibility requirements of § 151.37; and

(2) The submission of a single project application, executed by each sponsor, clearly stating the certifications, representations, warranties, and obligations made or assumed by each, or a separate application by each that does not meet all the requirements of this part, if in the Administrator's opinion, the applications collectively meet the requirements of this part as applied to a project with a single sponsor.

(b) A public agency that desires to participate in a project only by contributing funds to a sponsor need not become a sponsor or an agent of the sponsor, as provided in this section. However, any funds that it contributes are considered as funds of the sponsor for the purposes of the Federal Airport Act and this part.

(c) If the sponsors of a joint project are not each willing to assume, jointly and severally, the obligations that this part requires a sponsor to assume, they must send a true copy of an agreement between them, satisfactory to the Administrator, to be incorporated into the grant agreement. Each agreement must state—

(1) The responsibilities of each sponsor to the others with respect to accomplishing the proposed development and operating and maintaining the airport;

(2) The obligations that each will assume to the United States; and

(3) The name of the sponsor or sponsors who will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project, as provided in § 151.29, it contains a specific condition that it is made in accordance with the agreement between the sponsors (and the agreement is incorporated therein by reference) and that, by accepting the offer, each sponsor assumes only its respective obligations as set forth in the agreement.

(d) A public agency may, if it is authorized by local law, act as agent of the public agency that is to own and operate the airport, with or without participating financially and without becoming a sponsor. The terms and conditions of the agency and the agent's authority to act for the sponsor must be set forth in an agency agreement that is satisfactory to the Administrator. The sponsor must submit a true copy of the agreement with the project application. Such an agent may accept, on

behalf of the sponsor, an offer made under § 151.29, only if that acceptance has been specifically and legally authorized by the sponsor's governing body and the authority is specifically set forth in the agency agreement.

(e) In a case where the cosponsors of an airport are not located in the same district, they must submit a joint request to the District Airport Engineer of the District in which the airport development is to be located.

§ 151.35 Airport development and facilities to which part applies.

(a) This part applies to the following kinds of airport development:

(1) Any work involved in constructing, improving, or repairing a public airport or part thereof, including the constructing, altering, or repairing of only those buildings or parts thereof that are intended to house facilities or activities directly related to the safety of persons at the airport.

(2) Removing, lowering, relocating, marking, and lighting of airport hazards as defined in § 151.39(b).

(3) Acquiring land or an interest therein, or any easement through or other interest in air space, that is necessary to allow any work covered by subparagraph (1) or (2) of this paragraph, or to remove or mitigate, or prevent or limit the establishment of, airport hazards as defined in § 151.39(b).

It does not apply to the constructing, altering, or repair of airport hangars or public parking facilities for passenger automobiles.

(b) The airport facilities to which this part applies are those structures, runways, or other items, on or at an airport, that are—

(1) Used or intended to be used, in connection with the landing, takeoff, or maneuvering of aircraft, or for or in connection with operating and maintaining the airport itself; or

(2) Required to be located at the airport for use by the users of its aeronautical facilities or by airport operators, concessionaires, and other users of the airport in connection with providing services or commodities to the users of those aeronautical facilities.

(c) For the purposes of this part, "public airport" means an airport used for public purposes, under the control of a public agency named in § 151.37(a), with a publicly owned landing area.

§ 151.37 Sponsor eligibility.

To be eligible to apply for an individual or joint project for development with respect to a particular airport a sponsor must—

(a) Be a public agency, which includes for the purposes of this part only, a State, the District of Columbia; Puerto Rico, the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; a tax-supported organization; or the United States or an agency thereof;

(b) Be legally, financially, and otherwise able to—

(1) Make the certifications, representations, and warranties in the application form prescribed in § 151.67(a);

(2) Make, keep, and perform the assurances, agreements, and covenants in that form; and

(3) Meet the other applicable requirements of the Federal Airport Act and this part;

(c) Have, or be able to obtain, enough funds to meet the requirements of § 151.23; and

(d) Have, or be able to obtain, property interests that meet the requirements of § 151.25(a).

For the purpose of paragraph (a) of this section, the United States, or an agency thereof, is not eligible for a project under this part unless the project is located in Puerto Rico, or the Virgin Islands, is in or is in close proximity to a national park, a national recreation area, or a national monument, or is in a national forest or a special reservation for United States purposes.

§ 151.39 Project eligibility.

(a) A project for construction or land acquisition may not be approved under this part unless—

(1) It is an item of airport development described in § 151.35(a);

(2) The airport development is within the scope of the current National Airport Plan;

(3) The airport development is, in the opinion of the Administrator, reasonably necessary to provide a needed civil airport facility;

(4) The Administrator is satisfied that fair consideration has been given to the interests of communities in or near which the project is located; and

(5) The project provides for installing such of the landing aids specified in section 10(d) of the Federal Airport Act (49 U.S.C. 1109(d)) as the Administrator considers are needed for the safe and efficient use of the airport by aircraft, based on the category of the airport and the type and volume of its traffic.

(b) Only the following kinds of airport development described in § 151.35 (a) are eligible to be included in a project under this part:

(1) Preparing all or part of an airport site, including clearing, grubbing, filling and grading.

(2) Dredging of seaplane anchorages and channels.

(3) Drainage work, on or off the airport or airport site.

(4) Constructing, altering, or repairing airport buildings or parts thereof, to the extent that it is covered by § 151.35(a).

(5) Constructing, altering, or repairing runways, taxiways, and aprons, including—

(i) Bituminous resurfacing of pavements with a minimum of 100 pounds of plant-mixed material for each square yard;

(ii) Applying bituminous surface treatment on a pavement (in accordance with FAA Specification P-609), the existing surface of which consists of that kind of surface treatment; and

(iii) Resealing a runway that has been substantially extended or partially reconstructed, if that resealing is necessary for the uniform color and appearance of the runway.

(6) Fencing, erosion control, seeding, and sodding of an airport or airport site.

(7) Installing, altering, or repairing airport markers and runway, taxiway, and apron lighting facilities and equipment.

(8) Constructing, altering, or repairing entrance roads and airport service roads.

(9) Constructing, installing, or connecting utilities, either on or off the airport or airport site.

(10) Removing, lowering, relocating, marking, or lighting any airport hazard.

(11) Clearing, grading, and filling to allow the installing of landing aids.

(12) Relocating structures, roads, and utilities necessary to allow airport development.

(13) Acquiring land or an interest therein, or any easement through or other interest in airspace, when necessary to—

(i) Allow other airport development to be made, whether or not a part of the Federal-aid Airport Program;

(ii) Prevent or limit the establishment of airport hazards;

(iii) Allow the removal, lowering, relocation, marking, and lighting of existing airport hazards;

(iv) Allow the installing of landing aids; or

(v) Allow the proper use, operation, maintenance, and management of the airport as a public facility.

(14) Any other airport development described in § 151.35(a) that is specifically approved by the Administrator.

For the purposes of subparagraph (10) of this paragraph, an airport hazard is any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land in the vicinity of the airport, that obstructs the airspace needed for the landing or takeoff of aircraft or is otherwise hazardous to the landing or takeoff of aircraft. For the purposes of subparagraph (13) of this paragraph, land acquisition includes the acquiring of land that is already developed as a private airport and the structures, fixtures, and improvements that are a part of realty (other than hangars, other ineligible structures and parts thereof, fixtures, and improvements).

§ 151.41 Project costs.

(a) For the purposes of this part, project costs consist of any costs involved in accomplishing a project, including those of—

(1) Making field surveys;

(2) Preparing plans and specifications;

(3) Accomplishing or procuring the accomplishing of the work;

(4) Supervising and inspecting construction work;

(5) Acquiring land, or an interest therein, or any easement through or other interest in airspace; and

(6) Administrative and other incidental costs incurred specifically in connection with accomplishing a project, and that would not have otherwise been incurred.

(b) The costs described in paragraph (a) of this section, including the value of land, labor, materials, and equipment donated or loaned to the sponsor and appropriated to the project by the sponsor, are eligible for consideration as to their allowability, except for—

(1) That part of the cost of rehabilitation or repair for which funds have been appropriated under section 17 of the Federal Airport Act (49 U.S.C. 1116);

(2) That part of the cost of acquiring an existing private airport that represents the cost of acquiring passenger automobile parking facilities, buildings to be used as hangars, living quarters, or for nonairport purposes, at the airport, and those buildings or parts of buildings the construction of which is not airport development within the meaning of § 151.35(a);

(3) The cost of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor, if—

(i) Those materials and supplies were used for airport development before the grant agreement was executed; or

(ii) The cost is not supported by proper evidence of quantity and value;

(4) The cost of nonexpendable machinery, tools, or equipment owned by the sponsor and used under a project by the sponsors force account, except to the extent of the fair rental value of that machinery, tools, or equipment for the period it is used on the project;

(5) The costs of general area, urban, or statewide planning of airports, as distinguished from planning a specific project;

(6) The value of any land, including improvements, donated to the sponsor by another public agency; and

(7) Any costs incurred in connection with raising funds by the sponsor, including interest and premium charges and administrative expenses involved in conducting bond elections and in the sale of bonds.

(c) To be an allowable project cost, for the purposes of computing the amount of a grant, an item that is paid or incurred must, in the opinion of the Administrator—

(1) Have been necessary to accomplish airport development in conformity with the approved plans and specifications for an approved project and with the terms of the grant agreement for the project;

(2) Be reasonable in amount (or be subject to partial disallowance under section 13(3) of the Federal Airport Act (49 U.S.C. 1112(3)));

(3) Have been incurred after the date the grant agreement was executed, except that costs of land acquisition, field surveys, planning, preparing plans and specifications, and administrative and incidental costs, may be allowed even though they were incurred before that date, if they were incurred after May 13, 1946; and

(4) Be supported by satisfactory evidence.

§ 151.43 United States share of project costs.

(a) The United States share of the allowable costs of a project is stated in

the grant agreement for the project, to be paid from appropriations made under the Federal Airport Act.

(b) Except as provided in paragraphs (c) and (d) of this section, the United States share of the costs of an approved project for airport development (regardless of its size or location) is 50 percent of the allowable costs of the project.

(c) The United States share of the costs of an approved project for airport development in a State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) is more than 5 percent of its total land, is the percentage set forth in the following table:

State	Percent	State	Percent
Alaska	62.50	New Mexico	56.38
Arizona	61.00	Oregon	55.55
California	53.89	South Dakota	52.60
Colorado	53.30	Utah	62.11
Idaho	55.83	Washington	51.57
Montana	53.09	Wyoming	57.29
Nevada	62.50		

(d) The United States share of the costs of an approved project, representing the costs of any of the following, is 75 percent:

(1) The costs of installing high intensity lighting on a designated instrument landing runway or other runway with an approved straight-in approach procedure.

(2) The costs of installing in-runway (narrow gauge, center line, and turnoff) lighting.

(3) The costs of installing runway distance markers.

(4) The costs of acquiring land, or a suitable property interest in land or in or over water, needed for installing, operating, and maintaining an ALS (as described in § 151.13).

(5) The costs of any project in the Virgin Islands.

§ 151.45 Performance of construction work: General requirements.

(a) All construction work under a project must be performed under contract, except in a case where the Administrator determines that the project, or a part of it, can be more effectively and economically accomplished on a force account basis by the sponsor or by another public agency acting for or as agent of the sponsor.

(b) Each contract under a project must meet the requirements of local law.

(c) No sponsor may issue any change order under any of its construction contracts or enter into a supplemental agreement unless three copies of that order or agreement have been sent to and approved by the District Airport Engineer. §§ 151.47 and 151.49 apply to supplemental agreements as well as to original contracts.

(d) This section and §§ 151.47 through 151.49 do not apply to contracts with the owners of airport hazards, (as described in § 151.39(b)), buildings, pipe lines, power lines, or other structures or facilities, for installing, extending, changing, removing, or relocating that structure or facility. However, the sponsor must obtain the approval of the District Airport Engineer before entering into such a contract.

(e) No sponsor may allow a contractor or subcontractor to begin work under a project until—

(1) The sponsor has furnished three conformed copies of the contract to the District Airport Engineer; and

(2) That official agrees to a notice to proceed with the work being issued to the contractor.

The sponsor must send three copies of the notice to that official immediately after it is issued.

§ 151.47 Performance of construction work: Letting of contracts.

(a) Unless the Administrator approves another method for use on a particular project, each contract for construction work on a project in the amount of more than \$2,000 must be awarded on the basis of public advertising and open competitive bidding under the local law applicable to the letting of public contract. Any oral or written agreement or understanding between a sponsor and another public agency that is not a sponsor of the project, under which that public agency undertakes construction work for or as agent of the sponsor, is not considered to be a construction contract for the purposes of this section, or §§ 151.45, 151.49, and 151.51.

(b) There may be no advertisement for bids on, or negotiation of, a construction contract until the Administrator has approved the plans and specifications. Unless the estimated contract price or construction cost is \$2,000 or less, there may be no advertisement for bids or negotiation until the Administrator has given the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision must be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(c) At least 45 days before advertising or negotiating as described in paragraph (b) of this section, the sponsor shall send to the District Airport Engineer, on Department of Labor Form DB-11, a list of all classes of labor to be employed under the proposed contract. If, after submitting the list, the sponsor believes that additional classes of labor may be employed under the contract, he shall immediately advise the District Airport Engineer of the classes and take any steps that are necessary to prevent the contractor, or any of the subcontractors, from employing labor of that class until the Secretary of Labor prescribes a supplementary wage determination for those additional classes. The Administrator sends a copy of the supplementary wage determination to the sponsor as soon as possible after notice by the District Airport Engineer that the determination is needed.

(d) Any minimum wage rate established by the Secretary of Labor may be changed by him before the date of the award of the proposed contract for which the minimum wage rate was established. However, if the proposed contract is

awarded on the basis of public advertisement and open competitive bidding within 30 days after the opening of bids, or 90 days after the date of the initial wage determination, whichever is earlier, the change is not effective unless the decision is received by the Administrator more than five days before the opening of bids. The Administrator sends each change covered by this section to the sponsor as soon as possible. A copy of the Secretary of Labor's decision is incorporated in the invitation for bids or proposed contract by issuing an addendum to the specifications or otherwise, or, if bids have been opened or the contract awarded, the sponsor must take necessary action to incorporate a copy of the decision in the contract.

(e) A sponsor may not award a construction contract without the written concurrence of the Administrator (through the District Airport Engineer) that the contract prices are reasonable and that the contract conforms to the sponsor's grant agreement with the United States. A sponsor that awards contracts on the basis of public advertising and open competitive bidding, shall, after the bids are opened, send a tabulation of the bids and its recommendations for award to the District Airport Engineer. The allowable project costs of the work, on which the Federal participation is computed, may not be more than the bid of the lowest responsible bidder. The sponsor may not accept a bid by a contractor whose name appears on the current list of ineligible contractors published by the Comptroller General of the United States under § 5.6(b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a bid by any firm, corporation, partnership, or association in which that contractor has a substantial interest.

§ 151.49 Performance of construction work: Contract Requirements.

(a) Each sponsor entering into a construction contract for a project, shall, in addition to any other provisions necessary to insure completion of the work in accordance with the grant agreement, include the following provisions (or revisions thereof approved by the Administrator in advance) in the contract:

(1) The work in this contract is included in Federal-aid Airport Project No. ----- which is being undertaken and accomplished by the (insert name of sponsor) in accordance with the terms and conditions of a grant agreement between the (insert name of sponsor) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations, pursuant to which the United States has offered and agreed to pay a certain percentage of the costs of the project that are determined to be allowable project costs under that Act. Any reference in this contract to the FAA or any representative thereof, or to any rights granted to the FAA or any representative thereof, or the United States, by the contract, shall in no sense make, or be construed as making, the United States a party to this contract.

(2) The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract.

(3) No convict labor shall be employed under this contract.

(4) In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates.

(5) All mechanics and laborers, employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers.

(6) Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No. -----, and Part 151 of the Federal Aviation Regulations, the Federal Aviation Agency may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Federal Aviation Agency may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(7) Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Federal Aviation Agency, the (insert name of sponsor): (a) May withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(8) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work

he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Federal Aviation Agency, and the Department of Labor and will permit such representatives to interview employees during working hours on the job.

(9) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor.

(10) The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

(11) Duly authorized representatives of the Federal Aviation Agency shall be permitted to inspect and review all work and all materials used in the performance of this contract.

(12) The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ----, ----, ----, ----, ----, ----, and ----, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof).

(13) A breach of paragraphs ---- (insert designation of paragraph of contract corresponding to subparagraph (5) hereof), through ---- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract.

(14) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provisions shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

(b) Subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of paragraph (a) of this section do not apply to any contract for which a minimum wage determination of the Secretary of Labor is not required by § 151.47(b).

§ 151.51 Performance of construction work: Force accounts.

(a) Before undertaking any force account construction work, the sponsor (or any public agency acting as agent for the sponsor) must obtain the written consent of the Administrator through the District Airport Engineer. In requesting that consent, the sponsor must submit—

(1) Adequate plans and specifications showing the nature and extent of the

construction work to be performed under that force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material, equipment, supervisory, engineering, and inspection personnel will be provided; and

(4) A detailed estimate of the cost of the work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

(b) Whenever a sponsor applies, under § 151.61, for a grant payment involving force account work, it must submit with the application a periodic cost estimate for that work on Form FAA-1629.

§ 151.53 Performance of construction work: Labor requirements.

A sponsor who is required to include in a construction contract the labor provisions required by § 151.49 shall require the contractor to comply with those provisions and shall cooperate with the FAA in effecting that compliance. For this purpose the sponsor shall—

(a) Keep, and preserve, for a three-year period beginning on the date the contract is completed, each affidavit and payroll copy furnished by the contractor, and make those affidavits and copies available to the FAA, upon request, during that period;

(b) Have each of those affidavits and payrolls examined by its resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations), as soon as possible after receiving it, to the extent necessary to determine whether the contractor is complying with the labor provisions required by § 151.49 and particularly with respect to whether the contractor's employees are correctly classified;

(c) Have investigations made during the performance of work under the contract, to the extent necessary to determine whether the contractor is complying with those labor provisions, particularly with respect to whether the contractor's employees are correctly classified, including in the investigations, interviews with employees and examinations of payroll information at the work site by the sponsor's resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations); and

(d) Keep the District Airport Engineer fully advised of all examinations and investigations made under this section, all determinations made on the basis of those examinations and investigations, and all efforts made to obtain compliance with the labor provisions of the contract.

For the purposes of paragraph (c) of this section, the sponsor shall give priority to complaints of alleged violations, and shall treat as confidential any written or oral statements made by any employee. The sponsor may not disclose an employee's statement to a contractor without the employee's consent.

§ 151.55 Accounting and audit.

(a) Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project costs so that it can furnish, on due notice, cost information in the following cost classifications:

- (1) Purchase price or value of land.
- (2) Incidental costs of land acquisition.
- (3) Costs of contract construction.
- (4) Costs of force account construction.
- (5) Engineering costs of plans and designs.
- (6) Engineering costs of supervision and inspection.
- (7) Other administrative costs.

(b) The sponsor shall obtain and retain in its files for a period of three years after the date of the final grant payment, documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(c) The sponsor shall retain, for a period of three years after the date of the final grant payment, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(d) The sponsor shall allow appropriate personnel of the FAA to audit the project records and accounts to determine the allowability of project costs and the amount of the United States participation in the cost of the project. Appropriate personnel of the FAA may, after notifying the sponsor, make progress audits at any time during the project. If work is suspended on the project for an appreciable period of time, an audit is made before any semi-final payment is made. A final audit is made before final payment.

§ 151.57 Grant payments: General.

(a) An application for a grant payment is made on Form FAA-1625.1, accompanied by—

(1) A summary of project costs on Form FAA-1630;

(2) A periodic cost estimate on Form FAA-1629 for each contract or force account representing costs for which payment is requested; and

(3) Any supporting information, including appraisals of property interests, that the FAA needs to determine the allowability of any costs for which payment is requested.

(b) Each application that involves work performed by a contractor must contain, in the contractor's certification in the periodic cost estimate, a statement that "there has been full compliance with all labor provisions included in the contract identified above", and, in the case of an honest dispute as to the nature of the contractor's obligations under the labor provisions of the contract, an additional phrase "except insofar as an

honest dispute exists with respect to such provisions".

(c) If a contractor or subcontractor fails or refuses to comply with the labor provisions of the contract with the sponsor, further grant payments to the sponsor are suspended until the violations stop, until the Administrator determines the allowability of the project costs to which the violations relate, or, to the extent that the violations consist of underpayments to labor, until the sponsor furnishes satisfactory assurances to the FAA that restitution has been or will be made to the affected employees.

(d) If, upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments to the sponsor was more than the total United States share of the allowable costs of the project, the sponsor shall promptly return the excess to the FAA.

§ 151.59 Grant payments: Land acquisition.

If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after executing the grant agreement and after title evidence has been approved by the Administrator for the property interest for which payment is requested, apply to the FAA, through the District Airport Engineer, for payment of the United States share of the allowable project costs of the acquisition, including any acquisition that is completed before executing the grant agreement and is part of the airport development included in the project.

§ 151.61 Grant payments: Partial.

(a) Subject to the final determination of allowable project costs as provided in § 151.63 partial grant payments for project costs may be made to a sponsor upon application. Unless previously agreed otherwise, a sponsor may apply for partial payments on a monthly basis. The payments may be paid, upon application, on the basis of the costs of airport development that is accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(b) Except as otherwise provided, partial grant payments are made in amounts large enough to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for payment. In addition, if the sponsor applies, a partial grant payment is made as an advance payment in an amount large enough to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days after the date of the sponsor's application for advance payment. However, no partial payment may be made in an amount that would bring the aggregate amount of all partial payments for the project to more than 90 percent of the estimated United States share of the total estimated cost of all airport development included in the

project, but not including contingency items, or 90 percent of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost.

§ 151.63 Grant payments: Semifinal and final.

(a) Whenever airport development on a project is delayed or suspended for an appreciable period of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all costs, a semifinal grant payment may be made in an amount large enough to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred, even if the amount is more than the 90 percent limitation prescribed in § 151.61(b). However, it may not be more than the maximum obligation of the United States as stated in the grant agreement.

(b) Whenever the project is completed in accordance with the grant agreement, the sponsor may apply for final payment. The final payment is made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the District Airport Engineer and representatives of the sponsor and the contractor, unless the District Airport Engineer agrees to a different procedure for final inspection;

(2) A final audit of the project account has been completed by appropriate personnel of the FAA; and

(3) The sponsor has furnished final "as constructed" plans, unless otherwise agreed to by the Administrator.

(c) Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by § 151.57(a), the Administrator determines the total amount of the allowable project costs and pays the sponsor the United States' share, less the total amount of all prior payments.

§ 151.65 Memoranda and hearings.

(a) At any time before the FAA issues a grant offer for a project, any public agency or person having a substantial interest in the disposition of the project application may file, through the District Airport Engineer of the District in which the project is located, a memorandum supporting or opposing it. In addition, that public agency or person may request a public hearing on the location of the airport to be developed. If, in the Administrator's opinion, that public agency or person has a substantial interest in the matter, a public hearing is held.

(b) The Administrator sets the time and place of each hearing under this section, to avoid undue delay in disposing of the application, to afford reasonable time for all parties concerned to prepare for it, and to hold it at a place

convenient to the sponsor. Notice of the time and place is mailed to the public agency or person filing the memorandum, the sponsor, and any other necessary persons.

(c) The purpose of the hearing is to help the Administrator discover facts relating to the location of the airport that is proposed to be developed under an application pending before him. There are no adverse parties or interests and no defendant or respondent. They are not hearings for the purposes of sections 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1001) and do not terminate in an adjudication as defined in that Act.

(d) Each hearing under this section is conducted by a hearing officer designated by the Administrator. The hearing officer decides the length of the hearing, the kind of testimony to be heard, and all other matters respecting the conduct of the hearing. The hearing is recorded in a manner determined by the hearing officer and the record becomes a part of the record of the project application. The Administrator's decision is not made solely on the basis of the hearing, but on all relevant facts.

§ 151.67 Forms.

(a) The various forms used for the purposes of this part are as follows:

(1) Request for Federal-aid, Form FAA-1623: Contains a statement requesting Federal-aid in carrying out a project under the Federal Airport Act, with appropriate spaces for inserting information needed for considering the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work, and its estimated cost.

(2) Project application, Form FAA-1624: A formal application for Federal-aid to carry out a project under this part. It contains four parts:

(i) Part I—for pertinent information regarding the airport and proposed work included in the project.

(ii) Part II—for incorporating the representations of the sponsor relating to its legal authority to undertake the project, the availability of funds for its share of the project costs, approvals of other non-United States agencies, the existence of any defaults on other obligations to the United States, possible disabilities, and the ownership of lands and interests in lands to be used in carrying out the project and operating the airport.

(iii) Part III—for incorporating the sponsor's assurances regarding the operation and maintenance of the airport, further development of the airport, and the acquisition of any additional interests in lands that may be needed to carry out the project or for operating the airport.

(iv) Part IV—for a statement of the sponsor's acceptance, to be executed by the sponsor and certificated by its attorney.

(3) Project application for additional project, Form FAA-1624.1: similar to Form FAA-1624, used by the sponsor, in the discretion of the Administrator for second and later projects at the same airport, and incorporating by reference

certain of the representations and assurances set forth in their entirety in Form FAA-1624.

(4) Grant agreement, Form FAA-1632:

(i) Part I—Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) Part II—Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(5) Periodic cost estimate, Form FAA-1629: a certification to be executed by the contractor (or the sponsor, in the case of force account work), with space for information regarding the progress of construction work as of a specific date, and the value of the completed work.

(6) Application for grant payment, Form FAA-1625.1: Application for payment under a grant agreement for work completed as of a specific date or to be completed by a specific date, with space for an appropriate breakdown of project costs among the categories shown therein, and certification provisions to be executed by the sponsor and the District Airport Engineer.

(7) Summary of project costs, Form FAA-1630: For inserting the latest revised estimate of total project costs, the total costs incurred as of a specific date, an estimate of the aggregate of those total costs incurred to date and those to be incurred before a specific date in the future.

(b) Copies of the forms named in this section, and assistance in completing and executing them, are available from the District Airport Engineer for the district in which the project is located.

Subpart C—Programing Standards

§ 151.71 General.

Programing standards for the Federal-aid Airport Program are prescribed to assure the most efficient use of Program funds and to assure that the most important elements of a national system of airports are provided.

[Revision note: Based on § 550.24(a)]

§ 151.73 Land acquisition.

(a) The acquisition of land or any interest therein, or of any easement or other interest in airspace, is eligible for inclusion in a project if it was made after May 13, 1946, and is necessary—

(1) To allow the initial development of the airport;

(2) For improvement indicated in the current National Airport Plan;

(3) For ultimate development of the airport, as indicated in the current approved master plan layout to the extent consistent with the National Airport Plan;

(4) For approach protection meeting the standards of FAA Technical Standard Order N18;

(5) To allow installing an ALS (as described in § 151.13), in which case the costs of acquiring land needed for it are eligible for 75 percent United States participation if the need is shown in the National Airport Plan, based on the best information available to the FAA for the forecast period;

(6) To allow proper use, operation, or maintenance of the airport as a public facility, including offsite lands needed for locating necessary parts of the utility systems serving the airport;

(7) To allow installing navigational aids by the FAA, if the land is within the airport boundaries; or

(8) To allow relocation of navigational aids.

Appendix A sets forth typical eligible and ineligible items of land acquisition as covered by this section.

§ 151.75 Preparation of site.

(a) Grading, drainage, and associated items of site preparation are eligible for inclusion in a project, but only with respect to one landing strip at any airport, unless the airport qualifies for more than one runway, based on traffic volume or wind conditions (as outlined in § 151.77) and the overall site preparation required for development in accordance with the master plan layout. The complete clearance of runway clear zone areas is desirable, but, as a minimum, all obstructions as determined by Technical Standard Order N18 must be removed. Grading in runway clear zones is eligible only to remove terrain that is an obstruction. The clear zone is not a graded overrun area. Specific site preparation for an airport terminal building is eligible on the same basis as the building itself. The site preparation cost is prorated based on eligible and ineligible building space. Appendix B sets forth typical eligible and ineligible items of site preparation as covered by this section.

(b) For the purposes of this section, eligible drainage work off the airport site includes drainage outfalls, drainage disposal, and interception ditches. If there is damage to adjacent property, its correction is an eligible item for inclusion in the project.

§ 151.77 Runway paving: General rules.

(a) On any airport, paving of the designated instrument landing runway (or dominant runway if there is no designated instrument runway) is eligible for inclusion in a project, within the limits of the current National Airport Plan. Program participation in constructing, reconstructing, or resurfacing is limited to a single runway at any airport unless more than one can be justified on the basis of wind conditions, abating aircraft noise, or traffic volume.

(b) The kinds of runway paving that are eligible for inclusion in a project include pavement construction and reconstruction, and include resurfacing to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. Runway resealing or refilling joints as an ordinary maintenance matter are not eligible items, except for bituminous resurfacing consisting of at least

100 pounds of plant-mixed material for each square yard, and except for the application of a bituminous surface treatment (two applications of material and cover aggregate as prescribed in FAA Specification P-609) on a pavement the current surface of which consists of that kind of a bituminous surface treatment.

(c) On new pavement construction, the applying of a bituminous seal coat on plant hot-mix bituminous surfaces only, is an eligible item only if initial engineering analysis and design indicate the need for a seal coat. However, any delay in applying it that is caused other than by construction difficulties, makes the application a maintenance item that is not eligible.

(d) In any case in which the need for a seal coat is necessary for a new runway extension or partial reconstruction of a runway, the entire runway may be sealed.

(e) Appendix C to this part sets forth typical eligible and ineligible items of runway paving.

§ 151.79 Runway paving: Additional runways.

(a) On the basis of wind conditions, an airport is eligible for a second runway if the use of the dominant runway will require landings with cross-wind components of more than 15 miles an hour for more than five percent of the time. Although the 95 percent use factor is not achieved with a single runway, a second runway may be provided only if operational experience has shown the need for it and the economic factors of air transportation at the specific location warrant the spending of Federal-aid Airport Program funds for the purpose. The second runway, where authorized, must be so oriented with the dominant runway that maximum wind coverage is achieved, with due consideration to the aircraft noise factor. In any case in which wind condition information is not available for the specific location, the information from the two or more nearest wind recording stations may be used to indicate the wind conditions for the site. If the airport site is located between the recording stations and the intervening terrain is level or slightly rolling, a composite wind rose made from those of the associated stations is ordinarily acceptable. If the intervening terrain is mountainous, an allowance for its effect can be made by weighted averages. In determining the values to be applied to the records of each station, a topographic map of the area on which the location of the wind-recording station is plotted should be used.

(b) On the basis of traffic volume, an airport with 75,000 or more aircraft movements of all kinds a year, but which does not qualify for a second runway under paragraph (a) of this section, is eligible for a second runway on the basis of traffic volume if the layout and orientation of the two runways will allow both to be used to expedite traffic. Airports that need more than two runways because of traffic volume, or a combination of traffic volume and wind coverage, are considered on a case by case basis.

§ 151.81 Taxiway paving.

(a) The construction, alteration, and repair of taxiways needed to expedite the flow of ground traffic between runways and aircraft parking areas available for general public use are eligible items under the program. Taxiways to serve an area or facility that is primarily for the exclusive or near exclusive use of a tenant or operator that does not furnish aircraft servicing to the public are not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77, apply also to taxiway paving.

(b) Appendix D sets forth typical eligible and ineligible items of taxiway paving.

§ 151.83 Aprons.

(a) The construction, alteration, and repair of aprons are eligible program items upon being shown that they are needed as public use facilities. An apron to serve an area that is primarily for the exclusive or near exclusive use of a tenant or operator who does not furnish aircraft servicing to the public is not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77 apply also to apron paving.

(b) In determining public use for the purposes of this section, the current use being made of a hangar governs, unless there is definite information regarding its future use. In the case of an apron area being built for future hangars, it should be shown that early hangar development is assured and that the hangars will be public facilities.

(c) Appendix E sets forth typical eligible and ineligible items of Apron paving.

§ 151.85 Special treatment areas.

The following special treatment for areas adjacent to pavement is eligible for inclusion in a project in cases where, due to the operation of turbojet powered aircraft, it may be necessary to treat those areas adjacent to runway ends, holding aprons, and taxiways to prevent erosion from the blast effects of the turbojet:

(a) Runway ends—a stabilized area the width of the runway and extending 100 to 150 feet from the end of the runway.

(b) Holding aprons—a stabilized area up to 50 feet from the edge of the pavement.

(c) Taxiway intersections—a stabilized area 25 feet on each side of the taxiway and extending 300 feet from the intersection.

(d) Taxiway (continuous movement of aircraft)—dense turf 25 feet on each side of the taxiway, or in a geographic area where dense turf cannot be established, stabilization.

§ 151.87 Lighting and electrical work.

(a) Federal-aid Airport Program funds may be used for installing lighting facilities only at an airport having a large enough actual or potential volume of night operations (determined individually in each case) to assure its continued operation and adequate maintenance. A lighting project is not considered until the sponsor is aware of its

responsibilities in operating the lights and of the costs of maintenance and operation.

(b) The FAA does not issue a grant offer until the sponsor has applied for a true light certificate indicating a lighted airport. Program participation in airport lighting is limited to those projects that, upon completion, will meet the requirements for a true light certificate, and will include the removal or adequate lighting of obstructions in the approach and turning zones, as determined by Technical Standard Order N18.

(c) The number of runways that are eligible for lighting is the same as the number eligible for paving under §§ 151.77 or 151.79.

(d) The installing of high intensity lighting is eligible on a designated instrument landing runway and any other runway with approved straight-in approach procedures. A runway that is eligible for lighting, but does not meet the requirements for 75 percent United States participation under § 151.25, is eligible for 50 percent United States participation in the costs of high intensity lighting (or the allowable Federal Airport Act percentage in public land States), if the airport is served by a navigational aid that will allow using instrument approach procedures.

(e) In-runway lighting (narrow gauge, centerline, and turnoff) is eligible on the designated instrument landing runway.

(f) Taxiways to eligible runways on airports served by transport aircraft are eligible for lighting. On airports serving only general aviation, the lighting of connecting taxiways is eligible if the runway served is lighted or is programmed to be lighted. The lighting of a parallel taxiway is eligible if the taxiway is eligible for paving. Lighting of other taxiways is eligible or not, depending on the complexity of the taxiway system.

(g) Floodlighting of aprons is eligible if there is a proven need for it, including a showing of night operations where the runway is lighted.

(h) Any airport that is eligible to participate in the costs of runway lighting is eligible for the installing of a beacon, lighted wind indicator, obstruction lights, lighting control equipment, and other components of basic airport lighting including separate transformer vaults and connection to the nearest available power source.

(i) The interconnection of two or more power sources on an airport property, the providing of second sources of power, and the installing of standby engine generators of reasonable capacity, are eligible under the program.

(j) Appendix F sets forth typical eligible and ineligible items of airport lighting covered by this section.

§ 151.89 Roads.

(a) Federal-aid Airport Program funds may not be used to resolve highway problems. Only those airport entrance roads that are definitely needed and are intended only as a way in and out of the airport are eligible.

(b) The construction, alteration, and repair of airport roads and streets that

are entirely within the airport boundaries are eligible under the program, if needed for operating and maintaining the airport. In the case of an entrance road, a strip right-of-way joining the main body of the airport to the nearest public road may be considered a part of the normal boundary of the airport if—

(1) Adequate title is obtained;

(2) It was acquired to provide an airport entrance road and was not, before the existence of the airport, a public thoroughfare;

(3) The entrance road is intended only as a way in and out of the airport; and

(4) The entrance road extends only to the nearest public highway, road, or street.

(c) An entrance road may be joined to an existing highway or street with a normal fillet connection. However, acceleration-deceleration strips or grade separations are not eligible.

(d) Offsite road or street relocation needed to allow airport development or to remove an obstruction, and is not for entrance road purposes, is eligible.

(e) Appendix G sets forth typical eligible and ineligible items of road construction covered by this section.

§ 151.91 Removal of obstructions.

(a) The removal or relocation, or both, of obstructions, as defined in Technical Standard Order N18 is eligible under the Program in cases where definite arrangements are made to prevent the obstruction from being recreated. In a case where removal is not feasible, the cost of marking or lighting it is eligible. The removal and relocation of structures necessary for essential airport development is eligible. The removal of structures that are not obstructions within the coverage of Technical Standard Order N18 is eligible when they are located within a clear zone.

(b) The removal and relocation of an airport hangar that is an airport hazard (as described in § 151.39(b)) is eligible, if the reerected hangar will be substantially identical to the disassembled one.

(c) Whenever a hangar must be relocated (either for clearance of the site for other airport development or to remove a hazard) and the existing structure is to be relocated with or without disassembly, the cost of the relocation is an eligible item of project cost, including costs incidental to the relocation such as necessary footings and floors. However, if the existing structure is to be demolished and a new hangar is to be built, only the cost of demolishing the existing hangar is an eligible item.

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) The costs of constructing only those buildings or parts thereof that are intended to house facilities or activities directly relating to the safety of persons at the airport are eligible under the program. Eligible buildings include fire and rescue equipment buildings and field maintenance equipment buildings, but not passenger terminal buildings or hangars.

(b) The installation of utilities is eligible under the program to the extent—

of the eligibility of the facilities and areas they serve. A utility that serves both eligible and ineligible facilities is eligible on a pro rata basis. To the extent needed for fire protection, a water system (including wells, pumps, hydrants, mains, and necessary storage facilities, but not including standpipes and sprinkler systems in buildings) is eligible.

(c) No part of the constructing, altering, or repairing (including grading, drainage, and other site preparation work) of a facility or area that is to be used as a public parking facility for passenger automobiles is eligible for inclusion in a project.

(d) Landscaping is not eligible for inclusion in a project. However, the establishment of turf on graded areas and special treatment to prevent slope erosion is eligible to the extent of the eligibility of the facilities or areas served, preserved, or protected by the turf or treatment. In the case of turfing or treatment for an area or facility that is partly eligible and partly ineligible, the eligibility of the turfing or treatment is established on a pro rata basis.

(e) The construction of sidewalks is not eligible for inclusion in a project.

§ 151.95 Fences; distance markers; navigational and landing aids; and offsite work.

(a) Boundary or perimeter fences for security purposes are eligible for inclusion in a project.

(b) A blast fence is eligible for inclusion in a project whenever—

(1) It is necessary for safety at a runway end or a holding area near the end of a runway and its installation would be more economical than the acquiring of additional property interests; or

(2) Its installation for safety at a turbojet-passenger gate will result in less separation being needed for gate positions, thereby reducing the need for apron expansion, and it is more economical to build the fence than to expand the apron.

(c) The eligibility of runway distance markers for inclusion in a project is decided on a case-by-case basis.

(d) The relocation of navigational aids is eligible for inclusion in a project whenever necessitated by development on the airport under a Program project and the sponsor is responsible under FAA Order OA 6030.1 (Agency Order 53).

(e) The installation of any of the following landing aids is eligible for inclusion in a project:

(1) Segmented circle.

(2) Wind and landing direction indicators.

(3) Boundary markers.

(f) The initial marking of runway and taxiway systems is eligible for inclusion in a project. The remarking of runways and taxiways in cases where the marking has been obliterated by construction, or has become obsolete under current FAA standards, is also eligible. However, apron marking that is not allied with runway and taxiway marking systems, is not eligible.

(g) The following offsite work performed outside of the boundaries of an

airport or airport site is eligible for inclusion in a project:

(1) Removal of obstruction as provided in § 151.89.

(2) Outfall drainage ditches, and the correction of any damage resulting from their construction.

(3) Relocating of roads and utilities that are airport hazards as defined in § 151.39(b).

(4) Clearing, grading, and grubbing to allow installing of navigational aids.

(5) Constructing and installing utilities.

(6) Lighting of obstructions.

§ 151.97 Maintenance and repair.

(a) Maintenance work is not airport development as defined in the Federal Airport Act and is not eligible for inclusion in the Program. Therefore, it is necessary in many cases that a determination be made whether particular proposed development is maintenance or repair. For the purpose of these determinations, maintenance includes any regular or recurring work necessary to preserve existing airport facilities in good condition, any work involved in cleaning or caring for existing airport facilities, and any incidental or minor repair work on existing airport facilities, such as—

(1) Mowing and fertilizing of turfed areas;

(2) Trimming and replacing of landscaping material;

(3) Cleaning of drainage systems including ditches, pipes, catch basins, and replacing and restoring eroded areas, except when caused by act of God or improper design;

(4) Painting of buildings (inside and outside) and replacement of damaged items normally anticipated;

(5) Repairing and replacing burned out or broken fixtures and cables, unless major reconstruction is needed;

(6) Paving repairs in localized areas, except where the size of the work is such that it constitutes a major repair item or is part of a reconstruction project; and

(7) Refilling joints and resealing surface of pavements.

(b) Repair includes any work not included in paragraph (a) of this section that is necessary to restore existing airport facilities to good condition or preserve them in good condition.

PART 151—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
550.1 (a)-(c), (i), and (j)	(1)	550.4 (c)	151.43
550.1 (d) and (e)	151.35	550.4 (less (c))	151.41
550.1 (f)	151.39	550.5 (a), (b), and (c) (less (1)-(5))	151.21
550.1 (g)	151.13	550.5 (c) (1)	151.23
550.1 (h)	151.21	550.5 (c) (2) and (3)	151.25
550.1 (k)	151.37	550.5 (c) (4) and (5)	151.27
550.1 (l)	151.5	550.5 (d)-(f)	151.29
550.1 (m) and (n)	151.3	550.5 (less (a)-(f))	151.31
550.1 (o), (q), (s), and (u)	151.37	550.6	151.33
550.1 (p)	151.41	550.7 (a), (c), (e), (f), and (h)	151.45
550.1 (r)	151.35		
550.1 (t)	151.43		
550.2	151.37		
550.3	151.39		

¹ Transferred to Part 1.

PART 151—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
550.7 (b)	151.47	550.24 (c)	151.75
550.7 (d)	151.49	550.24 (d)	
550.7 (g)	151.51	(1)-(4)	
550.7 (i)	151.53	and (7)	151.77
550.8	151.55	550.24 (d) (less (1)-(4) and (7))	151.79
550.9 (a)	151.59	550.24 (e)	151.81
550.9 (b)	151.61	550.24 (f)	151.83
550.9 (c) and (d)	151.63	550.24 (g)	151.85
550.9 (e), (f), and (g)	151.57	550.24 (h)	151.87
550.10	151.65	550.24 (i), (o), (p), and (s)	
550.11	151.67	(v)	151.95
550.23 (a) and (b)	(2)	550.24 (j), (k), (m), (n), and (q)	151.93
550.23 (c)	151.3	550.24 (l)	151.89
550.23 (d)-(h)	(2)	550.24 (r)	151.91
550.23 (i), (j), and (k)	(2)	550.24 (w)	(2)
550.23 (l)	151.93	550.24 (less (a)-(w))	151.97
550.23 (m), (o), (p), and (t)	151.5	550.25 (less (b) (2))	(2)
550.23 (n)	(2)	550.25 (b) (2)	151.33
550.23 (q), (u), (v), and (w)	151.7	550.38 (a)	151.9
550.23 (r)	(2)	550.38 (b)	151.11
550.23 (s)	151.9	550.38 (less (a) and (b))	(2)
550.23 (x)	151.13		
550.24 (a)	151.71		
550.24 (b)	151.73		

² To be transferred to Agency Circular Series.

APPENDIX A

There is set forth below an itemization of typical eligible and ineligible items of land acquisition as covered by § 151.73:

Typical Eligible Items

1. Land for:

(a) Initial acquisition for entire airport developments, including building areas as delineated on the approved master plan layout.

(b) Expansion of airport facilities, except the acquisition of only a small parcel for a non-landing area facility, such as hangar, terminal building, automobile parking area, etc.

(c) Clear zones at ends of eligible runways.

(d) Approach lights (land for ALS eligible for 75 percent participation will be limited to an area 3200' x 400' for a Standard ALS and to an area 1700' x 400' for a short ALS located symmetrically about the runway centerline extended, beginning at the end of the runway).

(e) Approach protection.

(f) Airport utilities.

2. Easements for:

(a) Use of air space by aircraft.

(b) Storm-water run-off.

(c) Powerlines to serve offsite obstruction lights.

(d) Airport utilities.

3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

1. Land required only for:

(a) Industrial and other non-airport purposes.

APPENDIX B

There is set forth below an itemization of typical eligible and ineligible items of site preparation as covered by § 151.75 of this chapter:

Typical Eligible Items

1. General site preparation:

(a) Clearing of site.

(b) Grubbing of site.

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- (c) Grading of site.
- (d) Storm drainage of site.
- 2. Erosion control.
- 3. Grading to remove obstructions.
- 4. Grading for installing navigation aids on airport property.
- 5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

- 1. Specific site preparation (not a part of an over-all site preparation project) for:
 - (a) Hangars and other buildings ineligible under the Act.
 - (b) Public parking facilities for passenger automobiles.
 - (c) Industrial and other non-airport purposes.

APPENDIX C

There is set forth below an itemization of typical eligible and ineligible items of runway paving as covered by § 151.77 of this chapter:

Typical Eligible Items

- 1. New runways for specified loadings.
- 2. Runway widening or extensions for specified loadings.
- 3. Reconstruction of existing runways for specified loadings.
- 4. Resurfacing runways for specified strength or for smoothness.

Typical Ineligible Items

- 1. Maintenance-type work, including:
 - (a) Seal coats.
 - (b) Crack filling.
 - (c) Resealing joints.
 - (d) Runway patching.
 - (e) Isolated repair.

APPENDIX D

There is set forth below an itemization of typical eligible and ineligible items of taxiway paving as covered by § 151.81 of this chapter:

Typical Eligible Items

- 1. Basic types of pavement listed as eligible under § 151.77.
- 2. Taxiway providing access to ends and intermediate points of eligible runways.
- 3. Bleed-off taxiways.
- 4. Bypass taxiways.
- 5. Run-up pads.
- 6. Primary taxiway systems providing access to hangar areas and other building areas delineated on approved master layout plan.
- 7. Secondary taxiways providing access to groups of individual storage hangars and/or multiple-unit tee hangars.

Typical Ineligible Items

- 1. Basic types of pavement listed as ineligible under § 151.77.
- 2. Taxiways providing access to an area not offering aircraft storage and/or service to the public.
- 3. Lead-ins to individual storage hangars.

APPENDIX E

There is set forth below an itemization of typical eligible and ineligible items of apron paving as covered by § 151.83 of this chapter:

Typical Eligible Items

- 1. Basic types of pavement listed as eligible under § 151.77.
- 2. Loading ramps.
- 3. Aprons available for public parking, storage, and/or service.
- 4. Aprons serving hangars used for public storage of aircraft and/or service to the public.

Typical Ineligible Items

- 1. Basic types of pavement listed as ineligible under § 151.77.
- 2. Aprons serving installations for non-public use.

- 3. Paving inside a hangar or on the proposed site of a hangar.
- 4. Aprons for ineligible cargo buildings.
- 5. Apron services (pits or pipes for chemicals) will not be eligible.

APPENDIX F

There is set forth below an itemization of typical eligible and ineligible items of airport lighting covered by § 151.87 of this chapter:

Typical Eligible Items

- 1. Runway edge lights (high intensity, medium intensity, and low intensity).
- 2. In-runway lighting (center line, narrow gauge, and turnoff).
- 3. Taxiway lights.
- 4. Taxiway guidance signs.
- 5. Obstruction lights.
- 6. Apron floodlights.
- 7. Beacons.
- 8. Wind and landing direction indicators.
- 9. Electrical ducts and manholes.
- 10. Transformer or generator vaults.
- 11. Control panels for field lighting.
- 12. Control equipment for field lighting.
- 13. Auxiliary power.
- 14. Lighting offsite obstructions.
- 15. Electrical vaults for field lighting.

Typical Ineligible Items

- 1. Electronic navigation aids.
- 2. Approach lights.
- 3. Horizon lights.
- 4. Isolated repair and reconstruction of airport lighting.
- 5. Lighting of public parking area for passenger automobiles.
- 6. Street or road lighting.

APPENDIX G

There is set forth below an itemization of typical eligible and ineligible items of road construction covered by § 151.89 of this chapter.

Typical Eligible Items

- 1. Entrance roads.
- 2. Service roads for access to public areas.
- 3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
- 4. Relocation of roads to permit airport development or expansion or to remove obstructions.

Typical Ineligible Items

- 1. Offsite roads.
- 2. Roads to areas of exclusive use.

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS [NEW]

Sec.	
153.1	Applicability and purpose.
153.3	Public agencies eligible for conveyances.
153.5	Request for conveyances.
153.7	Form and content of requests for conveyances.
153.9	Determinations by the Administrator.
153.11	Determinations and conveyances by head of controlling department or agency.
153.13	Covenants and reverter clauses in conveyances.

AUTHORITY: §§ 153.1 to 153.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 153.1 Applicability and purpose.

This part applies to the acquiring by public agencies, under section 16 of the Federal Airport Act (49 U.S.C. 1115), of property interests in land owned or controlled by the United States, the use of which is necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 16 of the Act to request the head of the department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "department or agency,") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that department or agency is then required to determine whether the conveyance is inconsistent with the needs of that department or agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 153.11.

§ 153.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, or the District of Columbia, any agency of any of them, a municipality or other political subdivision, or a tax-supported organization, may request a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the Federal-aid Airport Program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under that Program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that Program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 151.25 of this chapter, improvement, or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

§ 153.5 Requests for conveyances.

A public agency that is eligible under § 153.3 may request a conveyance of a property interest under this part by

filing a request for it in quadruplicate with the District Airport Engineer for the area in which the property interest is located.

§ 153.7 Form and content of requests for conveyances.

(a) A request for a conveyance of a property interest under this part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to request the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest requested is reasonably necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency requesting a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, or other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the United States land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport concerned under the Federal-aid Airport Program.

(13) A statement that it has the legal authority to accept a conveyance subject

to the covenants and reverter clause described in § 153.13.

(c) Each request for a conveyance under this part must be signed by an officer of the public agency concerned who has been authorized by it to file the request. The request must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the request and indicating that the public agency is willing to accept the conveyance subject to the covenants and reverter clause described in § 153.13. In addition, the resolution or ordinance should indicate that the public agency is willing to accept the property subject to other terms that may be imposed by the United States, and subject to any changes in the boundaries or acreage that might be acceptable to the Administrator so far as they concern the development or use of the property for public airport purposes, to avoid having to pass another resolution or ordinance if terms and conditions in addition to those required by § 153.13 are placed in the deed of conveyance or a change in the boundaries or acreage becomes necessary.

§ 153.9 Determinations by the Administrator.

The Administrator reviews each request for a conveyance under this part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 16 of the Federal Airport Act and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the department or agency owning or controlling the property interest to convey to the public agency as much of an interest as the Administrator considers to be necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes.

§ 153.11 Determinations and conveyances by head of controlling department or agency.

(a) Upon receiving a request for a conveyance under this part from the Administrator, the head of the department or agency owning or controlling the property interest requested is required, by section 16(b) of the Federal Airport Act, to determine whether the conveyance is inconsistent with the needs of his department or agency, and to notify the Administrator of his determination within four months after receiving the Administrator's request.

(b) Section 16(b) of the Act provides that, if the head of the department or agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

§ 153.13 Covenants and reverter clauses in conveyances.

(a) Whenever the Administrator requests a department or agency to make a conveyance under this part, he also re-

quests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, a provision—

(1) That the grantee will use the property interest conveyed for airport purposes;

(2) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, creed, or national origin, as to airport employment practices, and as to accommodations, services, facilities, and other public uses of the airport;

(3) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance;

(4) That, if any covenant or condition in the instrument of conveyance is breached, the FAA or its successor in function may immediately enter and possess title, on behalf of the United States, to the property interest conveyed; and

(5) That, if any covenant or condition in the instrument of conveyance is breached, the grantee will, upon demand of the FAA or its successor in function, take such action (including prosecution of suit or execution of instruments) as may be necessary to evidence transfer of title to the conveyed property interest to the United States.

(b) The Administrator also requests that a reverter clause, reading as follows, be placed in the granting clause of the conveyance:

The property interest hereby conveyed shall automatically revert to the United States in the event that the lands in question are not developed for airport purposes within a period of three years from the date of conveyance or cease to be used for airport purposes for a period of six months; the grantee agreeing by the acceptance of this conveyance or the rights granted herein that a determination by the FAA or its successor in function, that the lands are not developed or have ceased to be used for airport purposes, shall be conclusive of the facts.

PART 153—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
555.1-----	153.1	555.6-----	153.5
555.2-----	153.1	555.7-----	153.9
555.3-----	153.5	555.8-----	153.11
555.4-----	153.3	555.9-----	153.11
555.5-----	153.7	555.10-----	153.13

PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS [NEW]

Sec.	
155.1	Applicability.
155.3	Applicable law.
155.5	Property and releases covered by this part.
155.7	General policies.
155.9	Release from war or national emergency restrictions.
155.11	Form and content of requests for release.
155.13	Determinations by FAA.

AUTHORITY: §§ 155.1 to 155.13 issued under Federal Airport Act (49 U.S.C. 1101 through

1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 155.1 Applicability.

This part applies to releases from terms, conditions, reservations, or restrictions in any deed, surrender of leasehold, or other instrument of transfer or conveyance (in this part called "instrument of disposal") by which some right, title, or interest of the United States in real or personal property was conveyed to a non-Federal public agency under section 13 of the Surplus Property Act of 1944 (58 Stat. 765; 61 Stat. 678) to be used by that agency in developing, improving, operating, or maintaining a public airport or to provide a source of revenue from non-aviation business at a public airport.

§ 155.3 Applicable law.

(a) Section 4 of the Act of October 1, 1949 (63 Stat. 700) authorizes the Administrator to grant the releases described in § 155.1, if he determines that—

(1) The property to which the release relates no longer serves the purpose for which it was made subject to the terms, conditions, reservations, or restrictions concerned; or

(2) The release will not prevent accomplishing the purpose for which the property was made subject to the terms, conditions, reservations, or restrictions, and is necessary to protect or advance the interests of the United States in civil aviation.

In addition, section 4 of that Act authorizes the Administrator to grant the releases subject to terms and conditions that he considers necessary to protect or advance the interests of the United States in civil aviation.

(b) Section 2 of the Act of October 1, 1949 (63 Stat. 700) provides that the restrictions against using structures for industrial purposes in any instrument of disposal issued under section 13(g) (2) (A) of the Surplus Property Act of 1944, as amended (61 Stat. 678) are considered to be extinguished. In addition, section 2 authorizes the Administrator to issue any instruments of release or conveyance necessary to remove, of record, such a restriction, without monetary consideration to the United States.

(c) Section 68 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2098) releases, remises, and quitclaims, to persons entitled thereto, all reserved rights of the United States in radioactive minerals in instruments of disposal of public or acquired lands. In addition, section 3 of the Act of October 1, 1949 (50 U.S.C. App. 1622b) authorizes the Administrator to issue instruments that he considers necessary to correct any instrument of disposal by which surplus property was transferred to a non-Federal public agency for airport purposes or to conform the transfer to the requirements of applicable law. Based on the laws cited in this paragraph, the Administrator

issues appropriate instruments of correction upon the written request of persons entitled to ownership, occupancy, or use of the lands concerned.

§ 155.5 Property and releases covered by this part.

This part applies to—

(a) Any real or personal property that is subject to the terms, conditions, reservations, or restrictions in an instrument of disposal described in § 155.1; and

(b) Any release from a term, condition, reservation, or restriction in such an instrument, including a release of—

(1) Personal property, equipment, or structures from any term, condition, reservation, or restriction so far as necessary to allow it to be disposed of for salvage purposes;

(2) Land, personal property, equipment or structures from any term, condition, reservation, or restriction requiring that it be used for airport purposes, to allow its use, lease, or sale for non-airport use in place;

(3) Land, personal property, equipment, or structures from any term, condition, reservation, or restriction requiring its maintenance for airport use;

(4) Land, personal property, equipment, or structures from all terms, conditions, restrictions, or reservations to allow its use, lease, sale, or other disposal for nonairport purposes; and

(5) Land, personal property, equipment, or structures from the reservation of right of use by the United States in time of war or national emergency, to facilitate financing the operation and maintenance or further development of a public airport.

§ 155.7 General policies.

(a) Upon a request under § 155.11, the Administrator issues any instrument that is necessary to remove, of record, any restriction against the use of property for industrial purposes that is in an instrument of disposal covered by this part.

(b) The Administrator does not issue a release under this part if it would allow the sale of the property concerned to a third party, unless the public agency concerned has obligated itself to use the proceeds from the sale exclusively for developing, improving, operating, or maintaining a public airport.

(c) Except for a release from a restriction against using property for industrial purposes, the Administrator does not issue a release under this part unless it is justified under § 155.3(a) (1) or (2).

(d) The Administrator may issue a release from the terms, conditions, reservations, or restrictions of an instrument of disposal subject to any other terms or conditions that he considers necessary to protect or advance the interests of the United States in civil aviation. Such a term or condition, including one regarding the use of proceeds from the sale of property, is imposed as a personal covenant or obligation of the public agency concerned rather than as a term or condition to the release or as a cove-

nant running with the land, unless the Administrator determines that the purpose of the term or condition would be better achieved as a condition or covenant running with the land.

(e) A letter or other document issued by the Administrator that merely grants consent to or approval of a lease, or to the use of the property for other than the airport use contemplated by the instrument of disposal, does not otherwise release the property from the terms, conditions, reservations, or restrictions of the instrument of disposal.

§ 155.9 Release from war or national emergency restrictions.

(a) The primary purpose of each transfer of surplus airport property under section 13 of the Surplus Property Act of 1944 was to make the property available for public or civil airport needs. However, it was also intended to ensure the availability of the property transferred, and of the entire airport, for use by the United States during a war or national emergency, if needed. As evidence of this purpose, most instruments of disposal of surplus airport property reserved or granted to the United States a right of exclusive possession and control of the airport during a war or emergency, substantially the same as one of the following:

(1) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building areas, and airport facilities or any part thereof, including any additions or improvements thereto made subsequent to the declaration of the airport property as surplus: *Provided, however,* That the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

(2) During any national emergency declared by the President or by Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport at which the surplus property is located or used or of such portion thereof as it may desire: *Provided, however,* That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided further,* That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(b) A release from the terms, conditions, reservations, or restrictions of an instrument of disposal that might prejudice the needs or interests of the armed forces, is granted only after consultation with the Department of Defense.

§ 155.11 Form and content of requests for release.

(a) A request for the release of surplus airport property from a term, condition, reservation, or restriction in an instrument of disposal need not be in any special form, but must be in writing and signed by an authorized official of the public agency that owns the airport.

(b) A request for a release under this part must be submitted in triplicate to the District Airport Engineer in whose district the airport is located.

(c) Each request for a release must include the following information, if applicable and available:

(1) Identification of the instruments of disposal to which the property concerned is subject.

(2) A description of the property concerned.

(3) The condition of the property concerned.

(4) The purpose for which the property was transferred, such as for use as a part of, or in connection with, operating the airport or for producing revenues from nonaviation business.

(5) The kind of release requested.

(6) The purpose of the release.

(7) A statement of the circumstances justifying the release on the basis set forth in § 155.3(a) (1) or (2) with supporting documents.

(8) Maps, photographs, plans, or similar material of the airport and the property concerned that are appropriate to determining whether the release is justified under § 155.9.

(9) The proposed use or disposition of the property, including the terms and conditions of any proposed sale or lease and the status of negotiations therefor.

(10) If the release would allow sale of any part of the property, a certified copy of a resolution or ordinance of the governing body of the public agency that owns the airport obligating itself to use the proceeds of the sale exclusively for developing, improving, operating, or maintaining a public airport.

(11) A suggested letter or other instrument of release that would meet the requirements of State and local law for the release requested.

§ 155.13 Determinations by FAA.

(a) An FAA office that receives a request for a release under this part, and supporting documents therefore, examines it to determine whether the request meets the requirements of the Act of October 1, 1949 (63 Stat. 700) so far as it concerns the interests of the United States in civil aviation and whether it might prejudice the needs and interests of the armed forces. Upon a determination that the release might prejudice those needs and interests, the Department of Defense is consulted as provided in § 155.9(b).

(b) Upon completing the review, and receiving the advice of the Department of Defense if the case was referred to it, the FAA advises the airport owner as to whether the release or a modification of it, may be granted. If the release, or a modification of it acceptable to the owner, is granted, the FAA prepares the necessary instruments and delivers them to the airport owner.

PART 155—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
565.1-----	155.1	565.4(d)-----	155.9
565.2-----	155.3	565.5(a)-----	155.11
565.3-----	155.5	565.5 (less (a))-----	155.13
565.4 (less (d))-----	155.7		

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, OR DEACTIVATION OF AIRPORTS [NEW]**Sec.**

- 157.1 Applicability.
157.3 Notice of construction, alteration, or deactivation.
157.5 Submission of notice.
157.7 Notice of delay or other change.
157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

AUTHORITY: §§ 157.1 to 157.9 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 157.1 Applicability.

This part requires each person who proposes to establish, reactivate, alter, or deactivate an airport for civil or joint civil-military use to give notice in the form and manner prescribed in this part.

§ 157.3 Notice of construction, alteration, or deactivation.

(a) Except as provided in paragraph (b) of this section, each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5:

(1) Construct, lay out, or otherwise set apart a new airport, or reactivate a former airport;

(2) Realign, modify, enlarge, reactivate or deactivate any runway layout or associated taxiway;

(3) Otherwise substantially change the surface of that part of an airport that is used or intended to be used for the landing or takeoff of aircraft; or

(4) Discontinue using an airport for a period of one year or more.

(b) This part does not apply to any—
(1) Military project on a military airport used only by the Armed Forces;

(2) Project for which Federal aid has been requested under the Federal Airport Act (49 U.S.C. 1101 et seq.);

(3) Project involving a landing surface intended to be used only one time, or intended to be used for a period of less than 31 days with not more than 10 aircraft operations a day during that period; or

(4) Project involving a privately owned airport that will be limited to VFR aircraft operations only, that is not open to the public, and that is, or is to be, located more than 5 miles from any other airport and more than 20 miles from any airport for which an instrument approach procedure is authorized by the FAA.

However, each person to whom subparagraph (4) of this paragraph applies

shall report his project to the FAA for record purposes within 30 days after it is completed.

§ 157.5 Submission of notice.

Each person submitting a notice required by § 157.1 shall send it to the nearest FAA District Airport Engineer's Office or FAA Regional Office, in triplicate, on FAA form 2681, at least 90 days before the date on which work is to begin on the project. However, in an emergency requiring immediate action, he may notify the Administrator by telephone, telegraph, or other expeditious means, and send the form 2681 within five days thereafter.

§ 157.7 Notice of delay or other change.

Each proponent of a project to which this Part applies shall notify the nearest FAA District Airport Engineer's Office or FAA Regional Office of any delay of more than six months in the date upon which work on the project is to begin, and of any other change in the information submitted under § 157.5.

§ 157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

(a) Whenever it receives a notice under § 157.5, the FAA studies the effect of the proposal upon the efficient use of airspace and the safety of aircraft, consulting with other interested persons when appropriate.

(b) After making the study, the FAA issues a determination as to the effect the proposal would have on the efficient use of airspace and the safety of aircraft.

(c) The FAA informs the proponent of the project and appropriate state aviation officials of the determination, and makes it available to other interested persons.

PART 157—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
625.1-----	157.1	625.5(a)-----	157.5
625.2-----	157.3	625.5 (less (a))-----	157.7
625.3-----	157.3	625.6-----	157.9

PART 161—COLD BAY, ALASKA, AIRPORT [NEW]**Sec.**

- 161.1 Applicability.
161.3 Landing charges.
161.5 Parking charges.
161.7 Computation of weight for payment of charges.
161.9 Charges for aircraft based at the airport.
161.11 Payment of charges.
161.13 Loading and unloading areas.

AUTHORITY: §§ 161.1 to 161.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Act, Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 161.1 Applicability.

This part prescribes the rules governing the use of the Cold Bay, Alaska, Airport (in this part called "the Airport") operated by the Federal Aviation Agency.

RULES AND REGULATIONS

§ 161.3 Landing charges.

The charge for each landing of an aircraft at the airport is 16 cents for each 1,000 pounds of aircraft weight. There is no charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;
(b) An aircraft engaged in a test flight, not including a survey and proving run; or
(c) An aircraft compelled to return after takeoff.

§ 161.5 Parking charges.

(a) The charge for parking an aircraft in a hangar at the airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft at any other place on the airport is two and one-half cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof, beginning six hours after the aircraft lands.

§ 161.7 Computation of weight for payment of charges.

For the purposes of §§ 161.3 and 161.5 the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 161.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Alaskan Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 161.3 and 161.5.

§ 161.11 Payment of charges.

Charges due under this part must be paid in United States currency, at the time the airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provisions to pay on a monthly or other suitable basis.

§ 161.13 Loading and unloading areas.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and nondiscriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under paragraph (a) of this section; and

(c) Assessing excess parking fees of \$5.00 an hour for failure to conform to paragraph (b) of this section.

PART 161—DISTRIBUTION TABLE

section	section	Former section	Revised section
574.1(b)-----	161.1	574.12-----	161.5
574.1 (less		574.13-----	161.9
(b))-----	161.7	574.14-----	161.11
574.11-----	161.3	574.21-----	161.13

PART 163—CANTON ISLAND AIRPORT [NEW]**Subpart A—General**

Sec.	
163.1	Applicability.
163.3	Landing charges.
163.5	Parking charges.
163.7	Computation of weight for payment of charges.
163.9	Charges for aircraft based at the Airport.
163.11	Payment of charges.
163.13	Loading and unloading zones.

Subpart B—Utility Services

163.21	Applicability.
163.23	Service available.
163.25	Applications.
163.27	Connections to sewer and water systems.
163.29	Connections to electric power systems.
163.31	Connections to communications systems.
163.33	Extensions to systems.
163.35	Rates of payment: Electric power.
163.37	Rates of payment: Water.
163.39	Rates of payment: Communications.
163.41	Rates of payment: Measurement, adjustment, and billing.
163.43	Liability of the United States.

Subpart C—Medical and Hospital Services

163.51	Applicability.
163.53	Supervision.
163.55	Transportation for treatment purposes
163.57	Treatment in noncompensation cases.
163.59	Charges for medical services and supplies.
163.61	Charges for hospitalization.
163.63	Charges for miscellaneous services.
163.65	Method of payment.
163.67	Processing of payments.
163.69	Exceptions.

AUTHORITY: §§ 163.1 to 163.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

Subpart A—General**§ 163.1 Applicability.**

This part prescribes the rules governing the Airport at Canton Island (in this part called "the Airport") operated by the Federal Aviation Agency.

§ 163.3 Landing charges.

The charge for each landing of an aircraft at the Airport is 30 cents for each 1,000 pounds of aircraft weight. There is no additional charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;
(b) An aircraft engaged in a test flight, not including a survey or proving run; or
(c) An aircraft compelled to return after takeoff.

(c) An aircraft compelled to return after takeoff.

§ 163.5 Parking charges.

(a) The charge for parking an aircraft in a hangar at the Airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft on the Airport, other than in a hangar, is two and one-half cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof, beginning six hours after the aircraft lands.

§ 163.7 Computation of weight for payment of charges.

For the purposes of §§ 163.3 and 163.5, the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 163.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Pacific Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 163.3 and 163.5.

§ 163.11 Payment of charges.

Charges due under this part must be paid in United States currency at the time the Airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provision to pay on a monthly or other suitable basis.

§ 163.13 Loading and unloading zones.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and nondiscriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under paragraph (a) of this section; and

(c) Assessing excess parking fees of \$5.00 an hour for failure to conform to paragraph (b) of this section.

Subpart B—Utility Services**§ 163.21 Applicability.**

This subpart prescribes the conditions under which the Administrator provides water, electric power, sewerage, and communications service at Canton Island to persons and organizations engaged directly or indirectly in aeronautical activity, except agencies of the United States.

§ 163.23 Services available.

The services available under this subpart are limited to those that are excess to the needs of the FAA and are within the capacities of installed facilities. If additional services are desired, permission may be given to build additional complementary facilities or extensions to the system involved.

§ 163.25 Applications.

A person desiring service under this subpart must apply in writing to the Assistant Administrator, Pacific Region, FAA, P.O. Box 4009, Honolulu, Hawaii, setting forth in detail the type, location, and amount of service desired, the max-

imum demand, and other pertinent information, including, for electric power applications, information on all motor loads of more than two horsepower.

§ 163.27 Connections to sewer and water systems.

(a) A connection to an existing sewer and water system (other than an extension of the system) is made by the user, with the written approval of the Assistant Administrators of the Pacific Region. The method of connection and workmanship are subject to inspection and approval of the Assistant Administrator.

(b) For the purposes of this section, an extension to an existing sewer or water system includes additional lateral or trunk sewers, manholes or sewerage disposal facilities, water mains, and water collection, production, storage or pumping facilities, as distinguished from a connection to the system to provide service to an individual user.

(c) When necessary, meters are furnished, installed, and serviced by FAA. In addition, FAA maintains the fresh water connection between the main and the building of the user, but the user shall maintain the sewer connection between the building and the lateral sewer, subject to the inspection and approval of the Assistant Administrator.

§ 163.29 Connections to electric power systems.

(a) A connection to existing electric power systems is made by and at the expense of the FAA.

(b) For the purposes of this section, a connection is limited to providing a meter, installing and connecting the meter to the service drop, and connecting the service drop to the power supply line. Any other work is considered to be an extension to the existing system.

(c) The user shall provide, install, and maintain a safety switch, a meter socket, a one-span service drop, and the work and materials necessary to distribute the power from the service drop.

(d) The workmanship, materials, and equipment provided by the user under this section must conform to FAA Technical Standard Order N-17A.

§ 163.31 Connections to communications systems.

(a) Only the FAA makes connections to the existing communications system.

(b) For the purposes of this section, a connection is limited to providing and installing telephones and lines from the service drop, adding or removing telephone extensions on either private or party lines, and changing the location of an authorized telephone. Any other work or materials that are necessary to provide the user with communications services is considered to be an extension to an existing system.

(c) Title to the communication system is in the United States. The system is maintained by the FAA.

§ 163.33 Extensions to systems.

(a) An extension to an existing water, sewerage, electric power, or communica-

tions system may be made only with the written approval of the Assistant Administrator of the Pacific Region.

(b) Based on circumstances, as determined by the Assistant Administrator, an extension to a facility is made by the user at his expense, or by the FAA.

(c) An extension made by the user becomes the property of the United States upon being incorporated into the system.

§ 163.35 Rates of payment: Electric power.

The charge for electric power is \$0.085 a kilowatt-hour.

§ 163.37 Rates of payment: Water.

The charge for fresh water is \$0.04 a gallon. There is no charge for brackish water, salt water, or sewerage disposal, when they are available, to users of fresh water on Canton Island.

§ 163.39 Rates of payment: Communications.

(a) The charge for individual line service for telephones is \$8.75 a month and for two-party service is \$7.75 a month, plus \$5.00 a month for each additional instrument connection.

(b) The charge for an extension to an existing telephone system or for relocating an existing telephone connection is \$10.00.

§ 163.41 Rates of payment: Measurement, adjustment, and billing.

(a) Fresh water and electric power use are measured by meter. However, in an exceptional circumstance, use may be based on estimates agreed to by the user and the Assistant Administrator of the Pacific Region.

(b) Rates prescribed in this subpart may be adjusted equitably as circumstances warrant. However, each user shall be notified at least 30 days before any rate is adjusted.

(c) Each utility user is billed monthly for services used. Each user shall pay his bill as previously arranged between the user and the Assistant Administrator.

§ 163.43 Liability of the United States.

The United States is not liable for any loss, damage, or injury of any user of the utility services authorized by this subpart, or of any third party, because of a part or complete failure or shutdown of a utility, unless the loss, damage, or injury was caused by a negligent or wrongful act or omission of an employee of the United States acting within the scope of his employment, under circumstances where the United States would, if it were a private person, be liable to the claimant for the loss, damage, or injury under the law of the place where it occurred.

Subpart C—Medical and Hospital Services

§ 163.51 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical services, medical supplies, and hospitalization at Canton Island.

§ 163.53 Supervision.

The medical services, medical supplies, and hospitalization furnished by the FAA at Canton Island are under the administrative control of the FAA official in charge of the Island concerned and FAA activities on it (in this subpart called the "Island Manager") and the professional direction of the designated Island Medical Officer.

§ 163.55 Transportation for treatment purposes.

In any case in which the Island Medical Officer determines that the medical services or facilities on the Island are inadequate, an FAA employee who is under the jurisdiction of the Bureau of Employees' Compensation is entitled to transportation, without cost to him, to adequate services or facilities in Honolulu, Hawaii, or to the closest place where they are adequate. The employing agency must provide transportation in similar cases for persons other than FAA employees.

§ 163.57 Treatment in non-compensation cases.

(a) Subject to the charges prescribed in §§ 163.59, 163.61, and 163.63, general treatment of injury for disease, other than that authorized by § 163.59(a) (1), is provided for—

(1) Civilian employees of the United States;

(2) Members of the Armed Forces on active duty;

(3) Employees of a non-United States agency that is engaged in aeronautical activity who are at an Island location under temporary or permanent assignment;

(4) The spouse, child (including an unmarried stepchild or an adopted child) under 21 years of age or mentally or physically incapable of supporting himself, or parent, of a person covered by subparagraph (1), (2), or (3) of this paragraph, who receives more than one-half of his support from that person; and

(5) Transient persons, not otherwise covered by this section, who are on the Island for a period of less than one month in connection with an aeronautical activity.

(b) In any case in which the Island Medical Officer concerned determines that the medical services or facilities on the Island cannot provide proper treatment for an FAA employee covered by this section, or his dependent covered by subparagraph (4) of paragraph (a) of this section, the employee or dependent shall be sent without cost to him, to Honolulu, Hawaii, or to the closest other place, where proper treatment can be provided. Transportation in similar cases for other persons must be provided by the employing agency, or by the patient if he is a transient covered by subparagraph (5) of paragraph (a) of this section.

§ 163.59 Charges for medical services and supplies.

(a) Charges for medical services at Canton Island are as follows:

(1) For civilian employees of the United States who are under the juris-

diction of the Bureau of Employees' Compensation, and members of the Armed Forces on active duty—no charge for treatment of injury incurred while performing their duties or disease proximately caused by conditions of their employment.

(2) Except as provided in subparagraph (1) of this paragraph, for civilian employees of the United States, members of the Armed Forces on active duty, and the dependents of either of them—

(i) For each call at the FAA dispensary during regular hours—\$0.50 for the services of a technician; \$1.00 for the services of a nurse; and \$3.00 for the services of a doctor; and

(ii) For each call at the dispensary outside of regular hours or at a place other than the dispensary—\$1.00 for the services of a technician; \$2.00 for the services of a nurse; and \$5.00 for the services of a doctor.

(3) For employees of a non-United States agency and their dependents—an apportionment of all items of cost involved in the furnishing of supplies and services as fixed in written agreements with the employing agency.

(4) For transients—an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) The charge for medical supplies not administered by the medical staff at Canton Island is determined administratively but may not be more than \$3.00 for any one supply furnished.

§ 163.61 Charges for hospitalization.

(a) Except as provided in paragraph (b) of this section, the charge for hospital services is \$7.50 a calendar day, or fraction thereof, for each person, not including meals (which must be otherwise provided and charged for), but including the services of the doctor and nurse, medical supplies, drugs, X-rays, and other medical services and supplies available on the Island that the doctor considers necessary for treating the patient.

(b) The charge for maternity care is \$125.00, including prenatal, delivery, and post-natal care and attendance, and hospitalization, for a period of not more than three days, but not including meals (which must be otherwise provided and charged for).

§ 163.63 Charges for miscellaneous services.

(a) Except where required in connection with employment by the United States, the charge for each immunization (including vaccine and administering it) is not more than \$3.00 if the cost of the vaccine is not more than \$3.00. However, if the cost of the vaccine is more than \$3.00, the charge is the cost of the vaccine.

(b) The following laboratory or special treatment charges apply to all persons:

(1) Diathermy treatments—\$1.00 each.

(2) X-rays—\$3.00 each.

(3) Complete blood count—\$3.00 each.

(4) Wassermann—\$3.00 each.

(5) Urinalysis—\$1.00 each.

(c) The charge for each physical examination not required in connection

with employment by the United States is \$10.00.

(d) The charge for services and treatment not otherwise covered by this section or §§ 163.61 or 163.63 are as prescribed by the Assistant Administrator of the Pacific Region.

(e) A list of the charges authorized by or under this subpart is posted in a prominent place in each Island Dispensary.

§ 163.65 Method of payment.

(a) Amounts due from civilian employees of the United States, members of the Armed Forces, and the dependents of either of them shall be paid as administratively determined. However, in the case of an FAA employee amounts due under this subpart may not be deducted from his pay.

(b) Amounts due from employees of a non-United States agency must be paid at the time the service is performed, unless the employing agency has made a written arrangement with the FAA for payment on a periodic basis or unless immediate payment is not practicable in a particular case.

(c) Amounts due from transients must be paid at the time the service is performed unless immediate payment is not practicable in a particular case. If not paid immediately, the transient's home or business address must be noted before he leaves the Island so that he may be contacted later to pay the charges.

§ 163.67 Processing of payments.

Payments for medical and hospital services at Canton Island shall be collected as provided in this subpart and sent promptly to the Island Manager concerned. The Island Manager schedules them and sends them to the FAA Assistant Administrator of the Pacific Region, in accordance with prescribed procedure.

§ 163.69 Exceptions.

The Island Manager concerned may waive any requirement of this part when he determines that it is appropriate in an emergency case or is required for humanitarian reasons. The Island Manager shall report once each year to the Administrator, through the Assistant Administrator of the Pacific Region, on the waivers granted by him under this section during the preceding fiscal year.

PART 163—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
575.1(b)-----	163.1	576.6-----	163.33
575.1 (less (b))-----	163.7	576.7(a)-----	163.35
575.11-----	163.3	576.7(b)-----	163.37
575.12-----	163.5	576.7 (less (a) and (b))--	163.39
575.13-----	163.9	576.8-----	163.41
575.14-----	163.11	576.9-----	163.41
575.21-----	163.13	576.10-----	163.43
576.1-----	163.21	576.11-----	163.41
576.2(c)-----	163.27	577.1-----	163.51
576.2 (less (c))-----	163.25	577.2 (less (b)-(i))--	163.79
576.3-----	163.23	577.2 (b), (f), and (g)---	163.53
576.4-----	163.25	577.2(d)-----	163.55
576.5(a)-----	163.27	577.2 (c), (e), (h), and (i)-----	163.57
576.5(b)-----	163.29		
576.5 (less (a) and (b))--	163.31		

PART 163—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
577.3-----	163.63	577.6 (c) and (d) (1)-----	163.61
577.4 (less 1st sentence)---	163.55	577.6 (less (a)-(d) (1)-----	163.63
577.4 (1st sentence)---	163.59	577.7-----	163.65
577.5-----	163.57	577.8-----	165.67
577.6 (a) and (b)-----	163.59	577.9-----	165.69

[F.R. Doc. 62-12268; Filed, Dec. 12, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY THE UNITED STATES

PART 565—RELEASE OF AIRPORT PROPERTY FROM RESTRICTIONS OF SURPLUS AIRPORT PROPERTY INSTRUMENTS OF DISPOSAL

PART 574—FEDERAL CIVIL AIRPORT AT COLD BAY, ALASKA

PART 575—FEDERAL CIVIL AIRPORTS ON CANTON AND WAKE ISLANDS

PART 576—WATER, ELECTRIC POWER, SEWERAGE AND COMMUNICATIONS SERVICES AT CANTON AND WAKE ISLANDS

PART 577—MEDICAL AND HOSPITAL SERVICES AT CANTON AND WAKE ISLANDS

PART 625—LANDING AREA, NOTICE OF PROPOSED ESTABLISHMENT, ALTERATION, OR DEACTIVATION

Deletion

CROSS REFERENCE: For deletion of these parts, see F.R. Doc. 62-12268, Title 14, Chapter I, *supra*.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE-P 12]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

Findings of Fact, Conclusions, and Order Regarding Limits on Positions and Daily Trading in Certain Regulated Commodities

Findings of fact. On July 13, 1962, public notice was given (27 F.R. 6676) that, pursuant to section 4a of the Commodity Exchange Act, as amended (7

U.S.C. 6a), it was proposed that the orders issued by the Commodity Exchange Commission establishing limits on positions and daily trading in grain (wheat, corn, oats, barley, and flaxseed), cotton, rye, soybeans, eggs, cottonseed oil, soybean oil, and lard, for future delivery (17 CFR 150.1-150.8) be amended by changing the definition of the term "person" in each order to conform to the definition of that term in the act and by deleting the word "one" preceding "person" in the order relating to wheat, corn, oats, barley, and flaxseed, so as to make clear that the orders apply to trading done by, or positions held by, two or more persons pursuant to an understanding or agreement, as well as to trading or positions of one person. The amendments would not make effective the position and daily trading limits heretofore established but not now effective for cottonseed oil, soybean oil, and lard.

The notice set forth the considerations which were the basis for the proposed amendments, and stated that a hearing with respect to the amendments would be held if any interested person desired a hearing and notified the Administrator of the Commodity Exchange Authority to that effect on or before August 15, 1962. The notice specified that written statements with reference to the proposed amendments could be submitted by any interested person, in addition to or in lieu of testimony at such hearing. No request for a hearing has been received.

Pursuant to the provisions of section 4a of the Commodity Exchange Act, the Commodity Exchange Commission, after investigation and full consideration of written statement submitted by interested persons, and of representations made by the Commodity Exchange Authority of the U.S. Department of Agriculture, which statements and representations are made a part of the record, does hereby find:

(1) It is desirable to have the orders of the Commodity Exchange Commission establishing limits on positions and daily trading in commodities clearly show that they are applicable to trading done by, or positions held by, two or more persons acting pursuant to an expressed or implied understanding or agreement, the same as if the positions or the trading were those of a single individual;

(2) The orders of the Commission referred to above should be amended to show clearly that they have this effect;

(3) The definition of "person" in said orders should conform to the definition of this term in the Commodity Exchange Act.

Conclusions. Based upon the foregoing facts, it is concluded that the orders of the Commodity Exchange Commission referred to above should be amended as hereinafter ordered.

Order. (1) The order of the Commission in 17 CFR 150.1 is amended by deleting the word "one" preceding the word "person" in paragraph (a) (1) and (2) of § 150.1;

(2) The order of the Commission in 17 CFR 150.1 is further amended by changing paragraph (e) of § 150.1 to read as follows:

(e) **Definitions.** As used in this part, the word "grain" includes wheat, corn, oats, barley, and flaxseed, and the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(3) The orders of the Commission in 17 CFR 150.2-150.8 are amended by changing paragraph (e) in §§ 150.2 to 150.8 to read as follows:

(e) **Definition.** As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(4) The orders of the Commission in 17 CFR 150.1-150.8 are further amended by adding thereto, respectively, the following new paragraph as 150.1(f), 150.2(f), 150.3(f), 150.4(f), 150.5(f), 150.6(g), 150.7(g), and 150.8(g):

Application of limits. The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

The foregoing amendments clarify the orders of the Commodity Exchange Commission fixing limits on positions and daily trading in the specified commodities for future delivery under the Commodity Exchange Act. The act contemplates that such orders shall become effective not to exceed ten days after their promulgation. This is necessary in order to afford maximum protection to the public from the burdens on interstate commerce arising from excessive speculation. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

The amendments shall become effective December 20, 1962.

Issued this 10th day of December 1962.

COMMODITY EXCHANGE COMMISSION,

ORVILLE L. FREEMAN,
Secretary of Agriculture, Chairman.

EDWARD GUDEMAN,
Acting Secretary of Commerce.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-12313; Filed, Dec. 12, 1962;
8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29

U.S.C. 205), and by means of Administrative Order No. 567 (27 F.R. 9071), the Secretary of Labor appointed and convened Industry Committee No. 57-A. Administrative Order No. 567 referred to Industry Committee No. 57-A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the corsets, brassieres, and allied garments industry in Puerto Rico, as defined in that Order, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), 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), the recommendations of Industry Committee No. 57-A are hereinafter published in this revision of 29 CFR Part 614.

Effective December 29, 1962, 29 CFR Part 614 is hereby revised to read as follows:

Sec.

614.1 Definition.

614.2 Wage Rates.

614.3 Notices.

AUTHORITY: §§ 614.1 to 614.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 614.1 Definition.

The corsets, brassieres, and allied garments industry in Puerto Rico is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

§ 614.2 Wage rates.

The corsets, brassieres, and allied garments industry in Puerto Rico is divided into two classifications. Wages at rates not less than those prescribed below shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce. Such classifications and minimum rates shall be:

(a) (1) General classification: \$1.04 an hour.

(2) This classification is defined as all activities in the industry except those covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

(b) (1) New coverage classification: \$1.00 an hour.

(2) This classification is defined as all activities in the industry covered by section 6 of the Fair Labor Standards Act only by reason of the Fair Labor Standards Amendments of 1961.

§ 614.3 Notices.

Every employer subject to the provisions of § 614.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 614.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 10th day of December 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-12341; Filed, Dec. 12, 1962;
8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Miscellaneous Amendments

Sections 207.614(b) (4), 207.616(b) (4), 207.617(b) (2) and 207.618(b) (3) are revised to read as follows:

§ 207.614 Pacific Ocean off the east coast of San Clemente Island, Calif.; naval restricted area.

* * * *

(b) *The regulations.* * * *

(4) The regulations in this section shall be enforced by security personnel attached to the U.S. Naval Ordnance Test Station, China Lake, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

§ 207.616 Los Angeles and Long Beach Harbors, Calif.; naval restricted area.

* * * *

(b) *The regulations.* * * *

(4) Only naval vessels and seaplanes shall enter the basin lying inside the jetty in front of the area known as Reeves Field, except as authorized by the enforcing agency.

* * * *

§ 207.617 Long Beach, Calif.; naval restricted area.

* * * *

(b) *The regulations.* * * *

(2) The regulations in this section shall be enforced by the Commander, U.S. Naval Base Los Angeles, Long Beach, California, and such agencies as he may designate.

§ 207.618 Long Beach Harbor, Calif.; seaplane restricted area.

* * * *

(b) *The regulations.* * * *

(3) The regulations in this section shall be enforced by the Commander, U.S. Naval Base Los Angeles, Long

Beach, California, and such agencies as he may designate.

[Amendment, 3 December 1962, ENG CW-ON] (Sec. 4, 28 Stat. 362, as amended; 33 U.S.C. 1)

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

[F.R. Doc. 62-12315; Filed, Dec. 12, 1962;
8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER T—SALE, LEASE, OR USE, AND ACQUISITIONS

[Circular No. 2093]

PART 260—SALES AND OTHER DIS- POSITION OF LANDS TO RESIDEN- TIAL OCCUPANTS OF UNPATENTED MINING CLAIMS

In order to implement the Act of October 23, 1962 (76 Stat. 1127), a new Part 260 is adopted as set forth below.

These regulations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and although the Department of the Interior customarily observes the rule making requirements voluntarily, that procedure was not followed in this case. The time limits established in the law make the expeditious issuance of regulations in the interest of the public. The regulations follow closely the requirements and language of the law. The provisions of this addition to the regulations shall become effective upon publication in the FEDERAL REGISTER.

Sec.

260.1 Statutory authority.

260.2 Definitions.

260.3 Program.

260.4 Petitions.

260.5 Applications.

260.6 Offers to convey an interest in the lands applied for.

260.7 Offers of alternate tracts.

AUTHORITY: §§ 260.1 to 260.7 issued under Act of October 23, 1962 (70 Stat. 1127) and 43 U.S.C. 2, 1201, 1371.

§ 260.1 Statutory authority.

(a) The Act of October 23, 1962 (76 Stat. 1127), hereinafter referred to as "the Act", authorizes the Secretary of the Interior, in his discretion, to convey to any qualified applicant who is an occupant of an unpatented mining claim which is determined by the Secretary to be invalid, an interest, up to and including a fee simple, in and to an area within the claim of not more than (1) five acres, or (2) the acreage actually occupied by him, whichever is less. The Act permits the Secretary to make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining

laws. Such conveyances may be made only to a qualified applicant who applies therefor within 5 years from October 23, 1962, and upon payment of an amount established in accordance with the Act.

(b) The Act further provides that when the qualified applicant applies for lands which have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may convey an interest therein only with the consent of the head of the governmental unit concerned and under such terms and conditions as said head may deem necessary. Where such consent is not given, the Act permits the Secretary, after arrangements satisfactory to the Secretary have been made for termination of the applicant's occupancy of his unpatented mining claim and for settlement of any liability for the unauthorized use thereof which may have been incurred, to grant the applicant a right to purchase, for residential use, an interest in another tract made available by him for sale under the Act (1) from unappropriated and unreserved lands of the United States or (2) from lands subject to classification under Section 7 of the Taylor Grazing Act (48 Stat. 1272, 43 U.S.C. 315f), as amended, said right to expire within 5 years from the date on which it is granted, unless sooner exercised.

(c) The Act requires the Secretary, prior to any conveyance under the Act, to determine the fair market value, as of the date of appraisal, of the interest to be conveyed exclusive of the value of any improvements placed on the lands by the applicant or his predecessors in interest. It also requires him, in establishing the purchase price to be paid by the applicant, to take into consideration any equities of the applicant and his predecessors in interest, including conditions of prior use and occupancy, the price never to exceed its fair market value nor to be less than \$5 per acre and to be payable, in the discretion of the Secretary, in a lump sum or in installments.

(d) The Act provides that all conveyances thereunder shall reserve to the United States all mineral interests of the United States in the lands conveyed for the term of the estate. It withdraws from all forms of entry and appropriation, for the term of the estate conveyed, reserve minerals locatable under the mining laws or disposable under the Act of July 31, 1947 (61 Stat. 681, 30 U.S.C. 601-604, as amended). It permits the Secretary to lease, under the mineral leasing laws, reserved oil, gas, and other leasable minerals for exploration and development purposes, but without the right of surface ingress or egress.

(e) The Act provides that the execution of any conveyance thereunder does not relieve an applicant of any liability, existing on the date of the conveyance, to the United States, for unauthorized use of the land in and to which an interest is granted. However, it provides that, with respect to persons who file applica-

tions for conveyance pursuant to the Act within 5 years of October 23, 1962, trespass charges shall not be sought or collected from any qualified applicant who has filed an application for land in the mining claim pursuant to the Act, based upon occupancy of such claim, whether residential or otherwise, for any period preceding the final administrative determination of the invalidity of the mining claim by the Secretary or the voluntary relinquishment of the mining claim, whichever occurs earlier, provided that the mining claim embracing the land applied for was not located at a time when the land included therein was withdrawn or otherwise not subject to location.

(f) The Act provides that any conveyance of less than a fee made under the Act shall include provision for removal from the tract of any improvements or other property of the applicant at the close of the period for which the conveyance is made, or if it be an interest terminating on the death of the applicant, within one year thereafter.

§ 260.2 Definitions.

As used in the Act and the regulations of this part:

(a) The term "qualified applicant" means (1) a residential occupant-owner, as of October 23, 1962, of valuable improvements in an unpatented mining claim which constitute for him a principal place of residence and which he and his predecessors in interest were in possession of for not less than seven years prior to July 23, 1962 or (2) the heirs or devisees of such a residential occupant-owner.

(b) The term "occupant-owner" refers to persons who, on October 23, 1962, claimed title to valuable improvements which they or their predecessors in interest have constructed on an unpatented mining claim even though title to the improvements might ultimately be found to be in the Government.

(c) The term "interest" includes any estate in lands, including, but not limited to, fee simple, life estate, estate for a term of years, lease, or permit.

(d) The term "a principal place of residence" means an improved site used by a qualified applicant as one of his principal places of residence except during periods when weather and topography may make it impracticable for use. The term does not mean a site given casual or intermittent residential use, such as for a hunting cabin or for weekend occupancy.

(e) The term "qualified officer of the United States" means the Secretary of the Interior or his designate within the Department of the Interior or, with respect to lands within the administrative jurisdiction of any other department or agency, the designate of the head of that department or agency under authority delegated to him by the Secretary of the Interior.

(f) The word "equities" is intended to include for consideration such things as the pecuniary situation of the applicant, his ability to pay, whether he previously paid market value for the property, the date when the mining claim was first

staked, whether there are substantial reasons to believe that a concerted effort was made to develop and extract the minerals sought as compared to a casual attempt, whether such minerals were actually extracted and the deposit depleted, and whether the applicant was relying on custom in his occupancy. The word "equities" does not include any payments of real property taxes, public benefit assessments, or any other public service charges.

§ 260.3 Program.

(a) The program of the Secretary of the Interior in the administration of the Act is to grant to qualified applicants maximum tenure consistent with the public interest in the lands which they occupy. Where the public interest does not permit sale of a fee simple interest, the period of tenure granted will ordinarily not terminate until the land is needed for a public program, provided that, where paragraph (b) of § 260.1 is applicable, tenure shall also be consistent with the terms and conditions specified by the agency or department in aid of whose function the lands are used. The right to purchase an alternate tract will ordinarily be granted a qualified applicant where the consent mentioned in paragraph (b) of § 260.1 is required but not given and the other requirements of that paragraph are satisfied.

(b) In determining the price for the interest to be conveyed under the Act, the Secretary of the Interior will weigh and evaluate the equities claimed by the applicant and will also give consideration to other equities which his investigation may reveal.

§ 260.4 Petitions.

Any person who holds a mining claim which has not been invalidated and who wishes to determine whether he should make application under the Act, may petition, in writing, any qualified officer of the United States¹ to state whether or not he believes the claim to be invalid. The petition must be accompanied by a nonrefundable petition service fee of \$5. Such a petition will not be considered an admission of the invalidity of a claim. The petition should include the name and post office address of the claimant, the name, location and legal description of the mining claim or references sufficient to identify the land on the ground, the date of the location, date and place of recordation and claim of title, a description, including dates, of improvements placed on the lands, and a request for a statement of belief as to the invalidity of the claim.

§ 260.5 Applications.

(a) Applicants must file applications on or before October 23, 1967, in the proper land office in the State in which the lands are located, or if the lands are in a State in which there is no land office,

¹ Until further notice, the qualified officer is the State Director of the Bureau of Land Management having jurisdiction over public lands in the State in which the mining claim is located. In States for which there is no State Director, the Director, Bureau of Land Management, is the qualified officer.

with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota must be filed in the land office at Billings, Montana; applications for lands in Nebraska must be filed in the land office at Cheyenne, Wyoming.

(b) A filing fee of \$10 which is not returnable is required, and should accompany the application.

(c) No particular form of application is required but the application must be typewritten or in legible handwriting and should contain the following information:

(1) Name and post office address of the applicant.

(2) Location of the mining claim by legal or other description sufficient to permit ready, accurate identification of the lands on the ground.

(3) Date of location of mining claim, name of claim, date and place of recordation, and chain of title.

(4) A description of the improvements placed upon the lands involved, and a statement showing that a residence had been on the claim since prior to July 23, 1955.

(5) A statement as to ownership and possession of the improvements during the period beginning with July 23, 1955, through October 23, 1962, including the name or names of any predecessors in interest during said period.

(6) Reference to the Act of October 23, 1962 (76 Stat. 1127).

(7) The date the mining claim was determined to be invalid or the date the claim was relinquished to the United States.

(8) A statement of the interest in lands which the applicant desires, such as "fee title," "lease," or "life estate."

(9) A statement of any equities which the applicant feels should be considered in establishing the purchase price.

(10) A description of the lands, not to exceed 5 acres, claimed to be actually occupied.

§ 260.6 Offers to convey an interest in the lands applied for.

Where the authorized officer determines that an interest in the lands applied for can be conveyed, he will submit to the applicant an offer to convey, specifying the term of the estate offered, the conditions precedent which must be met before conveyance may be made, the limitations and reservations to be contained in the conveyance, the price to be paid, the cost of survey, if any, the conditions subsequent to be performed by the applicant, and the time within which the offer must be accepted (see § 260.1).

§ 260.7 Offers of alternate tracts.

(a) Where the authorized officer determines that an interest in the lands sought cannot be conveyed, he will so notify the applicant, giving his reasons therefor.

(b) Where the authorized officer determines that the conveyance of an interest in lands is otherwise justified but that the interests cannot be conveyed because the consent mentioned in paragraph (b) of § 260.1 is not given, and he determines further that it would be

proper to grant the applicant the right to select an alternate tract under the Act, he will advise that if satisfactory arrangements are made for termination of the occupancy of the unpatented mining claims and for settlement of any liability for unauthorized use thereof which may have been incurred, he will grant the applicant the right to select and purchase within 5 years an alternate tract from lands available or to be made available under the Act. The first applicant to select an available tract will have a preference right to purchase it at the price and under the terms set by the authorized officer, including a limitation on the time within which the applicant may purchase the tract selected.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 10, 1962.

[F.R. Doc. 62-12322; Filed, Dec. 12, 1962;
8:49 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2841]

[Fairbanks 028072]

ALASKA

Revoking Departmental Order of June 18, 1943

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The departmental order of June 18, 1943 withdrawing by metes and bounds a tract of land at Tanacross containing about 160 acres, for school, health and other purposes, is hereby revoked.

2. The school site is now located upon Lot 5, Block 5, of U.S. Survey No. 3726.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to settlement and to filing of such applications, selections and locations as are allowable on unsurveyed lands in accordance with the following:

a. Until 10:00 a.m. on March 9, 1963, the State of Alaska shall have a preferred right to select the lands in accordance with provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

b. All other valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented at or prior to 10:00 a.m. on January 12, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

5. The lands will be open to settlement under the homestead and Alaska homestead laws and to location under the United States mining laws beginning at 10:00 a.m. on March 9, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12298; Filed, Dec. 12, 1962;
8:46 a.m.]

[Public Land Order 2842]

ALASKA

Partly Revoking Executive Order of March 4, 1891

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of March 4, 1891, which was revoked in part by Public Land Order No. 2497 of September 13, 1961, and which reserved lands at Illiuliuk Harbor, Unalaska, as a depot for coal and supplies, is hereby revoked so far as it affects the following described lands:

[Anchorage 054454]

A PORTION OF U.S. SURVEY NO. 2567

UNALASKA AREA

Commencing at meander Corner No. 1 of U.S. Survey No. 2567; thence N. 44°42' E., 100 feet along the 1-2 line of said survey; N. 43°00'20" W., 140 feet to the true point of beginning for this description; S. 46°00' W., 77 feet, more or less, to a point on the northeasterly boundary line of an existing roadway; northwesterly, 83 feet, more or less, following said boundary line to a point; N. 45°00' E., 10 feet, more or less, to a point; N. 48°32' E., 67.22 feet to a point; S. 43°00'20" E., 82 feet, more or less, to the point of beginning.

Containing 0.15 acre.

[Anchorage 056251]

A PORTION OF U.S.S. 2567

UNALASKA, ALASKA

Beginning at Meander Corner No. 5 of U.S. Survey No. 2567, the true point of beginning for this description; then S. 48°32' W., 99.00 feet, following the 5-6 line of said survey to Corner No. 6; S. 41°28' E., 110.00 feet, following line 6-7 of said survey to a point; N. 48°32' E., 89.15 feet to a point in the 4-5 line of said survey; N. 35°48' W., 110.55 feet, following said 4-5 line to the point of beginning.

Containing approximately 0.24 acre.

2. The lands have been transferred to the General Services Administration for disposition as unsuitable for return to the public domain.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12299; Filed, Dec. 12, 1962;
8:46 a.m.]

[Public Land Order 2843]

ALASKA

Withdrawal for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The minerals in the following described national forest lands in the Tongass National Forest, Alaska, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the surface as administrative sites, as indicated:

[Anchorage 054076]

U.S. SURVEY NO. 3590

YAKUTAT MARINE ADMINISTRATIVE SITE

Lots D, J, K, L and L-1.
Containing 2.04 acres.

[Juneau 012096]

U.S. SURVEY NO. 2414

HOONAH ADMINISTRATIVE SITE

Lots 1, 2, 3, 7 and 8.
Containing 10.93 acres.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12300; Filed, Dec. 12, 1962;
8:46 a.m.]

[Public Land Order 2844]

[Colorado 079609]

COLORADO

Withdrawal for Forest Service Administrative Site and Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Routt National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the surface as an administrative site and a recreation area as indicated:

[Sixth Principal Meridian]

ROUTT NATIONAL FOREST

LOST PARK ADMINISTRATIVE SITE

T. 10 N., R. 88 W.,
Sec. 29, E½SW¼, and W½SE¼.
Containing approximately 160 acres.

SLAVONIA RECREATION AREA

T. 10 N., R. 83 W., (Unsurveyed)
In approximate sec. 32, Beginning at Corner No. 1 from which the center of the intersection of Gold Creek and Gilpin Creek bears S. 16° E. a distance of 15 chains, thence S. 74° W. 40 chains to Corner No. 2, thence S. 16° E. 20 chains to Corner No. 3, thence N. 74° E. 40 chains to Corner No. 4, thence N. 16° W. 20 chains to Corner No. 1, the point of beginning.
Containing approximately 80 acres.

The areas described aggregate approximately 240 acres.

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

DECEMBER, 7, 1962.

[F.R. Doc. 62-12301; Filed, Dec. 12, 1962;
8:46 a.m.]

[Public Land Order 2845]

[Wyoming 078855]

WYOMING

Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described lands in the Shoshone National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the lands as indicated:

[SIXTH PRINCIPAL MERIDIAN]

SHOSHONE NATIONAL FOREST

RENNERBERG ADMINISTRATIVE SITE

T. 46 N., R. 102 W.,
Sec. 16, Lot 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 21, Lots 1 and 2.

DEAD INDIAN POINT ADMINISTRATIVE SITE

T. 55 N., R. 104 W.,
Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

WINDY MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 56 N., R. 106 W., (Unsurveyed)
Sec. 35, NE $\frac{1}{4}$.

CLAY BUTTE LOOKOUT ADMINISTRATIVE SITE

T. 57 N., R. 106 W., (Unsurveyed)
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

HORSE CREEK RANGER STATION ADMINISTRATIVE SITE

T. 43 N., R. 107 W.,
Sec. 24, SE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$.

CLAYTON MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 51 N., R. 107 W. (Unsurveyed)
Sec. 3, S $\frac{1}{2}$.

WARM SPRINGS MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

T. 42 N., R. 108 W.,
Sec. 35, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

SHERIDAN CREEK (ADDITION) ADMINISTRATIVE SITE

T. 42 N., R. 109 W.,
Sec. 3, Lots 3 and 4, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 1,077.56 acres.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12302; Filed, Dec. 12, 1962;
8:47 a.m.]

[Public Land Order 2846]

CALIFORNIA

Withdrawals for Forest Service Experimental Forest, Administrative Site and Roadside Zone

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The minerals in the following described national forest lands in California are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the surface as an experimental forest, administrative site, and for protection of an existing forest road and highway and adjacent roadside zone, as indicated:

[Los Angeles 0165034]

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST

Teakettle Experimental Forest

T. 11 S., R. 27 E.,
Sec. 15, SW $\frac{1}{4}$;
Sec. 16, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 17;
Sec. 20, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 21;
Sec. 22, W $\frac{1}{2}$;
Sec. 27 N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 3,200 acres.

(Sacramento 057456)

MOUNT DIABLO MERIDIAN

ELDORADO NATIONAL FOREST

Badger Hill Administrative Site

T. 11 N., R. 12 E.,
Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 130 acres.

(Sacramento 068844)

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Forest Highway No. 96, Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Highway No. 96, through the following legal subdivisions:

T. 14 N., R. 11 E.,
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, lots 4, 5, and 43; lots 6 and 7 (except for patented M.S. 3663); W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, lots 1 and 7; lot 6 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ (except for patented M.S. 3663); lots 42 and 43, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 34, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 14 N., R. 12 E.,
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 30, lot 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
The area described contains approximately 748 acres.

The total area withdrawn by this order is approximately 4,078 acres.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12303; Filed Dec. 12, 1962;
8:47 a.m.]

[Public Land Order 2847]

[Oregon 06412]

OREGON

Modification of Certain Water Power Withdrawals

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Power Site Reserve No. 77, and the order of the Geological Survey of November 30, 1951, creating Power Site Classification No. 421, are hereby modified to the extent necessary to permit the grant of a highway right-of-way made by Section 2477, Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following described lands delineated on maps submitted by Baker County, Oregon, and designated "Richland-Huntington Road Alignment and Land Ownership, Idaho Power Co., Boise, Idaho 06412, D-BR-106" in 15 sheets bearing various dates, subject to the prior rights of the licensees for projects Nos. 282, 957, and 1971 to use the concerned land for power purposes as contemplated in said licenses, and further subject to the condition that the United States, its permittees, or licensees, shall not be held liable for any damage to the road or its appurtenances resulting from the operation and maintenance of the facilities or reservoir of the Brownlee development licensed under Project No. 1971:

WILLAMETTE MERIDIAN

T. 11 S., R. 45 E.,
Sec. 36, lots 3 and 4.
T. 12 S., R. 45 E.,
Sec. 1, lots 1 and 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 13 S., R. 45 E.,
Sec. 9, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 21, lots 1, 2, 3, and 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, lot 4;
Sec. 32, lots 1 through 5, incl.
T. 14 S., R. 45 E.,
Sec. 5, lot 1;
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 11 S., R. 46 E.,
Sec. 4, lot 1;
Sec. 5, E $\frac{1}{2}$ lot 1 and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, lot 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 1,358.64 acres.

2. The lands are also included in withdrawals created by applications to the Federal Power Commission for Projects 282, 957, and 1971. Approval of the Federal Power Commission of the modification of the various withdrawals for the objectives expressed in this order is evidenced by its letter of February 15, 1952, to the Manager of the Land Office, Bureau of Land Management, Portland, Oregon, under Docket No. DA-498-Oregon.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12304; Filed, Dec. 12, 1962;
8:47 a.m.]

[Public Land Order 2848]

[Colorado 072838]

COLORADO

Withdrawal for Forest Service Winter Sports Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Gunnison National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service for utilization of the lands as a recreation area:

SIXTH PRINCIPAL MERIDIAN

CRESTED BUTTE WINTER SPORTS AREA

- T. 13 S., R. 85 W.,
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, 4, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lot 1 and NE $\frac{1}{4}$ W $\frac{1}{4}$.
T. 13 S., R. 86 W.,
Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 25;
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate 1,300.87 acres.

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

DECEMBER 7, 1962.

[F.R. Doc. 62-12305; Filed, Dec. 12, 1962;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14712; FCC 62-1254]

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

Domestic Fixed Public Stations, Operational Fixed and International Control Stations, and Omnidirectional Operations

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16 and 21 of the Commission's rules to Designate Portions of

the 2110-2200 Mc/s Band Exclusively for the use of Domestic Fixed Public Stations and for the use of Operational Fixed and International Control Stations and to Reserve a Portion Thereof for Omnidirectional Operations, Docket No. 14712.

1. The Commission issued a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER (27 F.R. 7459 dated July 28, 1962) and which invited comments relative to the proposals contained therein. It was proposed to allocate the bands 2110-2130 Mc/s and 2150-2170 Mc/s exclusively to the Domestic Fixed Public Radio Service (Part 21) and to allocate the bands 2130-2150 Mc/s and 2170-2190 Mc/s for shared use by Operational Fixed/International Control stations (Parts 6, 7, 9, 10, 11 and 16). It also was proposed to reserve the band 2190-2200 Mc/s for development of omnidirectional, nonbroadcast point-to-point operations. Additionally, it was proposed to establish channel bandwidth limitations of 800 kc/s and a frequency tolerance of .001 percent, in order to provide a substantial number of low capacity channels in the 2110-2190 Mc/s band.

2. Pursuant to petitions filed separately by the Electronic Industries Association (EIA) and by the National Association of Educational Broadcasters (NAEB), the deadline date for filing of comments was extended twice and now has expired. Comments have been filed by eleven parties. These comments have been considered by the Commission in arriving at the decisions reached herein.

3. With the exception of the filing by the NAEB, all of the comments gave unanimous support to the assignment of exclusive bands to the respective services. General Telephone and Electronics (GT&E), American Telephone and Telegraph (AT&T) and EIA recommended alternate methods of apportioning the frequency segments, primarily for the purpose of permitting frequency diversity or optimum duplex operation. Both GT&E and AT&T recommended that the 10 Mc/s developmental segment be reserved in the center of the 2110-2200 Mc/s band in lieu of 2190-2200 Mc/s as proposed and that four 10 Mc/s segments be allocated to Domestic Fixed Public use, one on either side of a 20 Mc/s segment allocated for Operational Fixed use in the upper and lower half of the band. AT&T, in an alternate proposal, recommended that certain segments of the 2500-2690 Mc/s band be allocated for Domestic Fixed Public assignments and that the 2110-2200 Mc/s band be allocated for Operational Fixed/International Control use. EIA recommended that two 12 Mc/s segments be allocated to Domestic Fixed and two 28 Mc/s segments to Operational Fixed/International Control use in the band 2115-2195 Mc/s and that two 5 Mc/s segments, one at either end of the 2110-2200 Mc/s band, be reserved for omnidirectional purposes. The NAEB recommended that the matter be postponed for a one year period to permit a study of educational television needs. As an alternative measure, NAEB recommended that a Further Notice of Proposed Rule Making be issued looking toward allocation of the band 2110-2200

Mc/s for educational television interconnection purposes.

4. The proposals submitted by GT&E and by AT&T would provide for a maximum of 50 Mc/s of separation; however, this would be inadequate for frequency diversity operation. While it is recognized that the amount of frequency separation necessary for such operation depends upon the degree of reliability desired, the type of communications transmitted and the frequency band in question, in addition to other factors, available information indicates that a minimum separation of approximately 5 percent in frequency would be required for operation in the 2110-2200 Mc/s band if the normal benefits of frequency diversity are to be derived. Since the 90 Mc/s of bandwidth cannot meet this criterion, rearrangement of the segments to provide specifically for frequency diversity operation does not appear to be desirable.

5. The Commission concurs with the recommendations made by GT&E and by AT&T that the 10 Mc/s segment to be reserved for development of nonbroadcast, omnidirectional, point-to-point systems should be shifted to the 2150-2160 Mc/s portion in lieu of the 2190-2200 Mc/s band as proposed. This action will provide greater separation between the segments in order to permit greater flexibility in duplex system design.

6. In view of the light but relatively equal occupancy of the band at the present time by the Domestic Fixed and Operational Fixed Services, the Commission is unable to determine that the future prospects for growth of either service warrants other than an equal division of available spectrum in the 2110-2200 Mc/s band. Further, the reduction in bandwidth of the segments to less than 20 Mc/s will result in a loss of potential channels that are capable of being derived from each segment. It is the Commission's opinion that the provision of 50 Mc/s separation resulting from the shift of the 10 Mc/s segment, referred to above, will compensate for any advantages which might result from narrower segments.

7. Central Station Electrical Protection Association and the Controlled Companies, American District Telegraph request that the 10 Mc/s segment also be made available under the Business Radio Service for developmental purposes in connection with commercial protection devices. Such action would be similar to that permitted by the Commission in Docket No. 13953 in the 952-960 Mc/s band. Without committing the Commission to any allocation of the portion of the spectrum under consideration, such action is considered to be in the public interest. Accordingly, the Business Radio Service will be permitted to operate in the 2150-2160 Mc/s band for developmental purposes.

8. The recommendation submitted by EIA to provide a 5 Mc/s segment at each end of the 2110-2200 Mc/s band in order to permit development of duplex omnidirectional, nonbroadcast systems, in lieu of the 10 Mc/s segment as proposed, has considerable merit. However, the segment was envisioned for development of broadband systems which could not be

derived from the 952-960 Mc/s band because of narrow band limitation on that band. Additionally, such a split would, of necessity, reduce the separation necessary for duplex operation within the primary segments. Therefore, the Commission believes it preferable to maintain the 10 Mc/s segment intact. Should systems be developed which require duplex operation, the Commission will consider making a comparable segment of spectrum available from a companion band in a future proceeding. Consequently, the 2110-2130 Mc/s and 2160-2180 Mc/s bands will be allocated exclusively to the Domestic Fixed Public Service and the 2130-2150 Mc/s and 2180-2200 Mc/s bands will be allocated exclusively for use by Operational Fixed/International Control stations. The 2150-2160 Mc/s segment will thus be reserved for development of nonbroadcast, omnidirectional systems on a shared basis.

9. Comments filed by the NAEB, supported by an initial submission in the proceeding by the National Educational Television and Radio Center (NET), request the Commission to take no final action in the docket until due consideration is given to the potential demand of educational television broadcasting for microwave interconnection of educational television stations. These comments appear predicated on the assumption that such requirements may exceed the capacity of the available bands below approximately 7,000 Mc/s and that the band in question, 2110-2200 Mc/s, is one of the last remaining bands technically suited for microwave interconnection service.

10. The Commission is not unmindful of the possible future requirements for the interconnection of educational television stations. However, within the scope of the existing Rules and Regulations, the following bands below approximately 7,000 Mc/s are available for microwave interconnection of educational television broadcasting stations:

Band (Mc/s)	Width (Mc/s)
1990-2110-----	120
2450-2500-----	50
6875-7050-----	175
Total-----	345
7050-7125 (proposed in Docket No. 14729)-----	75
Total if Docket No. 14729 is adopted as proposed-----	420

In addition, the Commission is in receipt of a petition, RM-335, from the Alabama Educational Television Commission in which it is requested that the 1850-1990 Mc/s band (140 Mc/s) be made available for "Interconnecting Noncommercial Educational Television Broadcast and Closed Circuit Relay Use". This petition is presently under consideration by the Commission. Thus, there is a prospect

of making available 420+140 or 560 Mc/s for the purpose requested by NAEB without withholding action on the 90 Mc/s between 2110-2200 Mc/s. The Domestic Fixed Service was permitted access to the 2110-2200 Mc/s band in compensation for the loss of the use of the 890-940 Mc/s when the latter was transferred to Government services in 1958. The instant proposal would provide a much needed exclusive allocation for the Domestic Fixed Public Service below 3700 Mc/s.

11. It also is noted that other bands between 1000 and 10,000 Mc/s conceivably could be made available, at least on a shared basis, if a requirement develops and it is shown that the public interest would be served by taking such action. For all of these reasons, the request of NAEB to defer action in the present Docket is rejected.

12. Comments indicate that the proposed individual channel width of 800 kc/s is acceptable. With respect to the proposed frequency tolerance of .001 percent GT&E stated, " * * * that current developments in the state of the art now make feasible a frequency tolerance of .004 percent for equipment in the 2110-2200 Mc/s range. The Commission, therefore, may wish to consider establishing this as the frequency tolerance rather than 0.001 percent." In contrast, EIA stated that it " * * * believes that the proposed frequency tolerance of 0.001 percent is unnecessarily restrictive when compared with the proposed 800 kc/s bandwidth." EIA further stated, " * * * recommends a maximum frequency tolerance of 0.005 percent in order to permit methods of frequency generation, modulation and repeating which would increase the use of this band". Equipment which has been type accepted by the Commission is capable of meeting or exceeding the tolerance as originally proposed. Although .0004 percent may be technically feasible, the Commission is of the opinion that imposition of that imposition of that standard would be unnecessarily restrictive at this time. Conversely, excessive relaxation of attainable standards does not appear warranted for general operations; therefore, .001 percent is considered to be appropriate.

13. Concern was expressed by the National Committee for Utilities Radio (NCUR) that present licensees which will become "out-of-band" upon inception of the changes herein would have insufficient time for amortization of existing equipment. NCUR, therefore, recommended a period of seven years during which present assignments would be permitted to remain subject to the condition that harmful interference would not be caused to "in-band" licensees. As stated in the notice of proposed rule making, there is relatively light usage of the band at present. How-

ever, such a lengthy amortization period does not appear to be in the public interest, particularly in view of the relatively minor changes to the equipment which would be required to meet the new allocation. Commission policy has generally permitted an amortization period of five years in similar cases. There appear to be no compelling circumstances in this case which would warrant a deviation from that policy. Accordingly, a period of five years from the effective date of this action in this proceeding will be permitted after which all assignments must be contained in frequency bands designated for the particular service and in compliance with the technical standards herein adopted.

14. In making assignments within the 2110-2200 Mc/s band, all persons concerned should note that the Commission's Third Notice of Inquiry in Docket No. 13522 proposes use of the frequency band 2110-2120 Mc/s for space telecommand in conjunction with the band 2290-2300 Mc/s for spacecraft engaged in deep space research. At present, 2110-2120 Mc/s is used only at Goldstone, California. Whether additional locations will be added within the United States cannot be predicted at this time, although the total number of locations involved should remain small. The long-term status of the 2110-2120 Mc/s band for space telecommand will not be certain until an international space conference scheduled for October 1963 has been completed. If the space conference agrees that the band 2110-2120 Mc/s should be allocated for space telecommand purposes, Commission licensees would be expected to accept any harmful interference caused by the telecommand station. This would be a problem only in the vicinity of the telecommand station(s). For the present, locations in the vicinity of Goldstone, California should be avoided.

15. In view of the foregoing, the Commission believes that the public interest will be served by amending the rules as set forth below.

16. Accordingly, it is ordered, This 5th day of December 1962, that, pursuant to authority contained in section 303 b, c, f, g and r of the Communications Act of 1934, as amended, Part 2 of the Commission's rules is amended as set forth below effective January 15, 1963. Necessary amendments to Parts 6, 7, 9, 10, 11, 16 and 21 of the rules will follow, with changes to each part as appropriate.

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

Released: December 10, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Acting Secretary.

¹ Commissioner Hyde absent.

RULES AND REGULATIONS

In § 2.106, the band 2110-2200 Mc/s is amended, and footnote NG45 is added, as follows:

§ 2.106 Table of frequency allocations.

Federal Communications Commission		
Band (Mc/s)	Service	Class of station
7	8	9
* * *	*	* *
2110-2130 (NG10) (NG23)	FIXED.	Domestic fixed public.
2130-2150 (NG10) (NG23)	FIXED.	Operational fixed. International control.
2150-2160 (NG23) (NG45)	FIXED.	
2160-2180 (NG10) (NG23)	FIXED.	Domestic fixed public.
2180-2200 (NG10) (NG23)	FIXED.	Operational fixed. International control.

* * * * *

NG45 Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

[F.R. Doc. 62-12336; Filed, Dec. 12, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of Filbert Control Board and Rate of Assessment for 1962-63 Fiscal Year and Size of Operating Reserve Fund

Notice is hereby given that there is under consideration for the fiscal year August 1, 1962-July 31, 1963, a proposal regarding expenses of the Filbert Control Board and the related rate of assessment; and the size of the operating reserve. The proposal, which is based on the recommendation of the Filbert Control Board, and other information, would be established pursuant to the amended marketing agreement and order (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the 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).

The proposal is as follows:

§ 982.300 Operating reserve.

The establishment and maintenance of an operating reserve in the maximum amount permitted pursuant to § 982.62 (a) is hereby approved. The Board is authorized to place in the operating reserve for the purpose of meeting reserve requirements any assessment funds remaining at the end of a fiscal year which are in excess of the total expenses of the Board for such fiscal year but only to the extent that excess funds so placed in the reserve when added to the funds then in the reserve do not exceed the maximum amount permitted pursuant to § 982.62(a).

§ 982.307 Expenses of the Filbert Control Board and rate of assessment for the 1962-63 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1962, in accordance with § 982.60, will amount to \$24,245; and the Board is authorized to incur such expenses.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

The quantity of assessable filberts in 1962-63 is expected to be below average as a result of storm damage which occurred on October 12, 1962. Therefore, a rate of assessment of 0.20 cent per pound and use of funds in the operating reserve in accordance with § 982.60 are expected to be necessary to meet the proposed expenses.

Variability in both income and expenses during a fiscal year precludes precise determination at the beginning of such year as to whether or not there will be unexpended assessment funds at the end of the year. Such funds could, for example, remain unexpended in the event the actual expenses are less than those theretofore authorized during the early part of the year, or the quantity of assessable filberts exceeds the estimated quantity thereof on the basis of which the total expenses and rate of assessment for that year were computed. It is hence, proposed that the Board be authorized to use such unexpended funds to increase the operating reserve up to the maximum amount permitted by the accounting and refund provisions of § 982.62 without the necessity for undertaking additional administrative action in that regard at the end of the year. Thus, in a fiscal year of excess income, enhancement of the reserve fund up to the permitted maximum, could be accomplished without a concurrent increase in the previously fixed rate of assessment for such year. Funds in excess of expenses including reserve requirements would be refunded in accordance with § 982.62(b).

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Dated: December 10, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 62-12343; Filed, Dec. 12, 1962;
8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 812]

SUGAR IN HAWAII AND PUERTO RICO

Proposed Requirements and Quotas for Local Consumption for Calendar Year 1963

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1963.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) all persons who desire to submit written data,

views or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., on or before December 20, 1962.

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1963, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1962 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1963.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1963 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1963.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1963 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1963.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1963 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1963 has been

filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1962, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period are estimated to have been approximately 44,000 short tons of sugar, raw value, and 115,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1962, is 693,000 and for Puerto Rico is 2,458,000. These represent appreciable increases in the population in both areas based on official estimates of 1961 population. No official estimate for either of these areas for 1963 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1957 through 1961 sugar consumption in this area has varied from 128.9 to 137.1 pounds, raw value, per person. These year-to-year variations suggest the possibility that requirements may be higher in 1963 than in the twelve months ended October 31, 1962, when sugar marketings approximated 44,000 short tons, raw value.

In Puerto Rico during the twelve months ended October 31, 1962, marketings of sugar for local consumption totaled approximately 114,000 short tons, raw value. Refiners' inventories of sugar as of September 30, 1962, were approximately 18,000 tons below those held on September 30, 1961. After making allowance for expected consumption increases in 1963 resulting from population increases, and the lower inventory of sugar held by refiners, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1963 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1963 local quota is not completely filled. It is, therefore, desirable to establish the 1963 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in

Hawaii and Puerto Rico for 1963 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119, 1120)

Done at Washington, D.C., this 10th day of December 1962.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 62-12345; Filed, Dec. 12, 1962; 8:53 a.m.]

[7 CFR Part 1130]

[Docket Nos. AO-259-A6 and AO-259-A8]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area, which was issued November 28, 1962 (27 F.R. 11955), is hereby extended to December 26, 1962.

Dated: December 10, 1962, Washington, D.C.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-12346; Filed, Dec. 12, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 45]

[Reg. Docket No. 1517; Draft Release No. 62-53]

COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Proposed Certification, Application and Renewal Requirements

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 45 of the Civil Air Regulations. The proposed amendments prescribe rules and procedures pertaining to the issuance, renewal, and duration of commercial operator certificates. The rules are designed to provide the Administrator with information pertaining to the management, control, and financial resources of an applicant for a commercial operator certificate which the Administrator needs to carry out his statutory respon-

sibilities and to make a sound determination as to the applicant's ability to conduct operations with the degree of safety required in the public interest.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 14, 1963, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received, and if finally promulgated will be subject to such changes as may be necessary for its recodification under the Agency's Recodification Program, as announced in Draft Release 61-25 (26 F.R. 10698).

A major part of the provisions of this proposal, as it applies to commercial operators, was set forth in a previous proposal as a revision of Part 42 in Draft Release No. 62-39, on August 22, 1962.¹

As indicated in the recent enactment of Public Law 87-528, the financial stability of persons engaged in the carriage of persons and cargo for compensation or hire is of increasing concern to the Congress.

Recent FAA enforcement actions involving the revocation of certain commercial operator certificates have revealed in large part deceptive management techniques, coupled with practices of falsification of required records. Investigations by the FAA have also revealed that some persons holding only a commercial operator certificate have been operating beyond the scope of their certificate authority by conducting interstate common carriage operations, i.e., engaging in air transportation as defined in the Federal Aviation Act of 1958, even though the holder of only a commercial operator certificate is not authorized to conduct such operations.

Furthermore, under the certification and recertification procedures presently applicable to commercial operators the Administrator is not provided with sufficient detailed and reliable information pertaining to the management, control, and financial status of commercial operators to be able to carry out his statutory responsibilities and make a sound determination regarding an applicant's ability to conduct operations as a commercial operator with the degree of safety required in the public interest.

Section 45.4(b)(2) of this proposal is substantively the same as the provision proposed in § 42.13(b)(2) of Draft Release No. 62-39.

Section 45.4(b)(2) of this proposal reads in part as follows:

¹ Civil Air Regulations Draft Release No. 62-39 entitled "Aircraft Certification and Operation Rules for Supplemental Air Carriers, Large Commercial Operators, and Certificated Route Air Carriers Engaging in Charter Flights or Other Special Services" was published as a notice of Proposed Rule Making in 27 F.R. 8356.

(b) The Administrator may deny an application for a commercial operator certificate if he finds—

(1) * * *

(2) That a person who has occupied a management position with, or exercised control with respect to, any other operator whose air carrier or commercial operator certificate has been revoked, will be in control of or have substantial ownership interest in the applicant's operation, * * *.

In order that this section may be effectively administered, it is also proposed to prescribe implementing provisions in § 45.3(b) (1) and (2) of the proposal which will require an applicant to disclose to the Administrator pertinent information regarding persons holding management positions and other persons in control of, or having an ownership interest in, the applicant.

It should be pointed out that requirements for the disclosure of control relationships with respect to Federally regulated businesses are quite common—as for example, in the case of the railroad, trucking, broadcasting and shipping industries subject to Federal regulations.

Section 45.3(b) (3) of this amendment (proposed § 42.12(d) in DR 62-39) requires a detailed financial statement to be submitted with an application for original issuance or renewal of a commercial operator certificate. These reports are required by the Administrator for the purpose of determining whether an applicant for the original issuance or renewal of a commercial operator certificate has sufficient financial resources to conduct its operations in air commerce with the degree of safety required in the public interest.

In order to insure that financial reports submitted will serve the purpose for which they are being required, new § 45.3(d) is incorporated in this proposal to require all financial statements filed with the FAA to be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis.

It is also proposed in § 45.3(c) of this proposal to require an applicant for, or the holder of, a certificate to submit current information regarding changes in names and addresses submitted under § 45.3(b) (1) and (2), and material changes in the financial information submitted under § 45.3(b) (3). This information must be submitted within 10 days after the occurrence.

This proposal would establish a new § 45.9 and require each holder of a commercial operator certificate to submit to the FAA a semiannual financial report. The proposal would require a statement to be submitted covering the certificate holder's profit and loss for approximately the first six months following issuance or renewal of the certificate, and would require a listing and brief description of the nature and scope of the contracts which gave rise to the operating income shown. In addition, the certificate holder would be required to submit all of the other information required for

original issuance of a certificate under § 45.3(b) (3).

The 6-month reporting requirement proposed would provide the Agency with up-to-date information approximately 6 months after issuance or renewal of a commercial operator certificate regarding the financial status of the certificate holder. Such a reporting requirement will not be unduly burdensome. Furthermore, it will enable the Agency to exercise the degree of continuing surveillance over a commercial operator's financial fitness which is reasonably necessary to provide adequately for safety in air commerce.

Although this proposal does not require that a commercial operator submit copies of its contracts to the Administrator, for administrative purposes § 45.10 as proposed requires retention by the operator of each contract or contract amendment thereto (under which it conducts its operation) for a period of one year.

In consideration of the foregoing, it is proposed to amend Part 45 of the Civil Air Regulations as follows:

1. By amending § 45.3 to read as follows:

§ 45.3 Application for original certification and renewal of certificates.

(a) An application for the original issuance or renewal of a commercial operator certificate is made on an FAA application form which may be obtained at any FAA Air Carrier District Office and is submitted at least 60 days prior to the date of intended operations, or to the expiration date of the certificate in the case of an application for renewal, to the FAA Air Carrier District Office in whose area the applicant proposes to establish his principal base of operations or has established such base of operations.

(b) The applicant shall submit with the application a signed statement showing:

(1) If the applicant is a corporation:

(i) The names and addresses of all stockholders, and the amount of stock held by each, and, in the event such stockholders are not the beneficial owners thereof, the names and addresses of the beneficial owners thereof;

(ii) The names and addresses of all directors, officers, and those persons employed or who will be employed in the management positions described in § 45.4(b) (2); and

(iii) The names and addresses of all persons directly or indirectly controlling or controlled by the applicant, and all persons under direct or indirect common control with the applicant.

(2) If the applicant is not a corporation:

(i) The names and addresses of all persons having a financial interest therein and the nature and extent of such interest; and

(ii) The names and addresses of all persons who will be employed in the management positions described in § 45.4(b) (2).

(iii) The names and addresses of all persons directly or indirectly controlling or controlled by the applicant, and all

persons under direct or indirect common control with the applicant.

(3) The following financial information:

(i) A Balance Sheet which shows assets, liabilities, and net worth, as of a date not exceeding 45 days prior to the date of application.

(ii) (a) In the case of an application for renewal, a Profit and Loss Statement for a fiscal year ending at a date not more than 45 days prior to the date of the application, with separation of items relating to applicant's commercial operator activities from his other business activities. The applicant shall submit in support of the operating income shown on the profit and loss statement a listing and brief description of the nature and scope of the contracts which gave rise to the operating income shown, including the names of the contracting parties and the date and duration of each such contract.

(b) If the applicant's regular fiscal year for income tax purposes ends on a date more than 45 days prior to the date of application, the applicant may submit a Profit and Loss Statement covering such normal fiscal year, plus a supplementary Profit and Loss Statement for the period from the end of the regular fiscal year to a date not more than 45 days prior to the date of application.

(iii) An itemization of liabilities showing amounts, names and addresses of creditors, description of nature of indebtedness, date of incurrence of obligations, and due date of obligations.

(iv) An itemization of outstanding judgments showing amounts, names and addresses of creditors, and description of the nature of the claims.

(v) A detailed analysis covering the first 3 months of the proposed operation subsequent to the possible issuance or renewal of the certificate applied for which shows:

(a) Estimated amount and source of both operating and non-operating revenue, including identification of all income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(b) Estimated amount of operating and non-operating expenses by expense objective classification; and

(c) Estimated profit or loss.

(vi) An estimate of anticipated cash needs covering the first 3 months of the proposed operation subsequent to the possible issuance or renewal of the certificate applied for which shows:

(a) Acquisition of property and equipment,

(b) Retirement of debt,

(c) Additional working capital,

(d) Operations (losses),

(e) Other (explain).

(vii) An estimate of anticipated cash resources covering the first 3 months of the proposed operation subsequent to the possible issuance or renewal of the certificate applied for which shows:

(a) Retirements of property,

(b) New debt,

(c) New equity,

(d) Working capital reduction,

(e) Operations (profits),

(f) Depreciation and amortization,

(g) Other (explain).

(viii) Such other financial information as may be required by the Administrator to enable him to determine that the applicant has sufficient financial resources to conduct its operations with the degree of safety required in the public interest.

(4) The nature and scope of its intended operation including the name and address of each person, if any, with whom the applicant has a contract to provide services as a commercial operator and the scope, nature, date, and duration of each such contract.

(c) The applicant for, or the holder of a commercial operator's certificate shall notify the Administrator within 10 days after the occurrence of any of the following:

(1) A change in the names or addresses submitted to the Administrator under paragraph (b) (1) or (2) of this section; or

(2) A material change in the financial information submitted to the Administrator under paragraph (b) (3) of this section occurring while the application for certificate issuance or renewal is pending before the Agency.

(d) All financial statements filed with the FAA under this part of the Civil Air Regulations shall be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis.

2. By redesignating §§ 45.4 and 45.5 as §§ 45.5 and 45.6 respectively, and by adding a new § 45.4 to read as follows:

§ 45.4 Issuance of operating certificate.

(a) A commercial operator certificate is issued to an applicant if the Administrator after investigation, including such verification of financial and other information submitted as may be necessary, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with:

(1) The provisions of Part 42 of the Civil Air Regulations; or

(2) The provisions of Part 40 of the Civil Air Regulations (except §§ 40.1, 40.10 and 40.12 through 40.17) or such other certification requirements as the Administrator finds necessary to provide an appropriate level of safety for the operation, if the applicant carries or intends to carry passengers for compensation or hire as a common carrier between two points entirely within a state with at least the following frequency—

(i) Two flights, or one round trip, a week on the same day or days of the week for any eight or more weeks in any 90 consecutive days; or

(ii) A total of 36 or more flights, or 18 or more round trips, in any 90 consecutive days.

(b) The Administrator may deny an application for a commercial operator certificate if he finds:

(1) That an air carrier or commercial operator certificate previously issued to the applicant has been revoked,

(2) That a person who has occupied a management position with, or exercised control with respect to, any other operator whose air carrier or commercial operator certificate has been revoked, will be in control of or have substantial ownership interest in the applicant's operation, or will be employed in any of the following management positions or their equivalent:

(i) General manager,
(ii) Director of operations,
(iii) Director of Maintenance and Airworthiness,

(iv) Chief Pilot,
(v) Director of quality control.

(3) That for financial or other reasons the applicant is not properly and adequately equipped or able to conduct a safe operation in accordance with paragraph (a) of this section.

§§ 45.2, 45.5 [Amendments]

3. By amending §§ 45.2 and redesignating 45.5(b) by changing the words "§ 45.3(a)" appearing therein to read "§ 45.4(a) (2)".

4. By adding a new § 45.7 to read as follows:

§ 45.7 Duration of certificate.

(a) A commercial operator certificate issued or renewed under this Part shall remain in effect for a period of one year, unless sooner surrendered, revoked, or otherwise terminated by order of the Administrator. Upon suspension, revocation or other termination, it shall be returned to the Administrator.

(b) A commercial operator certificate issued or renewed under this Part may be suspended or revoked by the Administrator for any cause which, at the time of suspension or revocation, would have been grounds for denying the holder of such certificate an application for a like certificate; or for any other cause which is grounds for suspension or revocation under section 609 of the Federal Aviation Act of 1958.

5. By adding a new § 45.8 to read as follows:

§ 45.8 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations (including inspections and examinations of financial books and records) to determine an operator's compliance with the requirements of the Federal Aviation Act of 1958, as amended, the Civil Air Regulations, the provisions of the operator's operating certificate, and the operations specifications, or the operator's eligibility to continue to hold a certificate.

6. By adding a new § 45.9 to read as follows:

§ 45.9 Semi-annual financial report.

(a) Each holder of a commercial operator certificate shall, within 45 days

after his certificate has been in effect for 6 months after the date of its original issuance or renewal, submit a signed financial statement to the FAA which shows profit and loss for:

(1) The 6-month period after the date the certificate was issued or renewed, as the case may be; and

(2) The period immediately preceding the date of certificate issuance or renewal which was not covered by the preceding financial statement filed under § 45.3(b) (3).

(b) The applicant shall submit in support of the operating income shown on the Profit and Loss Statement required by paragraph (a) of this section a listing and brief description of the nature and scope of the contracts which gave rise to the operating income shown, including the names of the contracting parties, the date and duration of each such contract; and shall submit all of the other information required for original issuance of a certificate under § 45.3(b) (3).

7. By adding a new § 45.10 to read as follows:

§ 45.10 Retention of contracts and amendments thereto.

Each holder of a commercial operator certificate shall retain a copy of each contract under which it provides services as a commercial operator, and of each amendment to such a contract, for a period of one year after the date of the execution of that contract or change.

(Secs. 313(a), 601, 607, 609; 72 Stat. 752, 775, 779; 49 U.S.C. 1354, 1421, 1427, 1429)

Issued in Washington, D.C., on December 7, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-12329; Filed, Dec. 12, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 4]

[Docket No. R-223]

LICENSE APPLICATIONS

Notice of Extension of Time To Comment on Proposed Rule

DECEMBER 6, 1962.

Notice is hereby given that the time specified in the Commission's notice of proposed rule making, dated October 16, 1962 (27 F.R. 10262), in the above-designated proceeding is hereby extended to and including February 1, 1963, for the submission of written comments and views respecting the proposed amendment of § 4.41 of Part 4 of the Commission's regulations under the Federal Power Act (Title 18 CFR).

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 62-12293; Filed, Dec. 12, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order No. 566; Amdt. 8]

AUTHORITY TO CONTRACT AND DESIGNATION OF CONTRACTING OFFICERS AND RELATED MATTERS

Correction

In F.R. Doc. 62-12132, appearing at page 12143 of the issue for Friday, December 7, 1962, the reference in the last sentence of section 1(a) should read "in section 3, below.", instead of "in section 23, below."

Bureau of Land Management

[Group 336]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

DECEMBER 5, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona effective January 10, 1963, at 10 a.m.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 39 N., R. 14 W.,

Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 8;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36.

The areas described aggregate 22,916.64 acres.

2. The soil along the top of Black Rock Mountain is mostly deep sandy loam and supports a vegetative covering composed

of ponderosa pine, pinon, juniper, with dense thickets of scrub oak, service berry, manzanita, and other mountain shrubs. The soil found on the flanks of the mountains is mostly shallow, gravelly or rocky, sandy clay and supports a scattered growth of pinon, greasewood, catclaw, blackbrush, and cacti.

3. It has been determined that the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 3, the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 9, and the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 10, T. 39 N., R. 14 W., contain springs of sufficient value to have created a reservation under public Water Reserve No. 107, and these lands are therefore subject to the provisions of section 10 of the Act of December 29, 1916 (39 Stat. 862), as amended by the Act of January 29, 1929 (45 Stat. 1144).

4. The following described lands are opened to application, location, selection, and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. The lands will not be subject to occupancy or disposition until they have been classified:

T. 39 N., R. 14 W.,

Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 8;
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36;

The areas described aggregate 22,436.64 acres.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing applica-

tions, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m. on January 10, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all the facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-12316; Filed, Dec. 12, 1962;
8:49 a.m.]

[Arizona 032143]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, Department of the Interior, has filed an application, Serial Number Arizona 032143 for the withdrawal of the land described below, from all forms of location, sale, or entry under the mineral and non-mineral public land laws, except the mineral leasing laws, subject to valid existing rights.

The Bureau of Land Management desires the land to establish a townsite to facilitate expansion of the existing community of Parker, Arizona, and the adjacent area, and to provide a buffer area to prevent undesirable and unplanned development near the proposed new town. Presently, the Town of Parker is completely landlocked by the

Colorado River Indian Reservation and no desirable industrial and residential lands are available.

Grazing will continue to be administered by the Bureau of Land Management until such time as the lands are actually needed for development.

For a period of thirty 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, 3022 Federal Building, Phoenix 25, Arizona.

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 this application are:

GILA AND SALT RIVER BASE AND MERIDIAN,
ARIZONA

T. 9 N., R. 18 W., Unsurveyed,
All Secs. 6, 7, 18, 19, 30, and 31;
T. 10 N., R. 18 W.,
Sec. 31: Lots 1, 2, 3, 4, E $\frac{1}{2}$;
T. 9 N., R. 19 W.,
Sec. 1: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All);
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ (All);
Sec. 3: Lot 7;
Sec. 11: Lots 3, 4, 5, 6, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 12: All;
Sec. 13: All;
Sec. 14: Lots 5, 6, 7, 8, E $\frac{1}{2}$;
Sec. 22: Lot 5;
Sec. 23: Lots 2, 3, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: Lots 5, 6, 7, 8, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34: Lots 5, 6, 7, 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 35: All;
Sec. 36: All;
T. 10 N., R. 19 W.,
Sec. 34: Lots 5, 6, 7, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 35: All;
Sec. 36: All.

The area described above aggregates approximately 13,736.37 acres.

The subject lands are located approximately 4 miles east of the present site of Parker and 2 miles from the Colorado River.

RAYMOND C. CLEGHORN,
Acting State Director.

DECEMBER 4, 1962.

[F.R. Doc. 62-12317; Filed, Dec. 12, 1962;
8:49 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective December 7, 1962 Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 60 E.,
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 22 S., R. 61 E.,
Sec. 6, Lots 142, 143, 145, 150, 153, 154, 157,
162, 163, and 164.

The area described aggregates approximately 25.77 acres.

2. The lands included in this amendment are located in the Las Vegas Valley within 11 miles of Las Vegas, Nevada, at an elevation of 2350 feet above sea level. The area receives from 3 to 5 inches of rainfall annually. The topography of the parcel is nearly level and the soils are sandy loam.

3. The subject land affected by this order is hereby restored as of 10 a.m. on January 10, 1963, to the operation of the public land laws, subject to any valid existing rights, provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

DANIEL P. BAKER,
Chief, Division of Lands
and Minerals Management.

DECEMBER 7, 1962.

[F.R. Doc. 62-12318; Filed, Dec. 12, 1962;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter-named counties in the State of Georgia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Baker.
Baldwin.
Ben Hill.
Bleckley.
Burke.
Calhoun.
Clay.
Coffee.
Colquitt.
Crisp.
Decatur.
Dodge.
Dooly.
Dougherty.
Early.
Grady.
Houston.
Irwin.
Jefferson.
Jenkins.
Johnson.
Laurens.
Lee.
Macon.
Marion.
Mitchell.
Montgomery.
Pulaski.
Quitman.
Randolph.
Schley.
Screven.
Seminole.
Stewart.
Sumter.
Tattnall.
Taylor.
Terrell.
Tift.
Treutlen.
Turner.
Washington.
Webster.
Wilcox.
Wilkinson.
Worth.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special

livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of December 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-12314; Filed, Dec. 12, 1962;
8:48 a.m.]

BUREAU OF THE BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Establishment and Determination of Certain Rates for Use in Connection With Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (Public Law 87-693; 76 Stat. 593) and delegated to the Director of the Bureau of the Budget by section 1 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), the following rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations), and have been determined to represent the reasonable value of hospital, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, with the exception of Freedmen's Hospital, Washington, D.C., and Canal Zone Government Hospitals—

	Effective July 1, 1962, to June 30, 1963	Effective July 1, 1963, and thereafter
Hospital care—per inpatient day:		
Federal general and tuberculosis hospitals.....	\$36.00	\$37.00
Federal mental hospitals.....	14.25	14.75
Outpatient medical and dental treatment: Per facility visit.....	7.00	8.00

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Freedmen's Hospital, Washington, D.C., the rates shall be those charged full-pay private patients by the hospital at the time the care and treatment is furnished by the United States; and

(d) For such care and treatment at Canal Zone Government Hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone

Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

DAVID S. BELL,
Director, Bureau of the Budget.

DECEMBER 6, 1962.

[F.R. Doc. 62-12320; Filed, Dec. 12, 1962;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14015]

NATHAN BRONSTEIN AND AIR FREIGHTWAYS

Notice of Proposed Approval of Application of Control and Interlocking Relationships

In the matter of the application of Nathan Bronstein and Nathan Bronstein d/b/a Air Freightways for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 14015.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 7, 1962.

[SEAL] J. W. ROSENTHAL, *Chief,*
Routes and Agreements Division,
Bureau of Economic Regulation.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

In the matter of the application of Nathan Bronstein and Nathan Bronstein d/b/a Air Freightways, Docket 14015; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed September 13, 1962, and amended October 29, 1962, Nathan Bronstein requests the Board to approve, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, (the Act) the common control and interlocking relationships which will arise from operations by Nathan Bronstein d/b/a Air Freightways (NBAF), a sole proprietorship, while he continues to own 100 percent of the stock and serve as president of Aero Missile Components, Inc. (AMC).

NBAF is an applicant for an operating authorization as a domestic air freight forwarder under Part 296 of the Board's Economic Regulations.¹ AMC is a wholesaler and manufacturer of aircraft and missile hardware, handling such items as fasteners, fittings, valves and other components. Although 90 percent of AMC's sales are currently to government agencies and prime contractors, and none of its products are designed for use only in commercial air transportation, the applicant states that

many such items can be and are used by the commercial airlines. The applicant further indicates that the NBAF operation will be conducted completely separate and apart from the AMC activity with no use of common services, employees or equipment.

No objections to the application have been filed.

We have concluded, upon consideration of the application, that AMC is a person engaged in a phase of aeronautics, and that the common control of AMC by Nathan Bronstein while he is conducting operations as NBAF is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.² It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

We also find that an interlocking relationship within the scope of section 409(a) of the Act will result from the holding by Nathan Bronstein of the position of president of AMC while operating Air Freightways as sole proprietorship. In this connection, we have concluded that a due showing has been made in the form and manner prescribed that such interlocking relationship will not adversely affect the public interest.

Pursuant to the authority duly delegated by the Board in the Board's Regulations 14 CFR 385.13, it is found that the foregoing control relationship should be approved under section 408(b), without a hearing, and that the interlocking relationship should be approved under section 409. Accordingly, it is ordered:

1. That the common control of AMC and the NBAF operation by Nathan Bronstein be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Economic Regulations as now in effect or as hereafter amended, the interlocking relationship resulting from the holding by Nathan Bronstein of the position of president of AMC while operating Air Freightways as a sole proprietorship be and it hereby is approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division,
Bureau of Economic Regulation.

[F.R. Doc. 62-12332; Filed, Dec. 12, 1962;
8:51 a.m.]

² See Wings and Wheels Express, Inc., Order E-18615, July 19, 1962, Docket 13603; and Air Freight Forwarder Case, 9 CAB 473, 505 and 506 for earlier approvals of common control and interlocking relationships involving air freight forwarders and persons engaged in a phase of aeronautics.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14873-14877; FCC 62-1262]

COASTAL BROADCASTERS, INC.

ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Coastal Broadcasters, Inc., Herndon, Virginia, Docket No. 14873, File No. BP-14363; requests: 1440 kc, 1 kw, DA-D, Class III; Prince William Broadcasting Corporation (WPRW), Manassas, Virginia, Docket No. 14874, File No. BP-14780; has: 1460 kc, 500 w, day, Class III, requests: 1460 kc, 5 kw, DA-2, U, Class III; Virginia-Potomac Broadcasting Corporation, Herndon, Virginia, Docket No. 14875, File No. BP-15157; requests: 1440 kc, 5 kw, DA-D, Class III; Colchester Broadcasting Corporation, Herndon, Virginia, Docket No. 14876, File No. BP-15158; requests: 1440 kc, 1 kw, DA-D, Class III; Richard S. Cobb & Mary Cobb d/b as Easton Broadcasting Co. (WEMD), Easton, Maryland, Docket No. 14877, File No. BP-15159; has: 1460 kc, 500 w, DA-D, Class III, requests: 1460 kc, 500 w, 1 kw-LS, DA-2, U, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of December 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The three applications for Herndon, Virginia, are mutually exclusive.

2. The application of Prince William Broadcasting Corporation for Manassas, Virginia, involves mutual interference with the Herndon applications.

3. The application of Easton Broadcasting Co. for Easton, Maryland, involves mutual interference with the application of Prince William Broadcasting Corporation.

4. The application of Easton Broadcasting Co. for Easton, Maryland, appears to cause interference to the following proposals now in hearing status:

(a) Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP-12580;

(b) Burlington County Broadcasting Company, Mount Holly, New Jersey, Docket No. 13932, File No. BP-13871;

(c) Mount Holly-Burlington Broadcasting Company, Mount Holly, New Jersey, Docket No. 13933, File No. BP-13952.

¹ An operating authorization previously held by NBAF was revoked without prejudice by Order E-13118, dated October 31, 1958.

5. The proposal of Coastal Broadcasters, Inc., causes interference to WKCW, Warrenton, Virginia, and to the existing operation of WPRW, Manassas, Virginia.

6. The proposal of Virginia-Potomac Broadcasting Corporation, appears to cause interference to the existing operation of WKCW, Warrenton, Virginia.

7. The proposal of Colchester Broadcasting Corporation, causes interference to WKCW, Warrenton, Virginia, and to the existing operation of WPRW, Manassas, Virginia.

8. The proposals of Coastal Broadcasters, Inc., Prince William Broadcasting Corporation, Colchester Broadcasting Corporation and Easton Broadcasting Co., appear to violate the provisions of § 3.28(d)(3) of the Commission's rules.

9. The proposals for Herndon, Virginia, based on the Figure M-3 conductivity map, appear not to involve any overlap of the 2 and 25 mv/m contours of the proposed operation of Station WPRW, Manassas, Virginia; however, the Commission is of the opinion that field intensity measurement data made from the antenna sites are necessary to establish that no such overlap would occur.

10. It cannot be determined that the proposed antenna system of Coastal Broadcasters, Inc., would be reasonably free of deleterious effects from nearby structures which may result in serious distortion of the proposed radiation pattern.

11. Easton Broadcasting Co. has indicated tabulated values of radiation which do not agree with radiation values indicated on the proposed nighttime radiation pattern and, in addition, the proposed theoretical and maximum expected operating values of radiation appear to be transposed. As a result, a question obtains as to whether the proposed radiation pattern is in agreement with the proposed theoretical antenna parameters.

12. Data filed indicate the Prince William Broadcasting Corporation proposal apparently will be limited to an interference-free nighttime contour of 13.99 mv/m by interference from WBNS, Columbus, Ohio. With this nighttime limitation, the subject proposal would suffer an area loss of approximately 70.5 percent and a population loss of approximately 52.8 percent within a protected contour of 4.0 mv/m. The normally protected contour of a Class III-A station is 2.5 mv/m, and on that basis, the area and population losses would be greater. Applicant meets the first service exception to § 3.28(d)(3) of the Commission's rules, however, this proposed nighttime operation appears to represent an inefficient utilization of the channel pursuant to § 3.24(b) of the rules.

13. Data filed indicate the Easton Broadcasting Co. proposal apparently will be limited to an interference-free nighttime contour of 27.85 mv/m by interference from WCMB, Harrisburg, Pennsylvania. Based on a nighttime limitation of 25.0 mv/m, this proposal would suffer an area loss of approximately 87.5 percent and a population loss of approximately 48.6 percent within a

protected contour of 4.0 mv/m. Applicant meets the first service exception to § 3.28(d)(3) of the Commission's rules, however, this proposed nighttime operation appears to represent an inefficient utilization of the channel pursuant to § 3.24(b) of the rules.

14. On October 30, 1962, Coastal Broadcasters, Inc. filed a "Request for Conditional Grant", pursuant to § 1.362 (h) [now § 1.362 (i)] of the Commission's rules. It based its request on (a) the lack of any local broadcast service to Herndon, Virginia; (b) because of the filing of competing applications requiring a hearing, it will be a substantial period of time before Herndon can expect a local outlet; (c) the discontinuance of publication of the Herndon Chantilly Times, the only local newspaper serving Herndon, Virginia; and (b) the expected expansion due to the opening of Dulles Airport. On November 13, 1962, Colchester Broadcasting Corporation filed an opposition to Coastal's request for conditional grant pointing out, inter alia, that the Herndon area is served adequately by newspapers, though not by one located in Herndon. On November 14, 1962, Virginia-Potomac Broadcasting Corporation filed an opposition to the Coastal proposal and also requested a conditional grant for its proposal (BP-15157) because of its larger proposed service area. The proposals of Coastal, Colchester, and Virginia-Potomac appear to cause objectionable interference to various existing stations requiring a hearing. The requests for conditional grant will be denied.¹

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 proposals of Coastal Broadcasters, Inc., Virginia-Potomac Broadcasting Corporation, and Colchester Broadcasting Corporation, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Station WPRW and Station WEMD and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive

from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the proposals.

4. To determine whether the proposal of Easton Broadcasting Co. would cause objectionable interference to the proposals (now in hearing status) of Burlington Broadcasting Company (Docket No. 13931, File No. BP-12580), Burlington County Broadcasting Company (Docket No. 13932, File No. BP-13871), and Mt. Holly-Burlington Broadcasting Company (Docket No. 13933, File No. BP-13952), 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.

5. To determine whether the proposal of Virginia-Potomac Broadcasting Corporation would cause objectionable interference to Station WKCW, Warrenton, Virginia, 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.

6. To determine whether the proposals of Colchester Broadcasting Corporation and Coastal Broadcasters, Inc., would cause objectionable interference to Station WKCW, Warrenton, Virginia, and the existing operation of Station WPRW, Manassas, Virginia, 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.

7. To determine whether interference received by the proposals of Coastal Broadcasters, Inc., Prince William Broadcasting Corporation, Colchester Broadcasting Corporation and Easton Broadcasting Co., from each of the proposals herein and any existing stations would affect more than ten percent of the population within its normally protected daytime service area is contravention of § 3.28(d)(3) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether the transmitter site proposed by Coastal Broadcasters, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

9. To determine whether overlap of the 2 and 25 mv/m contours would occur between any of the proposals for Herndon, Virginia, and the proposal for Manassas, Virginia, in contravention of § 3.37 of the Commission's rules, and if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine whether, because of the interference received, the proposed nighttime operations of BP-14780 and BP-15159 would be consistent with § 3.24(b) of the rules, and if not, whether circumstances exist warranting waiver of the rule.

¹ On November 23, 1962, Coastal Broadcasters, Inc., filed a reply which raised no new issues.

11. To determine if the nighttime directional pattern proposed by Easton Broadcasting Co. is in agreement with the proposed theoretical antenna parameters.

12. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Manassas, Virginia, or the proposal for Easton, Maryland, or one of the proposals for Herndon, Virginia, would better provide a fair, efficient and equitable distribution of radio service.

13. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Herndon, Virginia should be favored, which of the operations proposed in the above-captioned applications for Herndon, Virginia, would best serve the public interest, in the 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 the proposed standard broadcast station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the instant applications.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That WKTF Inc., Warrenton, Virginia, licensee of Station WKCW, is made a party to the proceeding.

It is further ordered, That Prince William Broadcasting Corporation, Manassas, Virginia, licensee of Station WPRW, is made a party to the proceeding with respect to the existing operations.

It is further ordered, That William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company, applicant for a new standard broadcast station at Burlington, New Jersey (BP-12580); Burlington County Broadcasting Company and John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, applicants for a new standard broadcast station at Mount Holly, New Jersey (BP-13871 and BP-13952) are made parties to the proceeding.

It is further ordered, That the requests for conditional grant filed by Coastal Broadcasting, Inc. and Virginia-Potomac Broadcasting Corporation are denied.

It is further ordered, That in the event of a grant of any of the instant applications, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization and such operation is precluded.

It is further ordered, That, in the event of a grant of the proposal of Prince William Broadcasting Corporation (WPRW), the construction permit shall contain the following condition: This authorization is subject to compli-

ance by permittee with applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.140 of the Commission's 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 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(h) 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 10, 1962.

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

[F.R. Doc. 62-12337; Filed, Dec. 12, 1962;
8:52 a.m.]

[Docket No. 14880; FCC 62-1268]

ROCKDALE BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Floyd Bell and J. P. Dunklin, d/b as Rockdale Broadcasters, Rockdale, Texas, Docket No. 14880, File No. BP-15007; requests: 1510kc, 500w, Day, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 5th day of December 1962:

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation will involve mutual co-channel interference with Station KSTV, Stephenville, Texas, and mutual 20 kilocycles removed interference with the recently granted Station KGTV, Georgetown, Texas.

2. Interference received from existing standard broadcast stations may affect more than ten percent of the population within the 0.5 mv/m contour.

It further appearing, that, on March 21, 1962, Cyril W. Reddoch and Ralph L. Hooks d/b as Dixie Broadcasters, licensee of Station KSTV, Stephenville, Texas, objected to a grant of this application and requested that it be designated for hearing and KSTV made a party respondent.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application 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 would receive primary service from the above-captioned application and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Rockdale Broadcasters would cause objectionable interference to Stations KSTV and KGTV, Stephenville and Georgetown, Texas, 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.

3. To determine whether interference received from existing standard broadcast stations would affect more than ten percent of the population within the normally protected primary service area of the proposed operation of Rockdale Broadcasters, in contravention of § 3.28 (d)(3) 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 application would serve the public interest, convenience and necessity.

It is further ordered, That, Cyril W. Reddoch and Ralph L. Hooks, d/b as Dixie Broadcasters, licensee of Station KSTV, and Don Scarbrough tr/as Georgetown Broadcasting Co., permittee of Station KGTV, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Rockdale Broadcasters, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant 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 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(h) of the rules.

Released: December 10, 1962.

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

[F.R. Doc. 62-12339; Filed, Dec. 12, 1962;
8:52 a.m.]

[Docket Nos. 14878, 14879; FCC 62-1266]

PRATTVILLE BROADCASTING CO. AND BILLY WALKER

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ned N. Butler & Claude M. Gray d/b as The Prattville Broadcasting Company, Prattville, Alabama, Docket No. 14878, File No. BP-14571; requests: 1330 kc, 1 kw, DA-day, Class III; Billy Walker, Prattville, Alabama, Docket No. 14879, File No. BP-14729; requests: 1330 kc, 500 w, day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of December, 1962:

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposed stations but that the proposals are mutually exclusive and neither applicant has established its financial qualifications in that neither has demonstrated that sufficient funds are available to meet the costs of construction and initial operation of the proposed stations; and

It further appearing, that, Ned N. Butler is the owner of Station WTLS, Tallahassee, Alabama. WTLS is located approximately 33 miles from Prattville and there would be substantial overlap of the normally protected service areas (0.5 mv/m contours) in the event of a grant of the instant proposal. There would also be substantial overlap of the 1.0 mv/m contours, but no overlap of the 2 mv/m contours would result. Accordingly, in considering the Prattville Broadcasting Company proposal and § 3.35(a) of the rules, it is appropriate to consider the size, extent and location

of the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules; and

It further appearing, that there is a substantial difference in the service areas of the above-captioned proposals; and

It further appearing, that both of the operations proposed would receive interference from the proposed power increase of Station WGWC, Selma, Alabama, File No. BP-15239, but the interference received would not result in a violation of any Commission rule; and therefore a grant of either of the instant applications will be appropriately conditioned; 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 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 of The Prattville Broadcasting Company and Billy Walker and the availability of other primary service to such areas and populations.

2. To determine whether either of the above-captioned applicants is financially qualified to construct and operate its proposed station.

3. To determine whether a grant of the proposal of The Prattville Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in the 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 the proposed standard broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the above-captioned applications the construction permit shall contain the following conditions:

1. This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

2. Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

3. Permittee shall accept any interference that may result in event of a grant of the application of Robert J. Martin, File No. BP-15239, Selma, Alabama.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants 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'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(h) 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 10, 1962.

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

[F.R. Doc. 62-12338; Filed, Dec. 12, 1962;
8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1075]

POOLING ARRANGEMENTS BETWEEN MEMBERS OF THE MEDITERRANEAN-USA GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Discontinuance of Proceeding

On November 27, 1962, the Commission ordered an investigation and hearing in the matter of Agreements 8693 and 8693-1, pooling arrangements between members of the Mediterranean-U.S.A. Great Lakes Westbound Conference.

Upon further consideration the Commission is of the opinion that a hearing is not necessary in order to determine the issues presented by this matter.

Therefore, it is ordered, That this proceeding is hereby discontinued.

By the Commission, December 7, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-12324; Filed, Dec. 12, 1962;
8:50 a.m.]

[Docket No. 1076]

POOLING ARRANGEMENTS BETWEEN MEMBERS OF THE MEDITERRANEAN-USA GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Discontinuance of Proceeding

On November 27, 1962, the Commission ordered an investigation and hearing in the matter of Agreements 8671 and 8671-1, pooling arrangements between members of the Mediterranean-U.S.A. Great Lakes Westbound Conference.

Upon further consideration the Commission is of the opinion that a hearing is not necessary in order to determine the issues presented by this matter.

Therefore, it is ordered, That this proceeding is hereby discontinued. By the Commission, December 7, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-12325; Filed, Dec. 12, 1962;
8:50 a.m.]

ALBERT B. BARONE ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice.

NAME AND ADDRESS

Individual

Barone Forwarding, A. B.,
(Albert B. Barone, d/b/a),
3441 Carondelet Street,
New Orleans 15, La.

Individual

Coastal Forwarders,
(Edgar E. McCaskill, d/b/a),
215 Hickory Street, Ashley Forest,
Charleston, S.C.

Corporation

Containerization, Inc.,
P.O. Box 288—Allen Building,
Charleston, S.C.

Officers:

John T. Daugherty, chairman of board;
Dean F. Harris—president;
Jinks Harrill, Sr.—vice president;
Carrol B. Daugherty—secretary-treasurer.

Corporation

Davidson Forwarding Company,
3180 V Street NE.,
Washington 18, D.C.

Officers:

Hessie A. Davidson—president;
Morris Davidson—vice president;
H. Edward Young—secretary;
David Davidson—treasurer.

Corporation

Federal Storage Company,
1701 Florida Avenue NW.,
Washington 9, D.C.

Officers:

E. D. Morris—president;
H. Randolph Barbee—first vice president;
Robert L. Tull—executive vice president;
Raymond O. Babb—vice president;
Donald W. Tolson—treasurer;
William M. Newlen—assistant treasurer;
Robert W. Rohr—assistant secretary;
G. Elroy McNeil—secretary.

Directors:

Donald S. Bittinger,
Daniel L. Borden,
M. F. Calnana,
Robert W. Fleming,
D. P. Gaillard,
Webb C. Hayes III,
James M. Johnston,
James L. Karrick, Jr.,
Allison N. Miller, Jr.,
Carroll Morgan,
Richard A. Norris,
Donald F. Roberts,
Douglas R. Smith,
Griffith Warfield,
Robert W. Wilson.

Individual

Zemco Forwarders,
(Z. Edwin Meyer, d/b/a),
115 Broad Street,
New York 4, N.Y.

Dated: December 10, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-12326; Filed, Dec. 12, 1962;
8:50 a.m.]

CORBETT & CO., INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following New York corporations have been issued application numbers by the Federal Maritime Commission for licenses

as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254).

Protests to the granting of any license should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No., Name and Address, and Officers

737; Corbett & Co., Inc., M. J., 8-10 Bridge Street (4); Fred Bennett—President/director, Charles A. Brickmeier—vice president and director, Francis L. Kunz—vice president and director, Elsie M. Leslie—treasurer, Leo V. McLaughlin—secretary and director, Margaret Bennett—director, Jane M. Willingham—director, William W. Jung—director.

737; Harrison & Co., Inc. M., 8-10 Bridge Street (4); Same officers as Corbett & Co., M. J.

146; Downing & Co., Inc., R. F., 8-10 Bridge Street (4); Walter H. Van Hoesen—president, Enoch G. Van Hoesen—secretary-treasurer, Harold W. Heiner—director, Fredrick Heppenheimer—director, Bernard J. MacDonald—director.

146; Fajardo, Inc., Gabriel J., 8-10 Bridge Street (4); Same officers as Downing & Co., Inc.

425; LeMare Transport, Inc., 61 Broadway; Alfredo Torres—president/director, Harvey W. Coates—vice president/director, George Perez—secretary, Heriberto Feliciano—director.

823; Marturet Brokerage Corp., 37 Wall Street (5); Luis Gonzalo Marturet—president, Aristides Diaz—vice president, Gerard E. McNamara—vice president.

823; Rincones Co., Inc., P. R. Jr., 37 Wall Street (5); Aristides Diaz—president/treasurer, Gerard E. McNamara—vice president/secretary.

658; Trade-Lanes Shipping Corporation, 15 Moore Street (4); Walter Coletti—president, treasurer, and chairman of board, Veronica Coletti—vice president/secretary, George J. Coletti—director; Alda M. Coletti—director.

22; Trans-World Shipping Corp., 44 Whitehall Street (4); Harry A. Stern—president, Lothar Klestadt—vice president, Helmut Klestadt—vice president/secretary, Sophie Stern—treasurer.

Dated: December 10, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-12327; Filed, Dec. 12, 1962;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-79]

MIKE LITTLE GAS CO., INC.

Notice of Application

DECEMBER 6, 1962.

Take notice that on September 24, 1962, Mike Little Gas Company, Inc. (Applicant), P.O. Box 37, Melvin, Kentucky, filed an application in Docket No. CP63-79, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Kentucky West Virginia Gas Company to establish a new physical connection of its pipeline facilities with the facilities of Applicant in

place of the presently existing connection and to sell additional natural gas to Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The additional facilities required for the proposed operation are:

(1) Approximately 15,000 feet of new 3-inch gas pipeline to extend Applicant's gas distribution system to the community of Weeksbury, Kentucky, and

(2) Approximately 12,000 feet of new 4-inch gas pipeline to effect a new physical connection with Respondent's system, all in Floyd County, Kentucky.

The total estimated cost of Applicant's proposed facilities is \$28,850.

The estimated total peak day and annual requirements for the first three years of operation are as follows:

Year	Peak day	Annual
1963	455 Mcf	46,500 Mcf
1964	510 Mcf	53,000 Mcf
1965	550 Mcf	57,000 Mcf

Kentucky West Virginia Gas Company, the Respondent herein filed its answer to the subject application on October 11, 1962, stating that it has no objection to serving Applicant as requested and the delivery of the volumes of gas required by Applicant will not adversely affect its ability to serve its other customers and no undue burden will be placed upon it.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 27, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12294; Filed, Dec. 12, 1962;
8:48 a.m.]

[Docket No. G-16790 etc.]

PURE OIL CO. ET AL.

Order Approving Rate Settlement Proposal, as Amended, Prescribing Refunds, Severing and Terminating Proceedings; Correction

DECEMBER 5, 1962.

The Pure Oil Company, et al., Docket Nos. G-16790, G-17329, G-17541, G-17729, G-17731, G-17764, G-20283, G-14040, RI60-100, RI60-345, RI61-331, RI62-72, RI62-204, RI62-210, RI62-456, RI62-482.

Order Approving Rate Settlement Proposal, As Amended, Prescribing Refunds Severing and Terminating Proceedings, issued November 27, 1962, and published in the FEDERAL REGISTER on December 6, 1962 (F.R. Doc. 62-11919, 27 F.R. 12072), delete Docket No. "G-13961" from first paragraph, line 4; and

In Table at end of Order, page 12074, change Proposed Settlement Price Column (5) line 2 to read "14.6" in lieu of "14.0".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12295; Filed, Dec. 12, 1962;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 7, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 10, 1962 through December 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-12306; Filed, Dec. 12, 1962;
8:47 a.m.]

[File No. 24SF-3102]

DEL CONSOLIDATED INDUSTRIES, INC.

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

DECEMBER 7, 1962.

I. Del Consolidated Industries, Inc. (issuer), 631 North Central Ave. and 1645 Court Place, Phoenix, Arizona, was incorporated in Delaware (with its principal offices in Phoenix, Arizona) on October 19, 1960, to engage in diversified activities involving oil, gas, and minerals, and filed with the San Francisco Regional Office on August 27, 1962, a notification and proposed form of offering circular relating to an offering of 70,000 shares of its \$0.25 par value

common stock at \$2.50 per share, for an aggregate offering price of \$175,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The offering circular omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The geographical location, type and potential of accumulations of oil and gas, production data, estimated reserves and secondary recovery potential on its oil properties.

2. The nature, content, basis of estimated costs and quality of beryllium in its mining properties.

3. The report of its geologist, which omitted his qualification and experience, and included unsubstantiated conclusions as to the value of minerals in issuer's properties.

4. The experience of issuer's officers and directors and their direct and indirect interests in issuer's properties.

B. The terms and conditions of Items 8A (disclosure relating to the mining properties and to expert's report) and 9(c) (disclosure relating to interests of management) of Schedule I of Form 1-A required by Rule 255 of the general rules and regulations under the Securities Act of 1933 have not been complied with, as noted above.

III. It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-12307; Filed, Dec. 12, 1962;
8:47 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.**Order Summarily Suspending Trading**

DECEMBER 7, 1962.

The Common Stock, Par Value \$1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, December 10, 1962 through December 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 62-12308; Filed, Dec. 12, 1962;
8:47 a.m.]

[File No. 1-3412]

PROSPER OIL AND MINING CO.**Order Summarily Suspending Trading**

DECEMBER 7, 1962.

The common stock of the par value of ten cents, of Prosper Oil and Mining Company, being listed and registered on the Salt Lake Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such stock on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, other-

wise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in said security on the Salt Lake Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period of ten (10) days, December 10, 1962 through December 19, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 62-12309; Filed, Dec. 12, 1962;
8:47 a.m.]**SMALL BUSINESS ADMINISTRATION**

[Declaration of Disaster Area 403]

FLORIDA**Declaration of Disaster Area**

Whereas, it has been reported that during the month of November, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Nassau, Duval and St. Johns Counties in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from wind, tide, and accompanying conditions occurring on or about November 25, 1962.

OFFICES

Small Business Administration Regional Office
90 Fairlie Street NW.
Atlanta 3, Georgia

Small Business Administration Branch Office
Jacksonville National Bank Building
47 West Forsyth Street, 4th Floor
Jacksonville, Florida

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1963.

Dated: December 4, 1962.

JOHN E. HORNE,
Administrator.[F.R. Doc. 62-12319; Filed, Dec. 12, 1962;
8:49 a.m.]**FEDERAL RESERVE SYSTEM****UNITED VIRGINIA BANKSHARES, INC.****Order Approving Application Under Bank Holding Company Act**

In the matter of the application of United Virginia Bankshares, Incorporated, for permission to become a bank holding company by acquiring stock of six banks in Virginia.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by United Virginia Bankshares, Incorporated, Richmond, Virginia, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of more than 50 percent of the voting shares of the following banks located in the State of Virginia: Citizens Marine Jefferson Bank, Newport News, First and Citizens National Bank of Alexandria, Alexandria, First National Trust and Savings Bank of Lynchburg, Lynchburg, Merchants and Farmers Bank of Franklin, Franklin, State-Planters Bank of Commerce and Trusts, Richmond, and The Vienna Trust Company, Vienna.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking for the State of Virginia and the Comptroller of the Currency of the receipt of the application and requested their views. The Commissioner replied that he knew of no reason why it should not be approved. The Comptroller reported favorably.

Notice of receipt of said application was published in the FEDERAL REGISTER on July 24, 1962 (27 F.R. 6996), which notice provided an opportunity for the filing of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that the said application be and hereby is granted, and the acquisition by Applicant of more than 50 percent of the voting shares of the above-mentioned banks is hereby approved, provided that such acquisition shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

Dated at Washington, D.C., this 6th day of December, 1962.

By order of the Board of Governors.²

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-12296; Filed, Dec. 12, 1962;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 10, 1962.

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

LONG-AND-SHORT-HAUL

FSA No. 38068: *Joint motor-rail rates between the east and south.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 76), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carries between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 14 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1203, and other schedules named in the application.

FSA No. 38069: *Joint motor-rail rates between the east and south.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 77), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 14 to Southern Motor Carriers Rate Conference tariff

² Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, King, and Mitchell. Voting against this action: Governor Robertson.

MF-I.C.C. 1203, and other schedules named in the application.

FSA No. 38070: *Liquid caustic soda to Chickamauga, Tenn.* Filed by O. W. South, Jr., Agent (No. A4263), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Baton Rouge and North Baton Rouge, La., to Chickamauga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 86 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 38071: *Substituted service—CRI&P, MP & T&P for Ashworth Transfer, Inc., et al.* Filed by Ashworth Transfer, Inc., (No. 1), for itself and interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between interchange points of the applicant rail and motor carriers described in the application, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 38072: *Animal or poultry feed from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8314), for interested rail carriers. Rates on animal or poultry feed or feed ingredients, including feather meal, in carloads, between points in southwestern Territory, including Memphis, Tenn., Natchez and Vicksburg, Miss.; also between points in southwestern territory, on the one hand, and points in western trunk line and Illinois territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 43 and 45 to Southwestern Freight Bureau tariffs I.C.C. 4454 and 4456, respectively.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-12323; Filed, Dec. 12, 1962;
8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

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: None.

This statement is made as of November 19, 1962.

JAMES H. SANDS,

NOVEMBER 19, 1962.

[F.R. Doc. 62-12333; Filed, Dec. 12, 1962;
8:51 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, 1962.

WILLIAM E. VAUGHAN,

NOVEMBER 23, 1962.

[F.R. Doc. 62-12334; Filed, Dec. 12, 1962;
8:51 a.m.]

LAURENCE H. ZAHN

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 December 3, 1962.

LAURENCE H. ZAHN.

DECEMBER 3, 1962.

[F.R. Doc. 62-12335; Filed, Dec. 12, 1962;
8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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