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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961, February 2, 1962, and March 9, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding, in the proper alphabetical order, to the respective "Two-Hour" and "Three-Hour" lists therein, the following ports:

TWO HOURS

Columbia City, Oreg. (served from Portland, Oreg.).
Edmonds, Wash. (served from Seattle, Wash.).
Fernandina, Fla. (served from Jacksonville, Fla.).
Manchester, Wash. (served from Seattle, Wash.).
Point Wells, Wash. (served from Seattle, Wash.).
Port Blakely, Wash. (served from Seattle, Wash.).
Winslow-Creosote, Wash. (served from Seattle, Wash.).

THREE HOURS

Bradwood, Oreg. (served from Portland, Oreg.).
Kalama, Wash. (served from Portland, Oreg.).
Newport, Oreg. (served from Portland, Oreg.).
Westport, Oreg. (served from Portland, Oreg.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective April 27, 1962.

Done at Washington, D.C., this 24th day of April 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-4136; Filed, Apr. 26, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 960; Amdt. 24-4]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

Time Limit for Completion of Mechanic Examinations

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 10571) and circulated as Civil Air Regulations Draft Release No. 61-24 dated November 1, 1961, a proposal to amend Part 24 of the Civil Air Regulations to require an applicant for a mechanic certificate and rating to complete successfully all parts of the prescribed written, oral, and practical examinations within a period of 24 consecutive calendar months before he could obtain the certificate and rating.

As stated in Draft Release 61-24, the current provisions of Part 24 do not provide a specific period of time in which an applicant for a mechanic certificate and rating must complete successfully all parts of the prescribed examinations. In this respect, the Agency, in considering and justifying the proposed amendments, took into account the many occasions where applicants have taken a portion of the prescribed examinations, then either delayed completing the remaining parts for several years or, on many occasions, never completed the remaining parts.

Accordingly, to assure that the knowledge and skill of an applicant is current, § 24.18 is amended to require that all parts of the prescribed examinations must be completed successfully by the applicant within a period of 24 consecutive calendar months before he can obtain a mechanic certificate and rating, or an additional rating. Moreover, provision is made to credit an applicant with any part of the prescribed examinations passed by him before the effective date of this amendment. That credit will be good for 24 consecutive calendar months after the effective date of this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. The majority of comments received in response to Draft Release 61-24 concurred in the adoption of the rule as it was proposed. However, in response to certain comments received, the proposed amendment has been revised to make it clear that the amendment applies to both an applicant for a mechanic certificate and rating, and to the holder of a mechanic certificate who applies for an additional rating. There were several comments which expressed the view that the 24-month period was too long and suggested a shorter period such as 12 months. On the other hand, a few comments suggested that the time limit was too short and, further, that some provision should be made to recognize those instances where an applicant would be unable to complete all parts of the prescribed mechanic examinations because of illness or military service.

The Agency has carefully evaluated all of the comments received, and believes that the time limit of 24 months to be the most reasonable period of time within which an applicant should be able to complete successfully all parts of the prescribed examinations. In addition, the 24-month period parallels the current provisions of Part 24 with respect to recent experience requirements which must be met by a certificated mechanic before he may exercise the privileges of his certificate. Furthermore, any increase in the proposed time limitation would be inconsistent with the Agency's stated objective of imposing a time limitation to require that the knowledge and skill of an applicant is current at the time he obtains a mechanic certificate and appropriate rating.

In consideration of the foregoing, Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) is hereby amended as follows, effective May 29, 1962:

1. By amending § 24.1 by adding in proper alphabetical order a new definition to read as follows:

§ 24.1 Definitions.

* * * * *

Calendar month. Calendar month means that period of time extending from the first day of any month delineated by the calendar through the last day thereof.

NOTE: For example, a period of 24 consecutive calendar months beginning in July would end on July 31 two years later.

2. By amending § 24.18 to read as follows:

§ 24.18 Examinations.

(a) Examinations are conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

(b) Except as provided in paragraph (c) of this section, no applicant may obtain a mechanic certificate and rating, or an additional rating, unless all prescribed examinations have been completed successfully within a period of 24 consecutive calendar months.

(c) An applicant who, prior to May 29, 1962, has completed successfully any part of the prescribed examinations for a mechanic certificate and rating, or for an additional rating, may receive credit for such part for 24 consecutive calendar months after that date.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C, on April 20, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4093; Filed, Apr. 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1000; Amdt. 60-29]

PART 60—AIR TRAFFIC RULES

Definition of Controlled Airspace

Draft Release No. 62-8, published as a notice of proposed rule making in the FEDERAL REGISTER on March 7, 1962 (27 F.R. 2183), gave public notice that the Federal Aviation Agency proposed to amend the definition of "transition area" contained in CAR 60.60. Under this proposal, transition areas designated to complement control zones would extend upward from 700 feet or higher above the surface in lieu of 1,200 feet or higher above the surface. The reasons for the amendment were outlined in detail in the draft release. All comments received in response to the draft release have been reviewed and have been given due consideration. No comments received indicated opposition to the proposal; however, several persons suggested specific modifications to the phrasing of the definition.

The Aircraft Owners and Pilots Association (AOPA) and three individuals, while concurring with the proposal, recommended that the definition specify that such areas normally be ten statute miles in radius. The AOPA contended that this would preclude the designation of unnecessarily large transition areas and that a circular configuration would simplify charting and promote ease of understanding. The Agency agrees that unnecessarily large transition areas must be avoided and it shall be the policy of the Agency to designate transition areas of minimum lateral dimensions consistent with the requirements of Instrument Flight Rules (IFR) operations. Criteria for use in determining the lateral dimensions of transition areas have been developed. However, since many significant local factors, such as an airport elevation, adjacent terrain and the minimum en route IFR altitudes must be considered, it is not feasible to establish in the definition that transition areas will normally be of a circular configuration and ten miles in radius. A circular configuration would, in some cases, result in the designation of more controlled airspace than is actually needed for IFR operations.

While the position of the AOPA is appreciated, the size and shape of transition areas should be based solely upon the operational considerations unique to specific locations. Sufficient flexibility must be retained for the efficient designation of controlled airspace; however, this policy does not preclude the designation of a circular configuration in those cases where considered practicable. For this reason, the amendment adopted herein does not establish specific lateral limits or configurations for transition areas.

In the implementation of Civil Air Regulations Amendment 60-21 a secondary, though significant, problem has arisen. Application of a transition area overlying an airport without a control zone but for which an instrument approach procedure has been prescribed revealed that, in some cases, the existing definition required the designation of more controlled airspace than required by IFR operations. The definition now provides that the "floor" of such controlled airspace may be designated only at a level of 700 feet above the surface. In certain cases, it has been found that by designating the perimeter portions of the transition area with a floor at 1,200 feet above the surface, significant additional uncontrolled airspace may be released for the use of Visual Flight Rules (VFR) operations with no adverse impact on the IFR user.

In consonance with its policy to designate only that controlled airspace required by IFR operations, the Agency concluded that provision should be made for the designation of transition area floors at higher levels. Accordingly, this proposal was coordinated informally with representatives of the following interested user groups:

Air Transport Association.
Aircraft Owners & Pilots Association.
Air Line Pilots Association.
Air Traffic Control Association.
Department of the Air Force.
Department of the Army.
Department of the Navy.
General Aviation Council.
National Association of State Aviation Officials.
National Aviation Trades Association.
National Business Aircraft Association.
National Pilots Association.

The representatives of all these organizations endorsed this change, with the exception of the National Aviation Trades Association, which did not choose to comment. The Air Transport Association (ATA) expressed concern regarding the retention of the base of the transition area at 700 feet above the surface when required to encompass instrument approach procedures, recommending that the definition provide a specific statement to this effect. A review of the proposed wording indicated it could be interpreted to eliminate the flexibility necessary for the efficient designation of controlled airspace. It is not necessary in all cases to designate the entire transition area with a floor of 700 feet to encompass the instrument approach procedure. It shall be the policy of the Agency to designate the floor of transition areas in conjunction with airports at 700 feet above the surface to the lateral extent dictated by the appropriate criteria for the instrument procedures and then raise the floor to 1,200 feet or higher as appropriate. Since the amendatory language adequately expressed the Agency intent, it is not considered necessary to adopt the specific language recommended by the ATA. This additional change is, therefore, being adopted in conjunction with the proposal contained in Draft Release No. 62-8.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60) is amended as follows:

By amending the definition of transition area as it appears in § 60.60 to read as follows:

Transition area. Transition areas extend upward from 700 feet or higher above the surface when designated in conjunction with an airport for which an instrument approach procedure has been prescribed, or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

This amendment shall become effective May 1, 1962.

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

Issued in Washington, D.C., on April 24, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-4122; Filed, Apr. 26, 1962; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-AL-8]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Associated Control Areas; Revocation and Designation of Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter VOR Federal airway No. 438 and its associated control areas, revoke the Fairbanks, Alaska, ILS localizer reporting point, and designate the Fairbanks, Alaska, ILS middle marker reporting point.

VOR Federal airway No. 438 presently extends, in part, from the Anchorage, Alaska, VOR via the intersection of the Anchorage VOR direct radial to the Nenana, Alaska, VOR and the southwest course of the Fairbanks, Alaska, ILS localizer to the Fairbanks ILS localizer, including a west alternate from the intersection of the Anchorage VOR direct

radial to the Nenana VOR with the southwest course of the Fairbanks ILS localizer to the Fairbanks ILS localizer via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its west alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS localizer. It has been determined that utilization of the Fairbanks ILS middle marker compass locator will provide more precise navigational guidance for aircraft en route to the terminating point of the airway and its west alternate than as designated at present. Accordingly, action is taken herein to extend Victor 438 from its present termination at the Fairbanks ILS localizer to the Fairbanks ILS middle marker, and to realign the portion of the west alternate between Nenana and Fairbanks to terminate at the Fairbanks ILS middle marker. In addition, the Fairbanks ILS localizer is being revoked as a reporting point, and the Fairbanks ILS middle marker designated in lieu thereof.

Since these changes are minor or procedural in nature and impose no additional burden on any person, 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, these amendments will become effective more than 30 days after publication.

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

1. In the text of § 600.6438 (27 F.R. 561), "to the Fairbanks, Alaska, ILS localizer, including a W alternate from the INT of the Anchorage VOR direct radial to the Nenana VOR with the SW course of the Fairbanks ILS localizer to the Fairbanks ILS localizer via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS localizer." is deleted and "Fairbanks ILS localizer; to the Fairbanks ILS MM, including a W alternate from the INT of the Anchorage VOR direct radial to the Nenana VOR with the Fairbanks ILS localizer SW course, to the Fairbanks ILS MM via the Nenana VOR, including the area within 16 miles either side of the centerline of the airway and its W alternate at and above 24,000 feet MSL from the Anchorage VOR to the Fairbanks ILS MM." is substituted therefor.

2. In § 601.7001 (14 CFR 601.7001, 27 F.R. 562) "Fairbanks, Alaska, ILS localizer." is deleted and "Fairbanks, Alaska, ILS MM." is substituted therefor.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4094; Filed, Apr. 26, 1962; 8:45 a.m.]

[Airspace Docket No. 60-AN-33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration

On February 28, 1961, there were published in the FEDERAL REGISTER (26 F.R. 1715) amendments to the regulations of the Administrator which extended Blue Federal airway No. 26 and its associated control areas from Fairbanks, Alaska, to Fort Yukon, Alaska, and designated the Fort Yukon radio beacon as a reporting point. These amendments were to become effective July 26, 1962.

Because of a delay in delivery of equipment for the Fort Yukon RBN, the installation of this facility will not be completed until January 1963. Accordingly, action is taken herein to alter Airspace Docket No. 60-AN-33 by postponing the effective date until January 10, 1963. Appropriate adjustments in this will be made if developments prior to effective date merits them.

Since more than thirty days will elapse from the time of publication of the rule as initially adopted to the new effective date, these changes are in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, Airspace Docket No. 60-AN-33 (26 F.R. 1715) is amended as follows: "Effective 0001, e.s.t., July 26, 1962" is deleted and "Effective 0001, e.s.t., January 10, 1963" is substituted therefor.

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4095; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-21]

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

Alteration of Control Area Extension

The purpose of this amendment to § 601.1202 of the regulations of the Administrator is to alter the Tucumcari, N. Mex., control area extension.

The Tucumcari control area extension is designated within 5 miles either side of the Tucumcari radio range north and south courses extending from 25 miles north to 25 miles south of the radio range and within 11 miles north and 8 miles south of the Tucumcari VOR 267° and 087° True radials extending from 7 miles east to 24 miles west of the VOR.

The portion of this control area extension based on the Tucumcari radio range is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the portion of the Tucumcari control area extension based on this navigational aid.

Since this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary and it may be made effective immediately. 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), § 601.1202 (26 F.R. 12287) is amended to read:

§ 601.1202 Control area extension (Tucumcari, N. Mex.).

That airspace within 11 miles N and 8 miles S of the Tucumcari, N. Mex, VOR 267° and 087° radials extending from 7 miles E to 24 miles W of the VOR.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4097; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-32]

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

Alteration of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to alter the Long Beach, Calif., control zone.

The Long Beach, Calif., control zone (§ 601.2178) is presently designated, in part, within a 5-mile radius of the NAS Los Alamitos, Calif. This portion of the control zone presently passes through the center of the Sunset Beach Airport. It has been determined that the air traffic procedures at Long Beach and NAS Los Alamitos would not be adversely affected if the Sunset Beach Airport were excluded from the description of the Long Beach control zone. Therefore, action is taken herein to exclude the Sunset Beach Airport from the Long Beach control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

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

§ 601.2178 (14 CFR 601.2178) is amended to read:

§ 601.2178 Long Beach, Calif., control zone.

Within a 5-mile radius of Long Beach, Calif., Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.); within a 5-mile radius of the NAS Los Alamitos, Calif., (latitude 33°47'30" N., longitude 118°02'50" W.), excluding the portion within a 1-mile radius of the Sunset Beach, Calif., Airport (latitude 33°43'10" N., longitude 118°02'10" W.).

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

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4096; Filed, Apr. 26, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-18]

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

Alteration of Control Zone

The purpose of this amendment to § 601.2263 of the regulations of the Administrator is to alter the Lafayette, La., control zone.

The Lafayette control zone is designated, in part, on the Lafayette radio beacon.

The control zone extension based on this navigational aid is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Lafayette radio beacon.

Since this change effected by this amendment is less restrictive in nature, 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 thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2263 (26 F.R. 6236) is amended to read:

§ 601.2263 Lafayette, La., control zone.

Within a 5-mile radius of the Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles either side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to the ILS OM and within 2 miles either side of the 172° radial of the Lafayette VOR extending from the 5-mile radius zone to 12 miles S of the VOR.

This amendment shall become effective 0001, e.s.t., June 28, 1962.

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4098; Filed, Apr. 26, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COMBUSTION PRODUCT GAS

The Commissioner of Food and Drugs, having evaluated the data submitted by the Vitagen Corporation, 354 South Spring Street, Los Angeles 13, California, and other relevant material, has concluded that the following amendment to § 121.1060 should issue with respect to the food additive combustion product gas used for the displacing and removal of oxygen in the processing and packaging of fresh leafy vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1060 of the food additive regulations is amended by adding to paragraph (c) the words "fresh leafy vegetables". As amended, paragraph (c) reads as follows:

§ 121.1060 Combustion product gas.

* * * * *

(c) It is used or intended for use to displace or remove oxygen in the processing, storage, or packaging of citrus products, coffee, fresh leafy vegetables, vegetable fats and vegetable oils, and wine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 20, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4127; Filed, Apr. 26, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated data submitted in a petition filed by W. R. Grace and Company, Cambridge 40, Massachusetts, and other relevant material, has concluded that § 121.2531 of the food additive regulations should be amended as hereinafter provided. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations (21 CFR 121.2531; 26 F.R. 11800) are amended as set forth below:

Section 121.2531(c) is changed to read:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

Tert.—Butyl alcohol.
Castor oil.
Cottonseed oil monoglyceride.
Dipropylene glycol.
Isopropyl alcohol.
Mineral oil.
Myristic acid.
Oleic acid.
Paraffin, refined.
Polyoxyethylene (20) sorbitan monolaurate.
Polyvinyl alcohol.
Sorbitan monolaurate.
Stearic acid.
Triethanolamine.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must

state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 23, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-4128; Filed, Apr. 26, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Internal cross references in this subchapter are changed to read as indicated in the following tabulation:

Location of reference	From—	To—
Section	*Section*	*Section*
1.1503(b)(3)	3.405-5(c)	3.409-3
2.104-2	3.403-1	3.404-2
2.104-3	3.403-2	3.404-3
2.104-4(a)	3.405-5(a)	3.409-1
2.104-4(b)	3.405-5(b)	3.409-2
2.104-4(c)	3.405-5(c)	3.409-3
3.303(b)	3.403-4	3.404-4
3.303(b)	3.404	3.405
3.303(b)	3.404-3	3.405-5
3.303(b)	3.404-4	3.405-4
3.304(b)	3.403-4	3.404-4
3.304(b)	3.404	3.405
3.304(b)	3.404-3	3.405-5
3.304(b)	3.404-4	3.405-4
3.803(a)	3.402 lists	3.402 and 3.403 list.
3.808-3	3.403-4	3.404-4
3.808-3	3.404-4	3.405-4
3.808-3	3.406	3.407
3.808-5	3.404-3(c)	3.405-5(c)
7.102	3.403	3.404
7.108	3.403-4(a)(2)	3.404-4(a)(2)
7.109-2(a)	3.403-3(b)(1)	3.404-5
7.109-4(a)	3.403-3(b)(3)	3.404-6
7.109-6(a)	3.403-3(b)(5)	3.404-7
7.202	3.404	3.405
7.203-4(b)	3.404-4	3.405-4
7.401	3.404	3.405
7.601	3.403	3.404
8.702	3.404	3.405
13.501(a)	3.403	3.404
13.501(b)	3.404	3.405
15.102	3.404	3.405
15.102(a)	3.405-1	3.406-1
15.102(a)	3.405-1(d)	3.406-1(d)
15.103	3.404	3.405
15.104(c)	3.404	3.405
15.105	3.404	3.405
15.601(a)	3.403-1	3.404-2
15.601(b)	3.403-2	3.404-3
15.601(c)	3.403-3	3.404-5, 3.404-6 and 3.404-7.
15.601(d)	3.403-4	3.404-4
15.601(e)	3.405-1	3.406-1
15.601(f)	3.405-2	3.406-2
16.303-2(d)(1)	3.405-5	3.409

PART 3—PROCUREMENT BY NEGOTIATION

2. Revise Subpart D to read as follows:

Subpart D—Types of Contracts

Sec.

AUTHORITY: §§ 3.400 to 3.410-1 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

Source: ASPR, Rev. 8, March 15, 1962.

§ 3.400 Implementation.

In order to provide maximum uniformity in application, implementations of §§ 3.401 through 3.405 and 3.407-2 shall not be issued. In the event need exists for more detailed coverage of the subjects contained in the sections referred to, appropriate recommendations should be submitted to the ASPR Committee.

§ 3.401 Types of contracts.

(a) To provide the flexibility needed in the purchase of the large variety and volume of military supplies and services, a wide selection of types of contracts is available to the contracting parties. The respective contract types vary as to (1) the degree and timing of responsibility assumed by the contractor for the costs of performance, and (2) the amount and type of profit incentive offered the contractor to achieve or exceed specified standards or goals. With regard to degree of cost responsibility, the various types of contracts may be arranged in order of decreasing contractor responsibility for the costs of performance. At one end is the firm fixed-price contract under which the parties agree that the contractor assumes full responsibility in the form of profits or losses, for all costs under or over the firm fixed price. At the other end of this range is the cost-plus-a-fixed-fee contract where profit, rather than price, is fixed and the contractor's cost responsibility is therefore minimal. In between are the various incentive contracts which provide for varying degrees of contractor cost responsibility, depending upon the degree of uncertainty involved in contract performance.

(b) Pursuant to the authority of 10 U.S.C. 2306, a contract negotiated under this part may be of any type or combination of types described herein which will promote the best interests of the Government, subject to the restrictions described below. Types of contracts not described herein shall not be used, unless pursuant to a deviation under § 1.109 of this chapter. The cost-plus-a-percentage-of-cost system of contracting shall not be used. Accordingly, all prime contracts (including letter contracts) on other than a firm fixed-price basis shall prohibit cost-plus-a-percentage-of-cost subcontracts by an appropriate clause.

§ 3.402 Basic principles for use of contract types.

(a) *General.* (1) Profit, generally, is the basic motive of business enterprise. Both the Government and its defense contractors should be concerned with harnessing this motive to work for the truly effective and economical contract performance required in the interest of national defense. To this end, the parties should seek to negotiate and use the contract type best calculated to stimulate outstanding performance. The objective should be to insure that outstandingly effective and economical performance is met by high profits, mediocre performance by mediocre profits, and poor performance by low profits or losses. The proper application of these objectives on a contract by contract basis should normally result in range of profit rates.

(2) Success in harnessing the profit motive begins with the negotiation of sound performance goals and standards. This objective is met if the contractor either benefits or loses in relation to achieving or failing to achieve realistic targets. Where award is based on effective price competition, there is reasonable assurance that the contract price represents a realistic pricing standard, including a profit factor which reflects an appropriate return to the contractor for the financial risk assumed in undertaking performance at the competitive price. In the absence of competitive forces, however, the contract type selected should provide for a profit factor that will tie profits to the contractor's efficiency in controlling costs and meeting desired standards of performance, reliability, quality, and delivery. Therefore, in noncompetitive situations, the degree to which available cost estimates are realistic should be carefully considered in determining which type of contract should be selected and how it should be used, especially where the contractor is to assume substantial cost responsibility, since it is to his advantage to maximize the difference between esti-

mated costs and actual costs in price negotiation as well as in contract performance. If estimated costs are negotiated on the basis of reliable cost or pricing at the time of negotiation in accordance with Subpart H of this part, a contract type providing a high profit potential and concomitant contractor risks, may be entirely appropriate even though there is a possibility that actual costs will vary widely from the estimate.

(3) The policies in subparagraphs (1) and (2) of this paragraph require that the contractor assume a reasonable degree of cost responsibility as early in contract performance as is possible. This can be achieved only through vigorous contract administration and effort on the part of both parties to assure timely pricing. Particularly in fixed-price type contracts providing for price revisions, delays in pricing actions by either party may distort the type of contract which has been agreed upon, and such delays must be avoided.

(4) Where a contract type providing for a reasonable degree of contractor cost responsibility cannot be negotiated on a timely basis, due to the contractor's unwillingness to assume reasonable risk, profits should be negotiated so as to reflect this fact (see § 3.808–2(b)).

(b) *Preferred contract types.* (1) The firm fixed-price contract is the most preferred type because the contractor accepts full cost responsibility, and the relationship between cost control and profit dollars is established at the outset of the contract. Accordingly, whenever a reasonable basis for firm pricing exists (see § 3.404–2), the firm fixed-price contract shall be used, because its use under these circumstances will provide the contractor with a maximum profit incentive to control the costs of performance. Similarly, a profit incentive to control costs can be achieved through use of the fixed-price incentive contract, and to a lesser degree, the cost-plus-incentive-fee contract, where appropriate target costs and incentive arrangements can be negotiated.

(2) In many procurement situations objectives other than cost control, for example, performance and time goals in the case of development projects, may also be significant. Such objectives may be (i) performance with a view toward a better or more reliable product; (ii) delivery when it is necessary to obtain supplies or services with the utmost speed to meet military needs; or (iii) a combination of any of the objectives of cost, performance, and delivery (see § 3.407). A contractual arrangement can be used to provide incentive to obtain these objectives in addition to effective cost control. Thus, by providing for increased profit for exceeding predetermined target levels and decreased profit for failing to meet target levels, an additional incentive is credited for maximum effort on the part of the contractor to accomplish the desired objectives. When additional objectives are made a part of the various types of incentive contracts described in this subpart (§§ 3.404–4 and 3.405–4), particular care must be taken by the contracting officer to maintain an appropriate balance between the various incentives, by weighting incentive objectives to apportion the total incentive profits or fee in accordance with the emphasis desired by, and maximum benefit to, the Government. Without proper balancing of the incentive objectives, the Government may receive at unwarranted expense, a product of greater quality than desired or delivery before needed.

§ 3.403 Negotiation of contract type.

(a) *General.* The selection of contract type is generally a matter for negotiation and requires the exercise of judgment. Type of contract and pricing are interrelated and should be considered together in negotiation in accordance with § 3.803. Because the type of contract affects the resulting price to the Government, use of an appropriate type is of primary importance in obtaining fair and reasonable prices. Each contract file shall include documentation to show why the particular contract type was used, except for the following: First, small purchases (Subpart F of this part); second, repetitive types of procurement usually accomplished on a firm fixed-price basis, such as subsistence procurement; or third, awards made on the set-aside portion of formally advertised procurements partially set aside for either small business, labor surplus or disaster areas. Although no absolute rules can be laid down, there are many factors which should be considered in the use of an appropriate type of contract, including those which follow:

(1) *Price analysis.* See § 3.807–3. Price analysis may provide a basis for selection of contract type. The degree to which price analysis can provide a realistic pricing standard should be carefully considered, even where there may not be full and free competition.

(2) *The cost estimate.* In the absence of effective price competition and where price analysis if not sufficient, the cost estimates of the offeror and of the Government are the bases for negotiation of many pricing arrangements. As a minimum, the uncertainties involved in performing at the cost estimated, and their possible impact on costs, must be identified and evaluated so that a pricing arrangement can be negotiated which imposes a reasonable degree of cost responsibility upon the contractor. The following are some of the considerations which may influence the estimate and hence, the selection of contract type:

(i) Type and complexity of the item;

(ii) Stability of design, which in turn may influence such subordinate considerations as the adequacy and firmness of specifications, and the availability of relevant historical pricing data and prior production experience;

(iii) Prospective period of contract performance and length of production run at the time of negotiation;

(iv) Extent and nature of subcontracting contemplated;

(v) Adequacy of the contractor's estimating system; and

(3) *Urgency of the requirement.* In certain procurements the best interests of the Government may dictate that the urgency of the requirement be a primary consideration in selection of contract type.

(4) *Technical capability and financial responsibility of the contractor.*

(5) *Adequacy of the contractor's accounting system.* Before reaching agreement on price and contract type, determination should be made that the contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated. This may be particularly critical where the contract type requires revision of price while performance is in progress, or where a cost-reimbursement type of contract is being considered and all current or past experience with the contractor has been on a fixed-price basis (see § 3.809).

(6) *Other concurrent contracts.* If performance under a proposed procurement involves operations which concurrently are required in performance of other work, the nature of the pricing arrangements on the other work may be important in selecting the contract type for the proposed procurement. This factor may not be so important where close controls exist that will assure proper allocation of costs.

(b) *Research.* In the majority of research programs, including preliminary explorations and studies, the work to be performed cannot be described precisely. Hence, the negotiation of cost-plus-a-fixed-fee or cost-sharing contracts frequently is necessary. However, where the level of contractor effort desired can be identified and agreed upon in advance of performance, negotiation of a firm fixed-price contract should be considered.

(c) *Development and test.* Where possible, a final commitment to undertake specific product development and test should be avoided until preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion. As a result, the Government should be able to make such desired objectives known to prospective contractors in advance of source selection. In all major system developments, and in other development programs where use of cost and performance incentives are considered desirable and administratively practicable, the request for proposals should describe the Government's desired performance and schedule completion objectives and the type of contract contemplated. The request for proposals should also include the relative weights which the Government attaches to these objectives, and to cost factors. Where such relative weights are included in the request, proposals should be required to include proposed targets for the accomplishment of the Government's desired performance and schedule completion objectives, together with an estimate of the cost of doing so. Then, to the extent practical, performance and schedule completion targets proposed by each prospective contractor in meeting the Government's desired objectives, together with the estimated cost thereof, should be considered by the Government in the com-

petitive contractor selection process. Where this approach to contractor selection has been used, the resulting development program should be performed under an incentive contract which includes performance, schedule completion, and cost targets, the requisite test procedures against which attainment of performance targets will be measured, and provisions for varying profits to the extent targets are or are not met. In order to provide the maximum incentive, the range of profit variation should, in each case, be as wide as practical (see § 3.405–4(b)). The introduction of incentives into development is of such compelling importance that, to the extent practicable, firms not willing to negotiate appropriate incentive provisions may be excluded from consideration for the award of development contracts.

§ 3.404 Fixed-price contracts.

§ 3.404–1 General.

Fixed-price contracts are of several types so designed as to facilitate proper pricing under varying circumstances. The fixed-price type contracts provide for a firm price, or under appropriate circumstances may provide for an adjustable price, for the supplies or services which are being procured. In providing for an adjustable price, the contract may fix a ceiling price, target price (including target cost), or minimum price. Unless otherwise provided in the contract, any such ceiling, target, or minimum price is subject to adjustment only if required by the operation of any contract clause which provides for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or a contingency.

§ 3.404–2 Firm fixed-price contract.

(a) *Description.* The firm fixed-price contract provides for a price which is not subject to any adjustment by reason of the cost experience of the contractor, in the performance of the contract. This type of contract, when appropriately applied as set forth below, places maximum risk upon the contractor. Because the contractor assumes full responsibility, in the form of profits or losses, for all costs under or over the firm fixed-price, he has a maximum profit incentive for effective cost control and contract performance. Use of the firm fixed-price contract imposes a minimum administrative burden on the contracting parties.

(b) *Application.* The firm fixed-price contract is suitable for use in procurements when reasonably definite design or performance specifications are available and whenever fair and reasonable prices can be established at the outset, such as where:

(1) Adequate competition has made initial proposals effective;

(2) Prior purchases of the same or similar supplies or services under competitive conditions or supported by valid cost or pricing data provide reasonable price comparisons;

(3) Cost or pricing information is available permitting the development of realistic estimates of the probable costs of performance;

(4) The uncertainties involved in contract performance can be identified and reasonable estimates of their possible impact on costs made, and the contractor is willing to accept a firm fixed price at a level which represents assumption of a reasonable proportion of the risks involved; or

(5) Any other reasonable basis for pricing can be used consistent with the purpose of this type of contract.

The firm fixed-price contract is particularly suitable in the purchase of standard or modified commercial items, or military items for which sound prices can be developed.

§ 3.404–3 Fixed-price contract with escalation.

(a) *Description.* The fixed-price contract with escalation provides for the upward and downward revision of the stated contract price upon the occurrence of certain contingencies which are specifically defined in the contract. The risks in a fixed-price contract are reduced by the inclusion of escalation provisions in which the parties agree to revise the stated price upon the happening of a prescribed contingency. Where escalation is agreed upon, upward adjustments shall be limited by the establishment of a reasonable ceiling, and provisions will be included for downward adjustments in those instances where the prices or rates fall below the base levels provided in the contract. In the establishment of the base levels from which escalation will operate, contingency allowances shall be eliminated from the base to be set forth in the contract to the extent that escalation is provided for any paricular contingency. Generally, escalation provisions are of two broad types:

(1) Price escalation provides for adjustment of the contract price on the basis of increases or decreases from an agreed upon level in published or established prices of specific items or in price levels of the contract end items.

(2) Labor and material escalation provides for adjustment of the contract price on the basis of increases or decreases from agreed standards or indices in wage rates, specific material costs, or both.

(b) *Application.* Use of this type of contract is appropriate where serious doubt exists as to the stability of market and labor conditions which will exist during an extended period of production and where contingencies which would otherwise be included in a firm fixed-price contract are identifiable and can be covered separately by escalation. Its usefulness is limited by the difficulties inherent in its administration. To the extent possible, escalation should be restricted to industrywide contingencies and labor and material escalation should be limited to contingencies beyond the normal control of the contractor.

§ 3.404–4 Fixed-price incentive contracts.

(a) *Description*—(1) *General.* The fixed-price incentive contract is a fixed-price type contract with provision for adjustment of profit and establishment of the final contract price by a formula based on the relationship which final negotiated total cost bears to total target costs.

(2) *Firm target.* Under this type of incentive contract there is negotiated at the outset a target cost, a target profit, a price ceiling (but not a profit ceiling or floor), and a formula for establishing final profit and price. After performance of the contract, the final cost is negotiated and the final contract price is then established in accordance with the formula. Where the final cost is less than target cost, application of the formula results in a final profit greater than the target profit; conversely, where final cost is more than target cost, application of the formula results in a final profit less than the target profit, or even a net loss. Thus, within the price ceiling, the formula provides for the Government and the contractor to share the responsibility for costs greater or less than those originally estimated, as determined by a comparison of negotiated final cost with target cost. Because the profit resulting from application of the formula is in inverse relationship to costs, the formula provides the contractor in advance with a calculable profit incentive to control costs. To provide an incentive consistent with the circumstances, the formula should reflect the relative risks involved in contract performance. Thus, it is appropriate in certain procurements to establish a formula which provides for contractor assumption of a considerable or major share of total cost responsibility. In such circumstances, when a major share of total cost responsibility is assumed by the contractor, every consideration will be given to establishing target profits which reflect assumption of such responsibility.

(3) *Successive targets.* Under this type of incentive contract there is negotiated at the outset an initial target cost, an initial target profit, a price ceiling, a formula for fixing the firm target profit, and a production point at which the formula will be applied. Generally, the production point will be prior to delivery or shop completion of the first item. This formula does not apply for the life of the contract but simply is used to fix the firm target profit for the contract. The initial formula shall also provide for a ceiling and floor on the firm target profit. To provide an incentive consistent with the circumstances, the formula for fixing the firm target profit should reflect the relative risk involved in establishing an incentive arrangement where cost and pricing information were not sufficient to permit the negotiation of firm targets at the outset (see paragraph (b)(3) of this section). Thus, it normally will not provide for as great a degree of contractor cost responsibility as would a formula for establishing final profit and price. When the production point for applying the formula is reached, the firm target cost is then negotiated, consideration being given to experienced cost and all other pertinent factors, and the firm target profit is automatically determined in accordance with the formula. At this

point, two alternatives are possible. First, a firm fixed price may be negotiated using as a guide the firm target cost plus the firm target profit. Second, if use of the firm fixed price is determined to be inappropriate, a formula for establishing final profit and price may be negotiated, using the firm target profit and the firm target cost. As in the firm target type of contract described in subparagraph (2) of this paragraph, the final cost is negotiated at the completion of the contract and the final contract price is then established in accordance with the formula for establishing final profit and price.

(4) *Billing price.* In either of the above types of contract, a billing price will be established as an interim basis for payment. This billing price may be adjusted within the ceiling limits, upon request of either party to the contract, when it becomes apparent that final negotiated costs will be substantially different from the target cost.

(b) *Application.* (1) Fixed-price incentive contracts are appropriate when use of the firm fixed-price contract is inappropriate, and the supplies or services being procured are of such a nature that assumption of a degree of cost responsibility by the contractor is likely to provide him with a positive profit incentive for effective cost control and contract performance. It may also be appropriate to negotiate additional incentive provisions covering performance levels and more timely delivery (see § 3.407–2). Contract performance requirements must be such that there is reasonable opportunity for the incentive provisions to have a meaningful impact on the manner in which the contractor manages the work.

(2) The firm target type of incentive contract, described in paragraph (a)(2) of this section, is appropriate for use whenever a firm target and a formula for establishing final profit and price can be negotiated at the outset which will provide a fair and reasonable incentive.

(3) The successive targets type of incentive contract, described in paragraph (a)(3) of this section, is appropriate for use whenever available cost and pricing information is not sufficient to permit the negotiation of realistic firm targets at the outset. However, enough information should be available to permit negotiation of initial targets, and there should be reasonable assurance that additional reliable information will be available at an early point in the performance of the contract so as to permit negotiation of either a firm fixed price, or firm targets and a formula for establishing final profit and price, which will provide a fair and reasonable incentive. The additional information need not in all cases come from experience under the contract itself, but may be drawn from experience on any other contracts for the same or similar items.

(c) *Limitations.* Fixed-price incentive contracts shall not be used unless the contractor's accounting system is adequate for price revision purposes and permits satisfactory application of the profit and price adjustment formulas. In no case should such contracts be used where cost or pricing information adequate for firm targets is not available at the time of initial contract negotiation or at a very early point in performance, or the sole or principal purpose is to shift substantially all cost responsibility to the Government. In no case shall the firm target profit or the formula for final profit and price be established prior to the negotiation of the firm target cost. Neither type of fixed-price incentive contract shall be used unless a determination has been made, in accordance with the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.404–5 Prospective price redetermination at a stated time or times during performance.

(a) *Description.* This type of contract provides for a firm fixed price for an initial period of contract deliveries or performance and for prospective price redetermination either upward or downward at a stated time or times during the performance of the contract. It also may provide for a price ceiling, where appropriate. Once established, ceiling prices are subject to adjustment only by reason of the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements calling for quantity production or services where it is possible to negotiate fair and reasonable firm fixed prices for an initial period, but not for subsequent periods of contract performance. This initial period should be the longest period for which it is possible to establish fair and reasonable firm fixed prices at the time of original negotiation. The length of the prospective pricing periods should depend on the circumstances of each case and should generally be at least twelve months each. Ceiling prices, where appropriate, should be based on an evaluation of the uncertainties involved in contract performance, and their possible impact on cost, and should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless:

(1) It has been established through negotiation that a firm fixed-price contract does not fulfill the requirements established by the conditions surrounding the procurement;

(2) The contractor's accounting system is adequate for price redetermination purposes;

(3) The prospective pricing period can be made to conform with the operation of the contractor's accounting system; and

(4) Reasonable assurance exists that price redetermination action will be taken promptly at the time or times specified.

§ 3.404–6 Retroactive and prospective price redetermination at a stated time during performance.

(a) *Description.* This type of contract provides for a price ceiling and for retroactive and prospective redetermination of prices either (1) upward or downward, or (2) downward only, at a designated time early in the contract performance. The designated time for redetermination may be expressed in terms of delivery, shop completion, percentage of total contract performance on a cost incurred basis or any other reasonable basis. Under a followon contract, it may be timed to coincide with price revision under a preceding contract if both contracts together cover continuing production of similar supplies. In any event, the time designated as the cutoff point for price redetermination should be as early as practicable. The redetermination price may apply to all supplies or services delivered under the contract. Once established, ceiling prices are subject to adjustment only by reason of the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements where it is established at the time of negotiation that a fair and reasonable firm fixed price cannot be negotiated, but the contracting parties are reasonably certain that a fair and reasonable firm fixed price can be negotiated prior to the performance of forty percent (40%) of the contract on a cost incurred basis. Based on an evaluation of the uncertainties involved in contract performance, and their possible impact on cost, ceiling prices should be negotiated at a level which represents contractor assumption of a reasonable degree of risk. Additional cost or pricing information necessary to redetermination early in contract performance need not in all cases come from experience under the contract itself, and should be drawn from experience under any earlier contracts for the same or similar items.

(c) *Limitations.* This contract type shall not be used on and after January 1, 1963, and until then, only when:

(1) It has been determined through negotiation that use of a fixed-price incentive contract, of either the firm or successive targets type, or a fixed-price contract providing for prospective redetermination only, is impracticable;

(2) The estimated value of the procurement is in excess of $500,000;

(3) The initial negotiated price is a reasonable estimate sufficient to establish a billing price;

(4) There is sufficient time of contract performance to accomplish the price redetermination prior to completion of forty percent (40%) of the contract on a cost incurred basis;

(5) The contractor's accounting system is adequate for price redetermination purposes;

(6) Reasonable assurance exists that price redetermination action will be taken at the time specified;

(7) A ceiling price is established; and

(8) Written approval has been received from the Office of the Deputy

Chief of Staff for Logistics or Offices of the Heads of the Technical Services, for the Army; Office of Naval Material, for the Navy; Headquarters, Air Force Systems Command or Headquarters, Air Force Logistics Command, for the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency.

§ 3.404–7 Retroactive price redetermination after completion.

(a) *Description.* This type of contract provides for a ceiling price and retroactive price redetermination after completion of the contract. The redetermined price should be negotiated so as to give weight to the management effectiveness and ingenuity exhibited by the contractor during performance, and the basis for such negotiation should be fully discussed with the contractor when this type of contract is negotiated. Because the price is redetermined on a completely retroactive basis, this contract type (except for the price ceiling) does not provide the contractor with a calculable incentive for effective cost control. Once established, the ceiling price is subject to adjustment only if required by the operation of other contract clauses (see § 3.404–1).

(b) *Application.* This type of contract is appropriate in procurements where it is established at the time of negotiation that a fair and reasonable firm fixed price cannot be negotiated and the amount involved is so small or the time for performance so short that use of any other type of contract is impracticable. Even in these situations, however, it should be used only after negotiation of a billing price as fair and reasonable as the circumstances of the particular procurement permit. Based on an evaluation of the circumstances involved in contract performance, and their possible impact on cost, the ceiling price should be negotiated at a level which represents contractor assumption of a reasonable degree of risk.

(c) *Limitations.* This type of contract shall not be used unless the procurement is for research and development at an estimated cost of $100,000 or less, or until January 1, 1963, the procurement is of an urgent nature and the total period of contract performance is six months or less; and in either case:

(1) The contractor's accounting system is adequate for price redetermination purposes;

(2) Reasonable assurance exists that price redetermination action will be taken promptly at the time specified;

(3) A ceiling price is established; and

(4) Until January 1, 1963, written approval has been received from the Office of the Deputy Chief of Staff for Logistics or Offices of the Heads of the Technical Services, for the Army; Office of Naval Material, for the Navy; Headquarters, Air Force Systems Command or Headquarters, Air Force Logistics Command, for the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency.

(5) After January 1, 1963, written approval has been received from a level above the Head of a Procuring Activity.

§ 3.405 Cost-reimbursement type contracts.

§ 3.405–1 General.

(a) *Description.* The cost-reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of (1) obligation of funds, and (2) establishing a ceiling which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the contracting officer.

(b) *Application.* The cost-reimbursement type contract is suitable for use only when the uncertainties involved in contract performance are of such magnitude that cost of performance cannot be estimated with sufficient reasonableness to permit use of any type of fixed-price contract. In addition, it is essential that (1) the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and (2) appropriate surveillance by Government personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used. While cost-reimbursement contracts are particularly useful for procurements involving substantial amounts, e.g., estimated cost of $100,000 or more, the parties may agree in a given case to use this type of contract to cover transactions in which the estimated costs are less than $100,000.

(c) *Limitations.* The cost-reimbursement type contract may be used only after a determination, in accordance wtih the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.405–2 Cost contract.

(a) *Description.* The cost contract is a cost-reimbursement type contract under which the contractor receives no fee.

(b) *Application.* The following are illustrative situations in which the use of this type of contract may be appropriate:

(1) Research and development work, particularly with nonprofit educational institutions or other nonprofit organizations; and

(2) Facilities contracts.

§ 3.405–3 Cost-sharing contract.

(a) *Description.* A cost-sharing contract is a cost-reimbursement type contract under which the contractor receives no fee and is reimbursed only for an agreed portion of his allowable costs.

(b) *Application.* A cost-sharing contract is suitable for use for those procurements which cover production or research projects that are jointly sponsored by the Government and the contractor with benefit to the contractor in lieu of full monetary reimbursement of costs. In consideration of this benefit, the contractor agrees to absorb a portion of the costs of performance. The following are illustrative situations in which this type of contract is generally desirable:

(1) Jointly sponsored research and development work with nonprofit educational institutions or other nonprofit organizations; and

(2) Other research and development work where the parties agree that the results of the contract may have commercial benefit to the contractor.

§ 3.405–4 Cost-plus-incentive-fee contract.

(a) *Description.* The cost-plus-incentive-fee contract is a cost-reimbursement type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target cost. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the fee payable to the contractor is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed to provide an incentive for maximum effort on the part of the contractor to manage the contract effectively.

(b) *Application.* The cost-plus-incentive-fee contract is suitable for use primarily for development and test when a cost-reimbursement type of contract is found necessary in accordance with § 3.405–1(b), and when a target and a fee adjustment formula can be negotiated which are likely to provide the contractor with a positive profit incentive for effective management. In particular, where it is highly probable that the development is feasible and the Government generally has determined its desired performance objectives, the cost-plus-incentive-fee contract should be used in conjunction with performance incentives in the development of major systems, and in other development programs where use of the cost and performance incentive approach is considered both desirable and administratively practical (see §§ 3.403(c) and 3.407–2(b)). Range of fee and the fee adjustment formula should be negotiated so as to give appropriate weight to basic procurement objectives. For example, in an initial product development contract, it generally is appropriate to negotiate a cost-plus-incentive-fee contract providing for relatively small increases or decreases in fee tied to the cost incentive feature, balanced by the inclusion of performance incentive provisions providing for significant upward or downward fee adjustment as an incentive for the contractor to meet or surpass negotiated performance targets. Conversely, in subsequent development and test contracts, it may be more appropriate to negotiate an incentive formula where the opportunity to earn additional

fee is based primarily on the contractor's success in controlling costs. With regard to the cost incentive provisions of a contract, the minimum and maximum fees, and the fee adjustment formula, should be negotiated so as to provide an incentive which will be effective over variations in costs of at least twenty-five percent (25%) from the target. Whenever this type of contract, with or without the inclusion of performance incentives, is negotiated so as to provide incentive up to a high maximum fee, the contract also shall provide for a low minimum fee, which may even be a "zero" fee or, in rare cases, a "negative" fee.

(c) *Limitations.* The target fee shall be subject to the administrative limitations and approvals stated in § 3.405–5 (c) (2), and the maximum fee shall not exceed the statutory limitations stated therein.

§ 3.405–5 Cost-plus-a-fixed-fee contract.

(a) *Description.* The cost-plus-a-fixed-fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee once negotiated does not vary with actual cost, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract. Because the fixed fee does not vary in relation to the contractor's ability to control costs, the cost-plus-a-fixed-fee contract provides the contractor with only a minimum incentive for effective management control of costs.

(b) *Application.* The cost-plus-a-fixed-fee contract is suitable for use when:

(1) A cost-reimbursement type of contract is found necessary in accordance with § 3.405–1(b);

(2) The parties agree that the contract should be fee bearing;

(3) The contract is for the performance of research, or preliminary exploration or study, where the level of effort required is unknown; or

(4) The contract is for development and test where the use of a CPIF is not practical.

(c) *Limitations.* (1) This type of contract normally should not be used in the development of major weapons and equipment, once preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion (see § 3.405–4).

(2) 10 U.S.C. 2306(d) provides that in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed ten percent (10%) of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary concerned at the time of entering into such contract (except that a fee not in excess of fifteen percent (15%) of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's cost and not in excess of six percent (6%) of the estimated cost, exclusive of fees, as determined by the Secretary concerned at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility projects). The Head of a Procuring Activity in the Departments of the Army, Navy, and DSA, and the Commander of a Major Command in the Department of the Air Force, or their duly authorized representatives, are authorized to approve fixed fees not in excess of (i) ten percent (10%) of the estimated costs, exclusive of fee, of any contract for experimental, developmental, or research work or, (ii) seven percent (7%) of the estimated cost, exclusive of fee, of any other contract except that in contracts for architectural or engineering services the fixed fee shall not exceed that authorized by the terms of the law as set forth above. In appropriate cases, fees above the prescribed limits in the authorizations granted herein but within the limitations of the law may be authorized by the Secretary concerned or his designee. (As to fee limitations in subcontracts see § 3.807–5(d).)

§ 3.406 Other types of contracts.

§ 3.406–1 Time and materials contracts.

(a) *Description.* The time and materials type of contract provides for the procurement of supplies or services on the basis of (1) direct labor hours at specified fixed hourly rates (which rates include direct and indirect labor, overhead, and profit) and (2) material at cost. Material handling costs may be included in the charge for "material at cost," to the extent they are clearly excluded from any factor of the charge computed against direct labor hours. This type of contract may establish either a price ceiling, or a ceiling amount which the contractor may not exceed (except at his own risk). This type of contract does not afford the contractor with any positive profit incentive to control the cost of materials or to manage his labor force effectively.

(b) *Application.* The time and materials contract is used only where it is not possible at the time of placing the contract to estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. Particular care should be exercised in the use of this type of contract since its nature does not encourage effective management control. Thus it is essential that this type of contract be used only where provision is made for adequate controls, including appropriate surveillance by Government personnel during performance, to give reasonable assurance that inefficient or wasteful methods are not being used. This type of contract may be used in the procurement of (1) engineering and design services in connection with the production of supplies; (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges, and special machine tools; (3) repair, maintenance or overhaul work; and (4) work to be performed in emergency situations.

(c) *Limitation.* Because this type of contract does not encourage effective cost control and requires almost constant Government surveillance, it may be used only after determination that no other type of contract will suitably serve.

(d) *Optional method of pricing material.* When the nature of the work to be performed requires the contractor to furnish material which is regularly sold to the general public in the normal course of business by the contractor, the contract may provide for charging material on a basis other than at cost if;

(1) The total estimated contract price does not exceed $25,000 or the estimated price of material so charged does not exceed twenty percent (20%) of the estimated contract price;

(2) No element of profit on material so charged is included in the profit in the fixed hourly labor rates; and

(3) The contract provides that the price to be paid for such material shall be on the basis of an established catalog or list price, in effect when material is furnished, less all applicable discounts to the Government, provided that in no event shall such price be in excess of the contractor's sales price to his most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 3.406–2 Labor-hour contract.

(a) *Description.* The labor-hour type of contract is a variant of the time and materials type contract differing only in that materials are not involved in the contract or are not supplied by the contractor.

(b) *Application.* The labor-hour type contract is applicable in those procurements described for the time and materials contract, but in situations in which contractor-furnished materials are not involved in the contract or are not supplied by the contractor.

(c) *Limitations.* Because this type of contract does not provide the contractor with a positive profit incentive to manage his labor force effectively, it may be used only after determination that no other type of contract will suitably serve.

§ 3.407 Additional incentives.

§ 3.407–1 General.

In addition to the profit incentives to control costs, inherent in many of the contract types, and combinations thereof, described in §§ 3.404 through 3.406, there are other means of providing profit incentives to contractors, which are described below, to obtain extra management attention and effort. Increases in profits or fees resulting from the use of incentive provisions are made only because cost, performance, or other contractual goals or standards have been surpassed.

§ 3.407–2 Contracts with performance incentives.

(a) *Description.* A contract with a performance incentive is one which incorporates an incentive to the contractor to surpass stated performance targets by providing for increases in the fee or profit to the extent that such targets are surpassed and for decreases to the extent that such targets are not met. Salient

features and consideration in the use of this type of contract are as follows:

(1) "Performance," as used in this section, refers not only to the performance of the article being procured, but to the performance of the contractor as well. Performance which is the minimum which the Government will accept shall be mandatory under the terms of the contract and shall warrant only the minimum profit or fee related thereto. Performance which meets the stated targets will warrant the "target" profit or fee. Performance which surpasses these targets will be rewarded by additional profit or fee. The incentive feature (providing for increases or decreases, as appropriate) is applied to performance targets rather than performance requirements.

(2) The incentive, when applied to the product, should relate to specific performance characteristics, such as range of a missile, speed of an aircraft or ship, thrust of an engine, maneuverability of a vehicle, and fuel economy. However, high overall performance of the end item is the primary objective of such contracts. Accordingly, the incentive feature should reflect a balancing of the various characteristics which together account for overall performance, so that no one characteristic will be exaggerated to the detriment of the end item as a whole. When applied to the performance of the contractor, the incentive should relate to specific performance areas or milestones, such as delivery or test schedules, quality controls, maintenance requirements, and reliability standards.

(3) Since performance tests generally are essential in order to determine the degree of attainment of performance targets, the contract must be as specific as possible in establishing test criteria, such as conditions of testing, precision of instrumentation, and interpretation of test data.

(4) It is essential that there be explicit agreement between the Government and the contractor as to the effect on performance of contract changes (e.g., pursuant to the Changes clause).

(5) Care must be exercised, in establishing performance criteria, to give recognition to the fact that the contractor should not be rewarded or penalized for attainments of Government-furnished components.

(6) In establishing incentives in connection with delivery schedules, it is important to determine the Government's primary objectives in a given contract. In some instances, earliest possible delivery is of paramount importance. In others, early quantity production is essential. On the other hand, it may be that maintaining an established delivery schedule is all that is desired, and that a bettering of such schedule may disrupt continuity of production or run counter to funding limitations.

(b) *Application.* Contracts with performance incentives are suitable for use in procurements where it is desired to provide the contractor with an incentive in the form of financial reward for surpassing stated performance targets, counterbalanced by a penalty in the form of decreased profit or fee for failure to achieve such targets. Performance incentives are particularly appropriate for inclusion in contracts for major weapons and equipment, both in development when desired performance objectives are known and the fabrication of prototypes for test and evaluation is required, and in production where there is potential for improved performance that would be highly desirable to the Government. Effort always should be made in these procurement situations to include a performance incentive in the contract. Performance incentives present complex problems in contract administration and should be negotiated and administered by contracting officers with the full cooperation of Government engineering and pricing specialists.

(c) *Limitations.* (1) Performance incentives, when related to the performance of the product, may result in increased costs and should always be coupled with a balancing of range of fee or profit on the cost and performance aspects, negotiated so as to give appropriate weight to basic procurement objectives. Where incentives relating to the performance of the product are included in a contract, and earliest possible delivery is of considerable importance to the Government, and contract normally should include a performance incentive relating to time of performance or for expedited delivery schedules.

(2) In the case of cost-reimbursement type contracts involving a fee, the maximum fee shall not exceed the statutory limitations in § 3.405–5(c)(2).

§ 3.407–3 Contracts with value engineering incentives.

(a) *Description.* Value engineering incentive provisions may either require or encourage the contractor to maintain a staff devoting time and effort to "value engineering studies" to reduce costs under the contract in return for which the contractor receives a stated percentage of the resulting savings. A "value engineering study" is an intensive appraisal of all the elements of the design, manufacture or construction, procurement, inspection, installation, and maintenance of an item and its components, including the applicable specifications and operational requirements, in order to achieve the necessary performance, maintainability, and reliability of the item at minimum cost. The purpose of value engineering is to make certain that every element of cost (e.g., labor, material, supplies, styling, and services) contribute proportionately to the function of the item. The Government shall make reasonable efforts to expedite the analysis of each study submitted by the contractor. Where a change recommended by a study is adopted, a change order is issued under the Changes clause, together with a reduction in the contract price corresponding to the agreed percentage of the cost reduction. The Government does not have to adopt any study and failure to do so is not subject to the Disputes clause of the contract.

(b) *Application.* Value engineering incentive provisions are suitable primarily where the items being procured are covered by firm Government specifications, and where there is a reasonable likelihood that time and effort devoted to value engineering studies will result in reduced costs.

(c) *Limitations.* Value engineering incentive provisions shall be used only upon the written approval of the Head of a Procuring Activity.

§ 3.408 Letter contract.

(a) *Description.* A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of manufacture of supplies, or performance of services, including, but not limited to, reproduction planning, and the procurement of necessary materials.

(b) *Application.* A letter contract may be entered into when (1) the interests of national defense demand that the contractor be given a binding commitment so that work can be commenced immediately, and (2) negotiation of a definitive contract in sufficient time to meet the procurement need is not possible, as, for example, when the nature of the work involved prevents the preparation of definitive requirements, specifications, or cost data.

(c) *Limitations.* (1) A letter contract shall be used only after a determination in accordance with Departmental procedures that no other type of contract is suitable.

(2) A letter contract shall not be entered into without competition when competition is practicable. Where a letter contract award is based on price competition an overall price ceiling shall be included in the letter contract.

(3) A letter contract shall be superseded by a definitive contract at the earliest practicable date. This date shall be prior to:

(i) The expiration of 180 days from the date of the letter contract; or

(ii) Forty percent (40%) of the production of the supplies, or the performance of the work, called for under the contract, whichever occurs first. In extreme cases, an additional period may be authorized in accordance with Departmental procedures.

(4) The maximum liability of the Government stated in the letter contract generally shall not exceed fifty percent (50%) of the total estimated cost of the procurement, but this liability may be increased in accordance with Departmental procedures.

(d) *Content.* Letter contracts shall be specifically negotiated and, as a minimum, shall include agreement as to the following:

(1) The immediate commencement of performance of the contract by the contractor, including procurement of necessary materials;

(2) The extent and method of payments in the event of termination either for the convenience of the Government or for default;

(3) The fact that the contractor is not authorized to expend moneys or incur obligations in excess of the maximum liability of the Government as stated in the letter contract;

(4) The type of definitive contract anticipated at the time of letter contract award;

(5) As many definitive contract provisions as possible;

(6) The contractor's obligation to provide such price and cost information as may reasonably be required by the contracting officer; and

(7) The prompt entry into good faith negotiations by the contractor and the Government to reach agreement upon and execute a definitive contract.

§ 3.409 Indefinite delivery type contracts.

One of the following indefinite delivery type contracts may be used for procurement where the exact time of delivery is not known at time of contracting.

(a) *Definite quantity contracts.*—(1) *Description.* This type of contract provides for a definite quantity of specified supplies or for the performance of specified services for a fixed period, with deliveries or performance at designated locations upon order. Depending on the situation, the contract may provide for: (i) Firm fixed-prices; (ii) price escalation; or (iii) price redetermination.

(2) *Applicability.* This type of contract is particularly suitable for use where it is known in advance that a definite quantity of supplies or services will be required during a specified period and are regularly available or will be available after a short lead time. Advantages of this type of contract are that it permits stocks in storage depots to be maintained at minimum levels and permits direct shipment to the user.

(b) *Requirements contract*—(1) *Description.* This type of contract provides for filling all actual purchase requirements of specific supplies or services of designated activities during a specified contract period with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed prices; (ii) price escalation; or (iii) price redetermination. An estimated total quantity is stated for the information of prospective contractors, which estimate should be as realistic as possible. The estimate may be obtained from the records of previous requirements and consumption, or by other means. Care should be used in writing and administering this type of contract to avoid imposition of an impossible burden on the contractor. Therefore, the contract shall state, where feasible, the maximum limit of the contractor's obligation to deliver and, in such event, shall also contain appropriate provision limiting the Government's obligation to order. When large individual orders or orders from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* A requirements contract may be used for procurements where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) Where production lead time is involved, deliveries may be made more promptly because the contractor is usually willing to maintain limited stocks in view of the Government's commitment;

(iv) Price advantages or savings may be realized through combining several anticipated requirements into one quantity procurement; and

(v) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

Generally, the requirements contract is appropriate for use when the item of service is commercial or modified commercial in type and when a recurring need is anticipated.

(c) *Indefinite quantity contract*—(1) *Description.* This type of contract provides for the furnishing of an indefinite quantity, within stated limits, of specific supplies or services, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class. Depending on the situation, the contract may provide for: (i) Firm fixed prices; (ii) price escalation; or (iii) price redetermination. The contract shall provide that during the contract period the Government shall order a stated minimum quantity of the supplies or services and that the contractor shall furnish such stated minimum and, if and as ordered, any additional quantities not exceeding a stated maximum which should be as realistic as possible. The maximum may be obtained from the records of previous requirements and consumption, or by other means. When large individual orders or others from more than one activity are anticipated, the contract may specify the maximum quantities which may be ordered under each individual order or during a specified period of time. Similarly, when small orders are anticipated, the contract may specify the minimum quantities to be ordered.

(2) *Applicability.* An indefinite quantity contract may be used where it is impossible to determine in advance the precise quantities of the supplies or services that will be needed by designated activities during a definite period of time and it is not advisable for the Government to commit itself for more than a minimum quantity. Advantages of this type of contract are:

(i) Flexibility with respect to both quantities and delivery scheduling;

(ii) Supplies or services need be ordered only after actual needs have materialized;

(iii) The obligation of the Government is limited; and

(iv) It permits stocks to be maintained at minimum levels and allows direct shipment to the user.

The indefinite quantity contract should be used only when the item or service is commercial or modified commercial in type and when a recurring need is anticipated.

§ 3.410 Other types of agreements.

§ 3.410–1 Basic agreement.

(a) *Description.* A basic agreement is a written instrument of understanding executed between a Department or procuring activity and a contractor which sets forth the negotiated contract clauses which shall be applicable to future procurements entered into between the parties during the term of the basic agreement. The use of the basic agreement contemplates the coverage of a particular procurement by the execution of a formal contractual document which will provide for the scope of the work, price, delivery, and additional matters peculiar to the requirements of the specific procurement involved, and shall incorporate by reference or append the contract clauses agreed upon in the basic agreement as required or applicable.

(b) *Applicability.* (1) Basic agreements are appropriate for use when (i) past experience and future plans indicate that a substantial number of separate contracts may be entered into with a contractor during the term of the basic agreement, and (ii) substantial recurring negotiating problems exist with a particular contractor.

(2) A basic agreement shall be modified only by a modification of the basic agreement itself and shall not be modified or superseded by individual contracts or purchase orders entered into under and subject to the terms of such basic agreement. To minimize modification, revisions to this subchapter involving changes in authorized contract clauses utilized in basic agreements will provide appropriate direction with respect to any required modifications of basic agreements and to the extent possible, modifications will be required only in matters resulting from changes in statutes, or executive orders. As a minimum, basic agreements shall be reviewed annually before the anniversary of their effective date and revised to conform with the current requirements of this subchapter. Modifications shall not have retroactive effect.

(3) Basic agreements shall provide for discontinuance of their future application upon 30 days written notice by either party. Discontinuance of basic agreement will not affect any individual contract referencing the basic agreement (or the clauses appended thereto) entered into prior to the effective date of discontinuance.

(c) *Limitations.* (1) Basic agreements shall neither cite appropriations to be charged nor be used alone for the purpose of obligating funds.

(2) Basic agreements shall not in any manner provide for or imply any agreement on the part of the Government to place future orders or contracts with the contractor involved, nor shall they be used in any manner to restrict competition.

(3) Basic agreements generally shall be utilized only in connection with negotiated contracts.

PART 7—CONTRACT CLAUSES

3. Revise § 7.109–1; revoke §§ 7.109–3, 7.109–5, and 7.109–7; redesignate § 7.109–4 as § 7.109–3; redesignate § 7.109–6 as § 7.109–4; and revise § 7.301, as follows:

§ 7.109–1 General.

When it is determined in accordance with § 3.403 of this chapter, to use a fixed-price contract providing for redetermination of price, the applicable clause of those set forth below shall be used.

§ 7.109–3 Prospective price redetermination on request. [Revoked]

§ 7.109–3 Retroactive and prospective price redetermination at a stated time prior to completion. [Redesignation]

§ 7.109–4 Retroactive price redetermination after completion. [Redesignation]

§ 7.109–5 Retroactive and Prospective price redeterminations including further prospective redetermination on request. [Revoked]

§ 7.109–7 Modified retroactive and prospective price redetermination for follow-on contracts. [Revoked]

§ 7.301 Applicability.

As used throughout this subpart, the term "fixed price research and development contract" means any contract (other than a letter contract, a notice of award, or a modification not affecting new procurement) which (a) is entered into at a fixed price in an amount exceeding $2,500 (with or without any provision for price redetermination, escalation, or other form of price revision as covered in § 3.404 of this chapter), and (b) is for experimental, developmental, or research work. See § 3.403 (b) and (c) for use of types of contracts for research and developmental work.

[ASPR Rev. 8, Mar. 15, 1962] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

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

[F.R. Doc. 62–4089; Filed, Apr. 26, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

St. Johns River, Fla.

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.73 is hereby prescribed designating special anchorage areas in St. Johns River, Florida, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.73 St. Johns River, Fla.

(a) *Area A.* The waters lying within an area bounded by a line beginning at a point located at the west bank of St. Johns River at latitude 30°15′11″, longitude 81°41′23″; thence to latitude 30°15′13″, longitude 81°41′14″; thence to latitude 30°15′03″, longitude 81°41′11″; thence to latitude 30°15′04″, longitude 81°41′20″; and thence to the point of beginning.

(b) *Area B.* The waters lying within an area bounded by a line beginning at latitude 30°15′03″, longitude 81°41′28″; thence to latitude 30°15′02″, longitude 81°41′10″; thence to latitude 30°14′56″, longitude 81°41′08″; thence to latitude 30°14′54.5″, longitude 81°41′10.5″; and thence to the point of beginning.

[Regs., Apr. 13, 1962, 285/112 (St. Johns River, Fla.)—ENGCW–ON] (Sec. 1, 28 Stat. 150; 33 U.S.C. 180)

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

[F.R. Doc. 62–4088; Filed, April. 26, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraph (i) is amended and paragraph (o) is added to read as follows:

§ 3.1 Definitions.

* * * * *

(i) "State" means each of the several States, Territories and possessions of the United States, the District of Columbia, and Commonwealth of Puerto Rico.

* * * * *

(o) "Political subdivision of the United States" includes the jurisdiction defined as a State in paragraph (i) of this section, and the counties, cities or municipalities of each.

2. In § 3.3, paragraphs (b)(2)(ii), (c)(1) and (2) and (d) are amended to read as follows:

§ 3.3 Pension.

* * * * *

(b) *Service pension; Indian and Spanish-American Wars.* * * *

(2) *Spanish-American War.* Basic entitlement exists if the veteran:

* * * * *

(ii) Was discharged or released from such service for a disability service connected without benefit of presumptive provisions of law. (38 U.S.C. 512)

(c) *Disability pension; World War I and later wars.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either World War I, World War II, or the Korean conflict, or served an aggregate of 90 days or more in separate periods of service during the same or, effective July 21, 1961, during different war periods, including service during the Spanish-American War. (38 U.S.C. 521(f)); or

(2) Was discharged or released from such service for a disability service connected without benefit of presumptive provisions of law; and

* * * * *

(d) *Death pension—*(1) *Indian war.* Basic entitlement exists for the widow or child of a deceased veteran of an Indian war if the veteran's service meets the requirements of paragraph (b)(1) of this section. (38 U.S.C. 534, 535)

(2) *Spanish-American War.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran:

(i) Had 90 days or more active service during the Spanish-American War; or

(ii) Was discharged or released from such service for a disability service-connected without benefits of presumptive provisions of law. (38 U.S.C. 536, 537)

(3) *World War I and later wars.* Basic entitlement exists for the widow or child of a deceased veteran of World War I if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay based on a service-connected disability. Effective July 1, 1960, basic entitlement exists under the provisions of this subparagraph for the widow or child of a deceased veteran of World War II or the Korean conflict. (38 U.S.C. 541, 542)

3. In § 3.6(b), subparagraph (6) is amended to read as follows:

§ 3.6 Duty periods.

* * * * *

(b) *"Active duty."* This means:

* * * * *

(6) A person discharged or released from a period of active duty, shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him to proceed to his home by the most direct route, and, in all instances, until midnight of the date of such discharge or release. (38 U.S.C. 106(c)) This provision is effective:

(i) January 1, 1957, for service-connected death benefits where the discharge or release occurred on or after that date.

(ii) January 1, 1959, for service-connected disability compensation where the discharge or release occurred on or after January 1, 1957.

(iii) July 21, 1961, for compensation or pension, where the discharge or release occurred prior to January 1, 1957.

4. In § 3.7, paragraphs (b), (u)(1), and (v) are amended to read as follows:

§ 3.7 **Persons included.**

* * * * *

(b) *Aliens.* Effective July 28, 1959, a veteran discharged for alienage during a period of hostilities unless evidence affirmatively shows he was discharged at his own request. A veteran who was discharged for alienage after a period of hostilities and whose service was honest and faithful is not barred from benefits if he is otherwise entitled. A discharge changed prior to January 7, 1957, to honorable by a board established under authority of section 301, Public Law 346, 78th Congress, as amended, or section 207, Public Law 601, 79th Congress, as amended (now 10 U.S.C. 1552 and 1553), will be considered as evidence that the discharge was not at the alien's request. (38 U.S.C. 3103(c)) (See § 3.12.)

* * * * *

(u) *Women's Army Auxiliary Corps and Women's Army Corps.*—(1) *Women's Army Auxiliary Corps.* A member of the Women's Army Auxiliary Corps who had 90 days or more service in such corps and who prior to October 1, 1943, was honorably discharged for disability incurred in line of duty. Effective August 7, 1959, service rendered in the Women's Army Auxiliary Corps by a member who was discharged or released under conditions other than dishonorable and who also had active service in the Armed Forces subsequent to September 29, 1943, is included for purposes of Veterans Administration benefits. (38 U.S.C. 106(a); 10 U.S.C. 1038)

* * * * *

(v) *Women's Reserve of Navy, Marine Corps, and Coast Guard.* Same benefits as members of the Officers Reserve Corps or enlisted men of the United States Navy, Marine Corps or Coast Guard.

5. Immediately following § 3.7, a new cross reference is added to read as follows:

CROSS REFERENCE: Bureau of Employees' Compensation. See § 3.708.

6. In § 3.12, paragraphs (b)(7) and (c) are amended to read as follows:

§ 3.12 **Character of discharge.**

* * * * *

(b) * * *

(7) As an alien during a period of hostilities where it is affirmatively shown he requested his release. (See § 3.7(b).)

* * * * *

(c) Discharge because of homosexual acts generally will be considered a discharge under dishonorable conditions.

7. In § 3.13, paragraphs (a)(1) and (b) are amended to read as follows:

§ 3.13 **Discharge to change status.**

(a) * * *

(1) World War I; prior to November 11, 1918. As to reenlistments, this subparagraph applies only to Army and National Guard. No involuntary extension or other restrictions existed on Navy enlistments.

* * * * *

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service. This rule does not apply to certifications for loan guaranty benefits, entitlement to which is based on each period separately.

8. In § 4.14, paragraph (a) is amended to read as follows:

§ 3.14 **Validity of enlistments.**

* * * * *

(a) *Enlistment not prohibited by statute.* Where an enlistment is voided by the service department for reasons other than those stated in paragraph (b) of this section, service is valid from the date of entry upon active duty to the date of voidance by the service department. Benefits may not be paid, however, unless the discharge is held to have been under conditions other than dishonorable. Generally discharge for concealment of a physical or mental defect except incompetency or insanity which would have prevented enlistment will be held to be under dishonorable conditions.

9. Section 3.15, is revised to read as follows:

§ 3.15 **Computation of service.**

For non-service-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural, or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, while undergoing sentence of court-martial or a period following release from active duty under the circumstances outlined in § 3.9. Time spent in a hospital on sick furlough or as a prisoner-of-war is included. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

10. Immediately following § 3.15, a new cross reference is added to read as follows:

CROSS REFERENCE: Duty periods. See § 3.6(b)(6).

11. Section 3.1551 is revoked.

§ 3.1551 **Payment of benefits to certain veterans who were discharged as aliens and to their dependents. [Revoked]**

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

These regulations are effective April 27, 1962.

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

[F.R. Doc. 62-4121; Filed, Apr. 26, 1962; 8:48 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Defense of Suits Against Veterans Administration Employees Arising Out of Operation of Motor Vehicles

In Part 14, § 14.514a is added to read as follows:

§ 14.514a **Defense of suits against Veterans Administration employees arising out of operation of motor vehicles.**

(a) Public Law 87-258 (28 U.S.C. 2679), effective March 21, 1962, provides for the defense of suits against Federal employees or their estates arising out of their operation of motor vehicles in the scope of their office or employment with the Federal Government. The act applies only to civil actions and proceedings commenced as a result of incidents occurring on or after March 21, 1962.

(b) Any Veterans Administration employee against whom a civil action or proceeding is brought for damage to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Government (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such a civil action or proceeding, he shall immediately so advise the Chief Attorney by telephone or telegraph. The Chief Attorney shall promptly upon receipt thereof furnish the United States Attorney for the district embracing the place wherein the action or proceeding is brought information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein. Two copies of all process and pleadings along with information concerning the commencement of the action or proceeding shall be submitted immediately to the General Counsel.

(c) The Chief Attorney shall submit a report containing all available data bearing upon the question whether the employee was acting within the scope of his office or employment with the Federal Government, at the time of the incident out of which the suit arose, to the United States Attorney, with two copies of the report to the General Counsel, at the earliest possible date, or within such time as shall be fixed by the United States Attorney upon request. The report should include factual information bearing upon the nature of the employee's duties, his authorized destination, the conveyance authorized, whether he had departed from the route authorized or disobeyed the instructions given him, whether at the time of the incident he was engaged in the furtherance of his own personal interests, and any other relevant data. The Chief Attorney will render all practicable assistance requested by the United States Attorney.

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

This regulation is effective April 27, 1962.

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

[F.R. Doc. 62-4120; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES

Part 2 of Title 44 of the Code of Federal Regulations is revised to read as follows:

GENERAL PROVISIONS

PERMISSION TO EXAMINE RECORDS

RESEARCH ROOM RULES

REPRODUCTION SERVICES

INFORMATION SERVICE

LEGAL DEMANDS

AUTHORITY: §§ 2.0 to 2.40 issued under sec. 205, 63 Stat. 389, as amended; 40 U.S.C. 486. Interpret or apply secs. 507, 509, 64 Stat. 587, as amended, 588; 44 U.S.C. 397, 399.

GENERAL PROVISIONS

§ 2.0 Scope.

The provisions of this part apply to the public use of records deposited with the National Archives of the United States.

§ 2.1 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, as amended; 40 U.S.C. 472, 44 U.S.C. 391).

§ 2.2 Legal custody.

The Administrator has legal custody of all records deposited with the National Archives of the United States.

§ 2.3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this part, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be as well served by a public library.

(2) Persons wishing to examine records, will, as a rule, be required to do so in the research rooms of the National Archives Building.

(3) The National Archives and Records Service will also render services with regard to reproductions, information, motion pictures, and sound recordings in accordance with the provisions of this part.

§ 2.4 Access to classified and restricted records.

Access to records bearing security classification will be governed by the terms of Executive Order 10501, as amended by Executive Order 10816 and Executive Order 10964. Access to records subject to other forms of restriction will be governed by the conditions set forth by the Archivist in the pertinent Restriction Statements.

§ 2.5 Photography in the National Archives Exhibition Hall.

Visitors are permitted to take photographs in the National Archives Exhibition Hall without restriction if flash equipment or other special photo-lighting devices are not used and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo-lighting devices or for commercial purposes must obtain special permission from the Archivist. Application for such permission should be made to the Exhibits and Publications Branch.

PERMISSION TO EXAMINE RECORDS

§ 2.10 Application for permission to examine records.

Persons desiring permission to examine records in the National Archives Building must make application on a form provided for that purpose, on which they will clearly state the subject or nature of their research. The application must show a definite and serious purpose. Permission to examine records will not be given to persons under the age of 16 years unless accompanied by an adult who will undertake in writing to remain with the applicant while records are in use, and to be responsible for the applicant's compliance with all National Archives and Records Service regulations. Officers or employees of foreign governments who wish to examine records must apply for permission through the Department of State. Forms will be provided and applications received at any of the research rooms in the National Archives Building.

§ 2.11 Granting and withdrawal of permission to examine records.

If an application is approved, a card of permission to examine records will be issued. This card will be valid for a period not longer than one year but may be renewed upon application. It is not transferable and must be produced when required. Possession of this card does not entitle a researcher to examine records whose use is restricted. The Archivist of the United States may withdraw the privilege of permission to use records from any one who violates the regulations in this part or disregards the instructions of a research room supervisor.

§ 2.12 Hours of admission to research rooms.

The research rooms and the library will be open to persons authorized to use them from 8:45 to 5:00 p.m. Monday through Friday, Federal holidays excepted. The central research room will also remain open from 5:15 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5:00 p.m. on Saturdays, Federal holidays excepted. In special circumstances, by direction of the Archivist of the United States, the research rooms may be closed during any of the hours specified in this section or may be opened at other times.

(c) Each application for the use of the theater will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to General Services Administration, National Archives and Records Service, Administrative Officer, The National Archives Building, Washington 25, D.C. and shall include the following information:

(1) The name of the governmental agency or private organization requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;

(3) A brief description of the program of the scheduled meeting or performance;

(4) The approximate number of persons expected to attend the meeting or performance (the capacity of the National Archives theater is 216 persons);

(5) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and whether the film to be shown, if any, is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(d) No program will be permitted to continue beyond 10:00 p.m.

(e) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days or at hours during which the building is normally closed.

(f) No admission fee will be charged, no indirect assessment will be made for

admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving or consumption of food or beverages within the theater will be prohibited.

(h) Smoking will be prohibited within the theater.

(i) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(j) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the theater which is on the fifth floor of the building. No one will be admitted to other parts of the building closed to the general public.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services (Part 100 of this title).

RESEARCH ROOM RULES

§ 2.20 Register of researchers.

Each day that a researcher uses records in a research room he must sign the register maintained there.

§ 2.21 Researcher's responsibility.

When a researcher has completed his use of records or leaves the research room for more than a short period of time, he must notify the supervisor. A researcher is responsible for all records delivered to him until he returns them to the supervisor. The researcher must at no time leave loose or unprotected papers on desks or tables while he is absent from the room.

§ 2.22 Protection of records.

Researchers must exercise all possible care to prevent damage to the records delivered to them. They must not use ink at desks upon which there are records, except when a supervisor authorizes the use of a fountain pen or a ball point pen. Bottled liquids may not be placed on desks where there are records. Records may not be leaned on, written on, folded anew, traced, or handled in any way likely to damage them. Application to the records of paper clips, rubber bands, or other fasteners not on them when they are delivered to a researcher is prohibited. The use of records of exceptional value or in fragile condition will be subject to such special safeguards as the supervisor may deem necessary.

§ 2.23 Keeping records in order.

The researcher must keep unbound papers in the order in which they are delivered to him. If records appear to be in disorder, the researcher must not attempt to restore them to order but should call the fact to the attention of a supervisor. The supervisor may place a limitation on the use of records from more than one container at one time and may limit the quantity of records delivered to a researcher at one time.

§ 2.24 Night and Saturday use.

Requests for records or library books to be used at night must be submitted to the supervisor in charge of the central research room before 4:00 p.m. on the day on which they are to be used, and those for records or books to be used on Saturdays must be submitted before 3:00 p.m. on the preceding Friday.

§ 2.25 Removal or mutilation of records.

No records or other property of the National Archives and Records Service may be taken from the research rooms except by members of the Service staff acting in their official capacities or by others having written authorization from a research room supervisor. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (62 Stat. 695; 18 U.S.C. 2071).

§ 2.26 Disturbances.

Loud talking and other actions likely to disturb researchers are prohibited. Persons desiring to use typewriters, to read proof aloud, or to do other work that may disturb others in the research rooms will, where possible, be assigned desks in a room designated for such purposes.

§ 2.27 Smoking and eating.

Smoking and eating in the research rooms are prohibited, and food may not be brought into the research rooms except in sealed containers.

REPRODUCTION SERVICES

§ 2.30 Reproduction fees.

The National Archives and Records Service will, for a fee, furnish reproductions of records in its custody to which no restriction has been attached. Fees must be paid in advance except in cases where the Chief of a Reference Branch approves an order for handling them on an "accounts receivable basis." Fees may be paid to the National Archives and Records Service in coin or currency of the United States, by postal money order, by check drawn on a bank in the United States or one of its possessions and made payable to the General Services Administration, or by international money order or check drawn in United States dollars on a bank in the United States and payable to the General Services Administration.

§ 2.31 Reproduction equipment and personnel.

Insofar as practicable the reproduction of records in the National Archives Building will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. Exceptions to this rule may be made by the Chief of a Reference Branch only when it has been determined by proper authority that the equipment proposed to be used is safe for use in the place and manner intended: *And provided,* That the equipment is used under the supervision of responsible personnel of the Service.

§ 2.32 Authentication and attestation.

Upon request and the payment of appropriate fees, authentication certificates in the name of the Archivist of the United States will be prepared and attached to reproductions of records deposited with the National Archives. Authority to issue such certificates is redelegated to the Director, Office of the Federal Register; the Assistant Archivists for Civil and Military Archives; the Director, World War II Records Division; the Chief, Central Research Room Branch; and the Chief of any Reference Branch of the Offices of Civil and Military Archives.

INFORMATION SERVICE

§ 2.35 Information about records.

Upon request, information about the over-all holdings of the National Archives and Records Service or information about the presence of specific records among its holdings will be furnished, provided that the time required to service such requests is not excessive.

§ 2.36 Information derived from records.

Information contained in the records will not ordinarily be furnished by the National Archives and Records Service except in the form of photo-copies of the records themselves subject to the provisions of § 2.4.

LEGAL DEMANDS

§ 2.40 Compliance with subpoena or other legal demand.

When a subpoena duces tecum or other legal demand for the production of records or other material deposited with the National Archives is served upon the Administrator of General Services, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records or material, or the original records or material if necessary, unless he determines that disclosure of the information contained therein is contrary to law or Executive order or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the grounds that he does not have legal custody thereof; that he is without authority under these regulations to produce the same; and that the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4203; Filed, Apr. 26, 1962; 11:39 a.m.]

PART 6—DWIGHT D. EISENHOWER LIBRARY

The following new Part 6 is added to Title 44 of the Code of Federal Regulations:

Sec.
6.0 Scope.
6.1 Definitions.
6.2 Legal custody.
6.3 General conduct.
6.4 Photography by visitors.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

6.10 Inquiries regarding use.
6.11 Restricted materials.
6.12 Admission card. [Reserved]
6.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

6.50 Service of subpoena, or other legal demand; compliance.

AUDITORIUM

6.60 Primary uses.
6.61 Standards for assigned uses.
6.62 Application procedure.
6.63 General provisions.

AUTHORITY: §§ 6.0 to 6.63 issued under sec. 205, 63 Stat. 389; 40 U.S.C. 486 and 69 Stat. 695; 44 U.S.C. 397 (e), (f), (j).

§ 6.0 Scope.

The provisions of this part apply to historical material in the Dwight D. Eisenhower Library.

§ 6.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "act" means section 507 of the Federal Records Act of 1950, 44 U.S.C. 397.

(b) The term "Library" means the Dwight D. Eisenhower Library, Abilene, Kansas.

(c) The term "building" means the building occupied by the Library at Abilene, Kansas.

(d) The term "Administrator" means the Administrator of General Services.

(e) The term "Archivist" means the Archivist of the United States.

(f) The term "Director" means the Director of the Dwight D. Eisenhower Library.

(g) The term "historical material" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 6.2 Legal custody.

The Administrator has legal custody of historical material in the Library.

§ 6.3 General conduct.

All persons entering in or upon Library property are subject to the general regulations covering public buildings and grounds issued by the Administrator (44 CFR 100).

§ 6.4 Photography by visitors.

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photolighting devices are not used, and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices, tripods, or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIAL

§ 6.10 Inquiries regarding use.

Historical material in the Library, except for items displayed in the exhibit rooms, will not be available for use until restricted material has been identified and segregated. Notice will be published when unrestricted materials are opened to research, and this section will be revised accordingly. In the interim, questions regarding access to historical material should be addressed to the Director.

§ 6.11 Restricted materials.

In accordance with the provisions of section 507(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397(f)(3)), materials on which availability and use restrictions have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of material will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 6.12 Admission card. [Reserved]

§ 6.13 Withdrawal of admission card. [Reserved]

RESEARCH ROOM RULES [Reserved]

LOANS AND REPRODUCTIONS [Reserved]

AUTHENTICATION AND ATTESTATION [Reserved]

LEGAL DEMANDS

§ 6.50 Service of subpoena or other legal demand; compliance.

When a subpeona duces tecum or other legal demand for the production of historical material in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

AUDITORIUM

§ 6.60 Primary uses.

The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

§ 6.61 Standards for assigned uses.

(a) When the auditorium is not required for library purposes, assignments may be made upon application, for the following uses:

(1) For meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations that are sponsored by or related to the activities of the Library.

(3) For the presentation to the public of lectures, concerts, and similar performances sponsored by the Library or in which its employees participate.

(4) For other uses at the discretion of the Director.

(b) Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprise or commodities, or those having political, sectarian, or a similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

§ 6.62 Application procedure.

Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director and should include the following information:

(a) The name of the organization requesting the assignment;

(b) The date on which assignment is requested, and the hours of contemplated use;

(c) A brief description of the scheduled meeting or performance;

(d) The approximate number of persons expected to attend (capacity of the auditorium is 165);

(e) A statement as to whether or not it is the intention to exhibit at the meet-

ing or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base; and

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

§ 6.63 General provisions.

(a) No program will be permitted to continue beyond 10 p.m.

(b) No admission fee may be charged, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is prohibited.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director of the Library.

(g) The posting of any material about the premises is subject to the approval of the General Services Administration's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one shall be admitted to other parts of the building closed to the general public.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4204; Filed, Apr. 26, 1962; 11:39 a.m.]

SUBCHAPTER C—REAL PROPERTY MANAGEMENT

PART 100—PUBLIC BUILDINGS AND GROUNDS

Revision and Transfer of Section

Section 100.37 is rescinded because it has been revised, renumbered and transferred as § 2.13 of Part 2 of this chapter.

BERNARD L. BOUTIN,
Administrator.

APRIL 25, 1962.

[F.R. Doc. 62-4205; Filed, Apr. 26, 1962; 11:39 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 1]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of midnight, June 7, 1962, G.m.t., Part 308 is hereby amended to reflect the following changes:

1. Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, June 7, 1963, G.m.t."

2. Amend § 308.200 *Amount of insurance for which application may be made*, § 308.201 *Form of application*, § 308.203 *Sum which will be insured under interim binder*, and § 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, by changing the amounts contained therein to read "$750.00."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: April 17, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-4118; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Second Deadline for Applications With Respect to Funds Available During Fiscal Year 1962

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, 26 F.R. 2688, March 30, 1961, and 26 F.R. 9777, October 18, 1961), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967) 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.27) in order to establish a second deadline date for filing applications with respect to funds available during the fiscal year 1962. The new section reads as follows:

§ 114.27 Second deadline for applications with respect to funds available during fiscal year 1962.

For the purposes of sections 3 and 14 of the Act, June 25, 1962, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: April 19, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-4125; Filed, Apr. 26, 1962; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Fort Peck Game Range, Montana

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

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

MONTANA

FORT PECK GAME RANGE

Sport fishing on the Fort Peck Game, Montana, is permited only on the areas designated by signs as open to fishing. This open area, comprising 180,000 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, P.O. Box 819, Lewistown, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: Open entire year as prescribed by State regulations.

(c) Daily creel limits: Trout: 10 fish not to exceed 10 pounds and 1 fish. Pike and sauger: 15 fish not to exceed 15 pounds and 1 fish. Plus minor species as prescribed by State regulations.

(d) Methods of fishing. (1) Tackle: As prescribed by State regulations.

(2) Bait: As prescribed by State regulations.

(3) Boats: Boats with or without motors may be used for fishing.

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

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

(3) The provisions of this special regulation are effective to May 21, 1963.

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

APRIL 19, 1962.

[F.R. Doc. 62-4107; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

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

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

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,200 acres or 59 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters at the National Bison Range, Moiese, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, perch, bullhead and sunfish.

(b) Open season. (1) All waters are closed from March 1, 1962, through July 15, 1962, except that portion of Ninepipe Refuge from and including the main dike along the north shore to the Allentown bridge and that portion of the refuge east of Highway 93.

(2) All waters open to fishing July 15, 1962, through September 3, 1962 (Labor Day).

(3) All waters closed to fishing except main dike as posted from September 4, 1962, to the beginning of migratory waterfowl hunting season.

(4) All waters closed to fishing during migratory waterfowl hunting season.

(5) All waters open to fishing day following migratory waterfowl hunting season through February 28, 1963.

Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Bass: 15 fish not to exceed 15 pounds and 1 fish. Minor species as per State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used. Other fish, live or dead, may not be used for bait.

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

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

(3) The provisions of this special regulation are effective to March 1, 1963.

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

APRIL 20, 1962.

[F.R. Doc. 62-4108; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Montana

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

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

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,500 acres or 47 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the Benton Lake National Wildlife Refuge, 302 Rocky Mountain Building, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport Fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: June 2, 1962, through February 28, 1963, except closed during waterfowl hunting season. Fishing hours: 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—10 fish not to exceed 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used. Other live or dead fish prohibited.

(3) Boats: Boats prohibited on West Lake. Boats with motors up to 10 h.p. may be used for fishing on East Lake.

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

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

(3) The provisions of this special regulation are effective to March 1, 1963.

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

APRIL 20, 1962.

[F.R. Doc. 62-4109; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Willow Creek National Wildlife Refuge, Montana

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

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

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,420 acres or 44 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters of the Benton Lake National Wildlife Refuge, 302 Rocky Mountain Building, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species as prescribed by State regulations.

(b) Open season: June 2, 1962, through February 28, 1963, except closed during migratory waterfowl hunting season. Fishing hours 5:00 a.m. to 10:00 p.m.

(c) Daily creel limits: Trout—10 fish not to exceed 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing. (1) Tackle: One line and hook or hooks with or without pole in immediate control.

(2) Bait: Sculpin (Cottus) may be used. Other live or dead fish may not be used for bait.

(3) Boats: Boats with motors up to 10 h.p. may be used for fishing.

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

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

(3) The provisions of this special regulation are effective to March 1, 1963.

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

APRIL 20, 1962.

[F.R. Doc. 62-4110; Filed, Apr. 26, 1962; 8:47 a.m.]

PART 33—SPORT FISHING

Cape Romain National Wildlife Refuge, South Carolina

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

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

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Cape Romain National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. This open area, comprising

580 acres or 1.67 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass; bream and other minor species permitted by State regulations.

(b) Open season: May 1 through September 30. Daylight hours only.

(c) Daily creel limits: Black bass: 10; game fish other than bass: 25; other minor species as permitted by State regulations.

(d) Methods of fishing. (1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes, and other floating devices without motors permitted.

(3) Fishing from dikes, dams and water control structures prohibited.

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

(2) Rowboats, canoes, and other floating devices without motors may be placed in Jack's Creek only at points designated by posting by the officer in charge but must be removed from the refuge at the close of each day's fishing.

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

(4) The provisions of this special regulation are effective to October 1, 1962.

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

APRIL 19, 1962.

[F.R. Doc. 62-4111; Filed, Apr. 26, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend 36 CFR 7.14 as set forth below. The purpose of this amendment is to close additional waters to general fishing and to provide special fishing streams for the exclusive use of children under age twelve. Special creel limits and rules governing lures are provided for this purpose.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

FRED J. OVERLY,
Superintendent, Great Smoky Mountains National Park.

Paragraph (a) of § 7.14 is amended to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *Open and closed waters.* All park waters are open to fishing except the following:

* * * * *

(ii) Tennessee: All waters of the Middle Prong of Little Pigeon River above the point where Ramsey Prong enters it; and that portion of LeConte Creek (also known as Mill Creek) as posted through the residential area of Twin Creeks.

* * * * *

(4) *Restrictions as to use of bait.* Fishing is permitted only with artificial flies or lures with one hook. Possession of insect adults, pupae and larvae, earthworms, amphibians or mammals, or parts thereof, along any stream while in possession of fishing tackle shall be considered prima facie evidence of violation of this section, except as noted in subparagraph (7) (i) (c) of this paragraph.

* * * * *

(6) *Limit of catch and in possession.* Five fish is the maximum number of trout or bass, or combination thereof, which an angler may catch and retain in any one day or have in his possession at any time, except upon portion of streams designated as waters reserved for children, where limit shall be two (2) fish per child fishing per day with one day's catch in possession. Immediately upon retention of the fifth fish, the fisherman must disassemble his fishing tackle and cease fishing. There is no creel limit on other species of fishes.

(7) *Restrictions and exceptions in certain waters of the park.* The following waters are designated as "Sport Fishing Streams" and subject to the following restrictions:

(i) * * *

(c) Waters reserved for children. That portion of the Little River in Tennessee which lies between the stone bridge at the entrance to the Appalachian Club downstream to the lower boundary of Millsaps Picnic Area, and that portion of the Oconaluftee River in North Carolina which lies between the junction of the Bradley Fork with the Oconaluftee River to the steel bridge where Tow String Road crosses the Oconaluftee River, shall be reserved for children under the age of 12 during the regular fishing season as permitted under subparagraph (3) of this paragraph. Children may use artificial flies and lures, worms, grasshoppers, or other live insects, on single hook.

[F.R. Doc. 62-4112; Filed, Apr. 26, 1962; 8:47 a.m.]

[36 CFR Part 7]

MAMMOTH CAVE NATIONAL PARK, KENTUCKY

Limitation on Load and Weight of Vehicles

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend 36 CFR 7.36 as set forth below. The purpose of this amendment is to control load and weight limitations on roads and ferries within Mammoth Cave National Park.

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

A new paragraph (e) is added to § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

* * * * *

(e) *Limitation on load and weight of vehicles.* (1) Vehicles with a gross weight in excess of 8 tons (16,000 pounds) are prohibited from using the roads or ferries within Mammoth Cave National Park, except that vehicles in excess of 8 tons carrying passengers and/or their luggage, camping equipment and related items for vacation or recreational purposes may use park roads.

(2) The Superintendent may, in his discretion and when it has been administratively determined to be in the best interest of the government, issue a special permit for the moving of vehicles with a gross weight in excess of 8 tons over park roads, but in no case may the 8 ton load limit on the ferries be exceeded.

PERRY E. BROWN,
Superintendent, Mammoth Cave National Park.

[F.R. Doc. 62-4113; Filed, Apr. 26, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 748) has been filed by Mobay Chemical Company, 812 Monsanto Avenue, Springfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of polycarbonate plastics as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry food.

Dated: April 19, 1962.

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

[F.R. Doc. 62-4129; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 603) has been filed by J. E. Siebel Sons' Company, Inc., 4055 West Peterson Avenue, Chicago 46, Illinois, proposing the issuance of a regulation to establish a tolerance of 3 parts per million for residues of cobalt in fermented malt beverages from use of cobaltous sulfate, cobaltous chloride, and cobaltous acetate to improve foam adhesion, foam stability, and to prevent gushing.

Dated: April 23, 1962.

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

[F.R. Doc. 62-4130; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 754) has been filed by Tokai Rubber Industries, Ltd., 9, Suehiro-cho, Yokkaichi, Mie, Japan, proposing the issuance of a regulation to provide for the safe use of conveyor belting composed of cotton and synthetic fabrics and covered with chloroprene polymer and acrylonitrile butadiene polymer formulations. The belting is used for conveying food.

Dated: April 23, 1962.

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

[F.R. Doc. 62-4131; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 178) has been filed by The Dietene Company, Highway 100 at West 23d Street, Minneapolis 16, Minnesota, proposing the amendment of § 121.1009 of the food additive regulations to provide for the safe use of polysorbate 80 as a solubilizing and dispersing agent of fats in foods for special dietary use.

Dated: April 23, 1962.

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

[F.R. Doc. 62-4132; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; U.S.C. 348(b)(5)), notice is given that a petition (FAP 774) has been filed by Hercules Powder Company, 910 Market Street, Wilmington, Delaware, proposing the issuance of a regulation to provide for the safe use of hydroxyethylcellulose in the manufacture of paper, and paperboard for food packaging, and for its use as an ingredient of resinous and polymeric coatings that contact food.

Dated: April 23, 1962.

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

[F.R. Doc. 62-4133; Filed, Apr. 26, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 521) has been filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing the issuance of a regulation to provide for the safe use of the following substances as components of textile processing adjuvants employed in the manufacture of textiles and textile fibers intended for use as articles or components of articles that contact dry food only:

List of substances:
- Aluminum stearate.
- Anise oil.
- Butyl-acetyl ricinoleate.
- Di-*tert*-butyl hydroquinone.
- Dimethylpolysiloxane.
- Ethylenediaminetetraacetic acid, sodium salt.
- Eugenol.
- Fats, oils, fatty acids, and fatty alcohols derived from castor, coconut, cottonseed, fish, mustard-seed, palm, peanut, rapeseed, ricebran, soybean, sperm, and tall oils.
- Fats, oils, fatty acids, and fatty alcohols described in the preceding item reacted with:
  - *n*-Butyl and isobutyl alcohol.
  - Diethylene glycol.
  - Diethanolamine.
  - Glycerin.
  - Hydrogen.
  - Methyl alcohol.
  - Oxygen.
  - Polyethylene glycol.
  - Potassium hydroxide.
  - Propylene glycol.
  - Sodium hydroxide.
  - Sulfuric acid.
- Formaldehyde.
- Glyceryl mono-12-hydroxystearate.
- Isobutyl alcohol.
- Kerosene.
- Methyl ester of sulfated rice bran oil.
- Mono- and diisopropylated meta- and para-cresols (isothymol derivative).
- Mineral oil.
- *N* - oleyl,*N'* - acetyl,*N'* - beta - *hydroxyethyl* ethylenediamine.
- Petroleum sulfonate.
- Pine oil.
- Polyoxyethylene (5–15 mols of ethylene oxide) ether of nonyl- or octylphenol.
- Potassium soap of a saponified sulfated castor oil.
- Sodium hydrosulfite.
- Sodium dioctylsulfosuccinate.
- Sodium lauryl sulfate.
- Sodium 2-mercaptobenzothiasole.
- Sulfated propyl, butyl, and isobutyl oleate.
- Ultramarine blue.
- Wax, petroleum.
- Zinc hydrosulfite.

Dated: April 23, 1962.

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

[F.R. Doc. 62-4134; Filed, Apr. 26, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1173]

DE HAVILLAND MODEL D.H. 104 DOVE AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 104 Dove aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 29, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

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

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

DE HAVILLAND. Applies to all Model D.H. 104 Dove aircraft.

Compliance required as indicated.

As a result of instances where cracks have occurred in the aileron lever, P/N 4WA315, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight is the aileron is removed for any reason.

(a) Visually inspect the aileron lever, P/N 4WA315 for cracks at the lugs for the

attachment of the connecting rod and in the counter-bored portion which receives the mass balance arm. If evidence of cracks is found, verify using dye penetrant or other FAA approved equivalent method.

(b) Replace cracked aileron levers prior to further flight.

(c) When de Havilland Dove Modification 967, which incorporates a forged lever, P/N 4WA491, is installed, the inspections in (a) are no longer required.

(De Havilland Technical News Sheet CT (104) No. 151, Issue 3 dated January 1, 1962, covers this subject.)

Issued in Washington, D.C., on April 23, 1962.

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

[F.R. Doc. 62-4099; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1174]

DE HAVILLAND MODEL D.H. 114 HERON AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 114 Heron aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 29, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

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

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

DE HAVILLAND. Applies to all Model D.H. 114 Heron aircraft.

Compliance required as indicated.

As a result of instances where cracks have occurred in the aileron lever P/N 14WA199, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight if the aileron is removed for any reason.

(a) Visually inspect the aileron lever, P/N 14WA199 for cracks at the lugs for attachment of the connecting rod, in the region of the attaching pins for the mass balance weight tube and at the lower end of the lever counter bore. If evidence of cracks is found, verify using dye penetrant or other FAA approved equivalent inspection method.

(b) Replace cracked aileron levers prior to further flight.

(c) When de Havilland Heron Modification 662 which incorporates a new forged lever P/N 14WA245, is installed, the inspections in (a) are no longer required.

(De Havilland Technical News Sheet Heron (114) No. W3 Issue 2 dated January 1, 1962, covers this subject.)

Issued in Washington, D.C., on April 23, 1962.

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

[F.R. Doc. 62-4100; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WA-29]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6440 and 601.6440 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 440 is designated in part from Yakutat, Alaska, to Biorka Island, Alaska. The Federal Aviation Agency has under consideration a proposal by the Canadian Department of Transport to extend Victor 440 and its associated control areas from the Biorka Island VORTAC direct to a VOR to be installed in the vicinity of Sandspit, B.C., Canada, at latitude 53°15'09" N., longitude 131° 48'19" W., approximately October 11, 1962. It is also proposed to designate the United States portion of VOR Federal airway No. 317 and its associated control areas from the Sandspit VOR direct to the Annette Island, Alaska, radio range station.

Designation of the United States portion of Victor 440 would provide a route for VOR equipped aircraft between Vancouver, B.C., Canada, and Anchorage, Alaska. Designation of the United States portion of Victor 317 would provide a segment of a planned VOR airway between Vancouver and Fairbanks, Alaska. Both airways would follow the general alignment of low frequency airways.

The control areas associated with the United States portions of these airway segments would extend upward from 700 feet above the surface. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62-4101; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SW-20]

CONTROL AREA EXTENSION

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1367 of the regulations of the Administrator, the substance of which is stated below.

The Wink, Texas, control area extension (§ 601.1367) is designated as that airspace bounded on the south by a line extending from latitude 31°27'00" N., longitude 103°02'00" W., to latitude 31°27'00" N., longitude 103°30'00" W., on the southwest by a line extending from latitude 31°27'00" N., longitude 103°30'00" W. to latitude 31°41'30" N., longitude 103°30'00" W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the south boundary of VOR Federal airway No. 16 south alternate east of Wink and on the southeast by the east boundary of VOR Federal airway No. 79.

The Federal Aviation Agency has under consideration the alteration of the Wink control area extension by adding the airspace northeast of Wink bounded on the north by a line 5 miles north of and parallel to the Midland, Texas, VOR 283° True radial, on the east by a line extending from latitude 32°07'00" N., longitude 102°48'40" W., to latitude

32°13'10" N., longitude 102°54'30" W., on the southeast by VOR Federal airway No. 16, on the southwest by the Wink control area extension 20-mile radius area, and on the northwest by VOR Federal airway No. 79. This would provide protection for arriving and departing civil jet aircraft, scheduled to begin operations at the Midland Air Terminal approximately July 15, 1962, while conducting a portion of their flight between Midland and Jet Route No. 15 northwest of Wink at altitudes below the continental control area.

The proposal contained herein is being issued at this time in advance of the implementation of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules, to permit fulfillment of the urgent airspace requirements in the Midland terminal area at the earliest practicable date. Upon completion of the review of the airspace requirements attendant to the implementation of Amendment 60–21 in the Midland area, separate airspace action will be taken proposing the conversion of the control area extensions in this area to transition areas with appropriate controlled airspace floor assignments.

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

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

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62–4102; Filed, Apr. 26, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62–WE–25]

CONTROL ZONES

Proposed Alteration and Designation

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

The Fresno, Calif., control zone is presently designated within a 5-mile radius of Fresno Air Terminal; within a 3-mile radius of Fresno/Chandler Municipal Airport and within 2 miles either side of the west and southeast courses of the Fresno radio range extending from the radio range station to points 10 miles west and southeast.

The Federal Aviation Agency has under consideration the alteration of the Fresno control zone by deleting reference to Chandler Municipal Airport, revoking the extensions to the west and southeast, designating a control zone extension extending from the 5-mile radius zone to the Fresno VOR and designating a separate control zone at Chandler Municipal Airport.

The Fresno (Fresno Air Terminal), Calif., control zone would be designated within a 5-mile radius of Fresno Air Terminal (latitude 36°46'25" N., longitude 119°42'35" W.), and within 2 miles either side of the 149° True radial of the Fresno VOR extending from the 5-mile radius zone to the VOR. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Fresno Air Terminal.

The Fresno (Chandler Municipal Airport), Calif., control zone would be designated from 0700–2300 hours local time, daily, within a 5-mile radius of Chandler Municipal Airport (latitude 36° 43'55" N., longitude 119°49'05" W.), and within 2 miles either side of the southeast course of the Fresno, Calif., radio range extending from the 5-mile radius zone to 8 miles southeast of the radio range, excluding the portion which would coincide with the Fresno (Fresno Air Terminal) control zone as proposed above. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Chandler Airport. Communication and weather reporting service would be provided to aircraft operating within the proposed control zone by the Federal Aviation Agency control tower scheduled to be commissioned approximately May 1, 1962. The control zone would be designated on a part-time basis to coincide with the hours of operation of the control tower.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on April 20, 1962.

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

[F.R. Doc. 62–4103; Filed, Apr. 26, 1962; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

GENERAL COUNSEL

Redelegation of Authority With Respect to Settlement of Claims

Correction

In F.R. Doc. 62–4026, appearing at page 3936 of the issue for Wednesday, April 25, 1962, the phrase reading "to unjust and settle claims" in paragraph II should read "to adjust and settle claims".

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE WAGES AND PRICES IN FLORIDA

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in sections 301 (c)(1) and (c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held in Canal Point, Florida, in the Community Building at Canal Point on May 9, 1962, beginning at 10 a.m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act whether the wage rates established for Florida sugarcane fieldworkers in the wage determination, which became effective August 22, 1961 (7 CFR 863.13), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1962 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices for sugarcane.

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

Ward S. Stevenson and Charles F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on April 24, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–4137; Filed, Apr. 26, 1962; 8:50 a.m.]

[Amdt. 1]

HYBRID CORN AND HYBRID SORGHUM SEED

Section 32 Diversion Program

Correction

In F.R. Doc. 62–3965, appearing at page 3894 of the issue for Tuesday, April 24, 1962, the third line of the paragraph designated "B." should be deleted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANEB

Notice of Establishment of Temporary Tolerances

Correction

In F.R. Doc. 62–3960, appearing at page 3894 of the issue for Tuesday, April 24, 1962, paragraph 2 should read as follows:

2. The total amounts to be used under experimental permits will not exceed 20,000 pounds of the finished product containing 53 percent maneb on the grains and 1,500 pounds of the finished product containing 80 percent maneb on plums.

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cutoff Date for Filing Applications for Federal Capital Contributions

As previously indicated in a memorandum dated March 26, 1962, to the concerned colleges and universities, May 10, 1962, is the date on or before which all applications for Federal Capital Contributions from States' allotments or reallotments under Title II of the National Defense Education Act of 1958 (Pub. Law 85–864, as amended, 72 Stat. 1583, 20 U.S.C. 421) must be filed by institutions of higher education in order to be considered for payments from the appropriation for such purpose in the Department of Health, Education, and Welfare Appropriation Act, 1963.

All applications shall be submitted to: Student Assistance Branch, Division of College and University Assistance, Bureau of Educational Assistance Programs, Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: April 12, 1962.

[SEAL] STERLING M. MCMURRIN,
U.S. Commissioner of Education.

Approved: April 19, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 62–4126; Filed, Apr. 26, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB–48(Rev.), to include San Juan, Puerto Rico, and St. Thomas, Virgin Islands as privilege ports of call for the "SS Argentina" and "SS Brasil" on voyages on Trade Route No. 1, but not to carry domestic passengers or cargo between United States ports and San Juan, Puerto Rico.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on May 11, 1962, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: April 24, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–4135; Filed, Apr. 26, 1962; 8:50 a.m.]

Office of the Secretary

JEROME L. KLAFF

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: Booth & Flynn Company, Washington Steel Corp., and Baltimore Investment Association.

B. Additions: American Telephone & Telegraph and Standard Oil Co. of New Jersey.

This statement is made as of April 16, 1962.

JEROME L. KLAFF.

APRIL 16, 1962.

[F.R. Doc. 62-4116; Filed Apr. 26, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or a petition to intervene is filed as provided by the Commission's rules of practice (Title 10, CFR, Ch. I, Part 2), the Commission proposes to issue an amended Facility License No. CX-17, as set forth below. The license authorizes North American Aviation, Incorporated to operate its separable-half type critical experiment facility located in Ventura County, California. The amended license would also (1) incorporate into the license the licensee's existing procedures during operations which could involve changes in core reactivity when the reactor is shut down, (2) Authorize the receipt and use in the facility of additional amounts of certain source materials, (3) authorize certain changes in the operating procedures, interlock systems, equipment and material specifications for the facility, and (4) incorporate into the license technical specifications and change procedures as contemplated by the Commission's proposed amendment to Part 50 of its regulations. Petitions for leave to intervene and requests for a formal hearing shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2).

For further details see (a) the application for license and amendments thereto submitted by North American Aviation, Inc., and (b) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-17; Amdt.]

1. This license applies to the separable-half type critical experiments facility (hereinafter referred to as "the reactor") which is owned by North American Aviation, Incorporated (hereinafter referred to as "the licensee") and located on the licensee's site in Ventura County, California, and described in the "Final Safeguards Report" which is hereinafter defined.

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. There is reasonable assurance that the reactor will be operated in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession, and use of the source material, byproduct material, and special nuclear material in the manner proposed will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has filed with the Commission proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Ch. I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Ventura County, California.

B. Pursuant to the Act and Title 10, CFR, Ch. I, Part 70, "Special Nuclear Material," to receive, possess and use special nuclear material as follows:

(1) 25 kilograms of uranium-233, and 110 kilograms of uranium-235 as fuel for the reactor;

(2) 135 grams of uranium-233, 1,135 grams of uranium-235, and 135 grams of plutonium-239 in foils and capsules for use in connection with operation of the reactor;

(3) 0.5 grams each of uranium-233, uranium-235 and plutonium-239 in fission counters for use in connection with operation of the reactor; and

(4) 32 grams of plutonium in encapsulated neutron sources for use in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Ch. I, Part 40, "Control of Source Material," to receive, possess and use source material as follows:

(1) 1500 kilograms of thorium-232 for use in the core and buffer regions of the reactor;

(2) 700 grams of natural uranium and thorium 232 in foils and capsules for use in connection with operation of the reactor; and

(3) 0.5 gram each of thorium 232, depleted uranium, uranium 234, and uranium 236, in fission counters for use in connection with operation of the reactor.

D. Pursuant to the Act and Title 10, CFR, Ch. I, Part 30, "Licensing of Byproduct Material," to receive and use 0.5 gram of neptunium-237 in fission counters for use in connection with operation of the reactor and to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 40.41 of Part 40, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Ch. I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The steady-state power level of the reactor shall not exceed 200 watts thermal.

B. The licensee is not authorized under this license to conduct the separation chemistry experiments described in Item 14 of Section II of Supplement B to Epithermal Critical Experiments Safeguards Report.

C. Technical specifications: The technical specifications shall consist of the Final Safeguards Report as defined in paragraph 4H of this license. Except as hereinafter provided, the licensee shall operate the reactor only in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission.

D. Authorization of changes and experiments:

(1) The licensee may (a) make changes in the reactor, (b) make changes in the procedures, and (c) conduct tests or experiments, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, as defined in paragraph (2) of this section. The licensee shall promptly file with the Commission a report of each change, test or experiment carried out pursuant to the authorization granted in this paragraph. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless authorized by the Commission pursuant to the procedures set forth in this section.

(2) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question if (a) the probability of occurrence of a type of accident analyzed in the Final Safeguards Report may be increased; or (b) if consequences of any type of accident analyzed in the Final Safeguards Report may be increased; or (c) if such change, test or experiment may create a credible probability of a nuclear accident of a different type than any analyzed in the Final Safeguards Report.

(3) With respect to any change, test or experiment which must be authorized by the Commission pursuant to paragraph (1) of this section, the licensee shall submit a request for such authorization accompanied by an appropriate hazards analysis. Each such submittal should be filed with the Atomic Energy Commission, Attention: Division of Licensing and Regulation. Each such submittal should be executed in three signed originals by the licensee or duly authorized officer thereof under oath or affirmation, and 19 additional copies should be filed.

(4) The Commission may authorize the proposed change, test or experiment upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(5) Any report or request for authorization submitted by the licensee, and any determination by the Commission, or authorization issued by the Commission, pursuant to this section, shall be made a part of the public record of the licensing proceeding.

E. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. The licensee shall immediately report to the Commission in writing any substantial variance disclosed by operation of the reactor from performance specifications of the reactor contained in the technical specifications.

H. As used in this license, the term "Final Safeguards Report" means collectively the "Preliminary Safeguards Report—AI–4120" dated August 12, 1959, with the exception of Rule 13 set forth on page 77 which is considered to be deleted, the application amendment dated April 20, 1960, Supplement "A" to the Preliminary Safeguards Report, the application amendment dated January 27, 1961, Supplement B to Epithermal Critical Experiments Safeguards Report and the licensee's letters to the Commission dated October 23, 1961, and December 6, 1961.

5. This license is effective as of the date of issuance and shall expire at midnight December 24, 1979.

Dated at Germantown, Md., this -- day of ------ 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–4090; Filed, Apr. 26, 1962; 8:45 a.m.]

[Docket No. 50–129]

WEST VIRGINIA UNIVERSITY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R–58, set forth below. The license authorizes West Virginia University to operate its Model AGN–211 reactor located in Morgantown, West Virginia. The amendment adds certain conditions regarding procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity.

The Commission had requested that each utilization facility licensee provide a description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed this submittal by West Virginia University for its reactor and believes that there is little likelihood of an inadvertent criticality under the conditions described. In the interest of greater safety and to further minimize the possibility of an accident, however, the additional conditions have been imposed by Amendment No. 4 to License No. R–58.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as proposed does not adversely change the hazards to the health and safety of the public from those presented by the previously authorized operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within fifteen days after publication of this notice in the FEDERAL REGISTER. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see the application for license submitted by West Virginia University on file at the Commission's Public Document Room.

Dated at Germantown, Md., this 23d day of April 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–58; Amdt. 4]

License No. R–58, as amended, which authorizes West Virginia University (hereinafter "the licensee") to operate its reactor Model AGN–211, Serial No. 103, located on its campus in Morgantown, West Virginia, is amended by adding the following conditions thereto:

"With respect to operations which could involve changes in core reactivity when the reactor is shut down, including those described in Items VII (a), (b), and (d) listed in the licensee's letter to the Commission dated October 26, 1961:

1. During such operations the licensee shall maintain attended and closely observed nuclear instrumentation in operation.

2. Such operations shall be conducted under the direct and personal supervision of the Reactor Director or a technically qualified supervisor designated by the Reactor Director.

3. Such operations shall be conducted in accordance with appropriate written procedures prepared and approved by the licensee."

This amendment is effective as of the date of issuance.

Date of issuance: April 23, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62–4091; Filed, Apr. 26, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13329]

AIR BUS REFUND

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1962, at 10 a.m., e.d.s. time, in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before May 4, 1962, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of position of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., April 24, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–4123; Filed, Apr. 26, 1962; 8:48 a.m.]

[Docket No. 13564; Order E–18246]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation and Route Realignment; Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of April 1962.

The Board in the past three and one-half years has made extensive awards to local service carriers subject to its "use it or lose it" policy. This policy contemplates an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal

investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve months period. The minimum standard in this regard required an average passenger load of seven passengers per flight during the trial period, and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense may dictate the contrary. Seven States Area Investigation, Order E–13254, dated December 8, 1958; Southeastern States Area Investigation, Order E–14754, dated December 18, 1959.

As indicated by Appendix B to this order,[1] Southern's segments 1(b), 9 and 11 have not met our traffic standards for segment passenger loads. However, in all three cases, we believe that there are circumstances which warrant our decision herein not to include the issue of suspension or deletion for each of these segments. With respect to segment 1 (b), the more recent monthly traffic loads are such that we believe that, in the very near future, the traffic results for a 12-month period should exceed seven passengers per mile. Additionally, the traffic produced on segment 1 between Birmingham/Tuscaloosa and Atlanta on flights which operate over segment 1(b) is in large part the result of service to points on segment 1(b). The traffic over this portion of segment 1 between Birmingham/Tuscaloosa and Atlanta in the calendar year 1961 averaged 10.2 passengers per mile.

Insofar as segment 9 is concerned, the traffic produced in a rather substantial volume [2] is due in part to the integrated operations of segment 9 and segment 6 between Huntsville and Memphis. The same is true with respect to operations over segment 11 between Memphis and Nashville and with operations over segment 8 between Nashville and Bristol.[3]

Additionally, the outcome of the Board's decision in the Competitive Trunkline Investigation, Docket 13296, will have a substantial and meaningful effect on Southern's services in Tennessee. Consequently, we believe that the issue of deletion or suspension of Southern's service over segments 9 and 11 should not be consolidated with the instant case. Should, however, Southern's loads over these segments start to diminish, a traffic result we do not anticipate, we would immediately reassess our decision herein.

National Airlines, Inc., (National), stating that Southern's authority at Valdosta is permanent in nature, and that National's authority to serve Valdosta is suspended so long as Southern serves Valdosta, requested the Board, in due course, to amend National's certificate so as to delete Valdosta therefrom. We believe that this is the time and case to try the issue.

Delta Air Lines, Inc.'s (Delta) authority to serve Selma and Hattiesburg is currently suspended during the period of Southern's service at those cities. In view of the fact that Southern's service may be deleted at Selma and Hattiesburg in this proceeding, and in order to give the Board the widest latitude possible in its decision, we believe that the issue of deletion of Delta's authority at these two points should be considered. In view of the fact that Hattiesburg, Mississippi, may lose its only air service, Southern's segment 1 service, and the fact that Laurel, some 28 miles northeast of Hattiesburg, may lose its air service on segment 4, we believe that it would be appropriate that the issue of service to a single airport serving both these cities be heard in this proceeding. It may be that the traffic generated at Laurel and Hattiesburg over segment 1 may be of sufficient importance to the segment that the retention of this traffic through service at a single airport is necessary in order to assure the continued economic operation of the segment. Consequently, we believe that such an issue should be included.

We will not consider new or previously filed route applications of any carrier nor possible certificate modifications, except as contemplated herein, and we intend that this investigation shall be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing for a decision upon an adequate record. We will, however, consolidate Docket 11237, wherein the City of Crossville, Tennessee, seeks service to Nashville, Knoxville, Chattanooga and Oak Ridge. In considering the issue of Crossville's alleged need for certificated air service through its own airport, we will also consider the feasibility of providing service to Crossville through an airport which might jointly serve Rockwood. For the guidance of the parties in presenting their respective cases, we note that data reflecting traffic, service, and costs will be of particular significance in reaching our decision in this investigation, and we expect Southern to submit as direct exhibits in this case data which reflect the quality, quantity, and other characteristics of service it has provided over the segments and at the points here in issue or subsquently placed in issue by the Board: *Accordingly, it is ordered:*

1. That an investigation be and hereby is instituted pursuant to section 401(g) of the Act to determine (a) whether the public convenience and necessity require the continuation, and if so, for what period, of suspension or elimination of the authority of Southern to serve:

Clarksville, Tennessee.
Corinth, Mississippi.
Dyersburg, Tennessee.
Hattiesburg, Mississippi.
Morristown, Tennessee.
Paris, Tennessee.
Pascagoula, Mississippi.
Selma, Alabama.
Shelbyville/Tullahoma, Tennessee.
Union City, Tennessee.
Segment 4: Memphis-New Orleans.
Segment 10: Nashville-New Orleans.
Segment 12: Nashville-Memphis.

(b) in the event the termination of any point results in nonstop service between points which some other carrier is already authorized to serve on a nonstop basis, whether the public convenience and necessity require the suspension or elimination of the entire segment or a portion thereof, or change in the limitations contained in Southern's certificate;

2. That an investigation be and hereby is instituted, Docket 13564, wherein the following issues shall be heard:

a. Does the public convenience and necessity require the elimination of Delta's authority to serve Selma and Hattiesburg;

b. Does the public convenience and necessity require the elimination of National's authority to serve Valdosta; and

c. Does the public convenience and necessity require service to a single airport serving both Hattiesburg and Laurel;

3. That Docket 11237 be and hereby is consolidated herein;

4. That the investigation instituted herein shall include the issue of whether Crossville, Tennessee, shall be certificated for scheduled air service, and, if so, whether such service shall be provided through its own airport, or through an airport which would also serve Rockwood, Tennessee;

5. That a copy of this order shall be served on Southern Airways, Inc., Delta Air Lines, Inc., National Airlines, Inc., and the cities of New Orleans, Louisiana; Gulfport, Biloxi, Pascagoula, Hattiesburg, Laurel, Meridian, Jackson, Columbus, Corinth, Mississippi; Memphis, Nashville, Shelbyville, Tullahoma, Dyersburg, Union City, Paris, Clarksville, Morristown, Crossville, Rockwood, Tennessee; and Selma, Alabama, who are hereby made parties to this proceeding;

[1] Filed as part of original document.

[2] Excluding Bristol/Knoxville-Memphis traffic, which could utilize segments 9 and 6 or segments 8 and 11, the cities on segment 9, in the first six months of 1961, generated 500 passengers to cities on segment 6.

[3] An indication of the traffic integration can be found in the 2d quarter 1961 edition of "Competition Among Domestic Air Carriers," wherein the only intermediate point on segment 11, Jackson, Tennessee, generated 23 percent of its total passengers to segment 8 points. In the 1st Quarter of 1961, the same source reveals that Jackson exchanged 28 percent of its total traffic with segment 8 points.

6. That a copy of this order shall be served on American Airlines, Inc., Braniff Airways, Inc., and Eastern Air Lines, Inc.; and

7. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-4124; Filed, Apr. 26, 1962; 8:48 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS-1130-12	Public Utilities Specialist (Electric Power Marketing and Sales).	Bureau of Reclamation, Boulder City, Nev.	Jan. 12, 1962
GS-1712-6	Trainee Instructor (Vietnamese Language).	Army Language School, Presidio of Monterey, Calif.	Mar. 6, 1962
GS-111-18	Chief Economist	Federal Power Commission, Washington, D.C.	Feb. 7, 1962
GS-15	Assistant Executive Director, for which qualifications requirements include extensive and significant experience in the field of low rent public housing.	National Capital Housing Authority, Washington, D.C.	Feb. 8, 1962
GS-5 and 7	Statistician positions. Under the Classification Act, these positions are identified in series GS-1530-0. Comparable positions not subject to the Classification Act are also included.	Washington, D.C., metropolitan area.	Mar. 20, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

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

[F.R. Doc. 62-4117; Filed, Apr. 26, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 829]

OREGON

Vacation of Withdrawal Under Section 24 of the Federal Power Act

APRIL 23, 1962.

The Forest Service, United States Department of Agriculture, has requested that the Commission vacate the withdrawal pertaining to the lands which were reserved pursuant to the filing on August 5, 1927, of the application for a preliminary permit for proposed Project No. 829, which application was rejected June 30, 1930.

The lands are located within the Deschutes National Forest and were described in the Commission's September 14, 1927 withdrawal notification letter as follows:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 12 E.,
Sec. 33, SE¼NE¼;
Sec. 34, lot 2, S½NW¼.

The proposed project contemplated the construction of a diversion dam on Paulina Creek at the outlet of Paulina Lake, a pipeline approximately 3000 feet in length and a powerhouse at the terminus of the pipeline. Applicant proposed to use the power generated for public-utility purposes in the area and for irrigation pumping.

The drainage of Paulina Lake is small and the lake and the outflowing stream are fully utilized for irrigation purposes. The Forest Service has informed the Commission that the area is served with power by Midstate Electric Cooperative, Inc.

The Commission finds: Inasmuch as the above-described lands have negligible or no value for purposes of power development, the existing power withdrawal pertaining to the lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 829 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 829 is vacated.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4104; Filed, Apr. 26, 1962; 8:46 a.m.]

[Docket Nos. CP62-104, G-18313]

AMERICAN GAS COMPANY OF WISCONSIN, INC., AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Date of Hearing

APRIL 20, 1962.

Notice of the application of American Gas Company of Wisconsin, Inc. (American), in Docket No. CP62-104 and of the motion of Midwestern Gas Transmission Company (Midwestern) in Docket No. G-18313 to amend the Commission's order in said docket issued on October 31, 1959, accompanying Opinion No. 331 was issued by the Secretary of the Commission on March 1, 1962, and published in the FEDERAL REGISTER on March 8, 1962 (27 F.R. 2258).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in Docket No. CP62-104 and also by the motion to amend in Docket No. G-18313.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4105; Filed, Apr. 26, 1962; 8:46 a.m.]

[Docket No. CP62-161]

UNITED GAS PIPE LINE CO.

Notice of Postponement of Hearing

APRIL 23, 1962.

Upon consideration of the motion filed April 17, 1962, by Counsel for United Gas Pipe Line Company for postponement of the hearing now scheduled for May 7, 1962, in the above-designated matter;

The hearing now scheduled for May 7, 1962, is hereby postponed to May 14, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-4106; Filed, Apr. 26, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 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. 37694: *Fresh meats and packinghouse products from Rochelle, Ill.* Filed by Illinois Freight Association, Agent (No. 170), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from

[4] Appendices A and C filed as part of original document.

Rochelle, Ill., to specified points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 20 to Illinois Freight Association tariff I.C.C. 950.

FSA No. 37695: *Asphalt to points in North Dakota.* Filed by Northern Pacific Railway Company (No. 122), for itself and the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil, and petroleum wax tailings, in tank-car loads, from Billings, East Billings, and Laurel, Mont., to specified points in North Dakota.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 12 to Northern Pacific Railway Company tariff I.C.C. 9977.

FSA No. 37696: *Liquid caustic soda to Port Rayon, Tenn.* Filed by Western Trunk Line Committee, Agent (No. A-2237), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Wichita, Kans., to Port Rayon, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 29 to Western Trunk Line Committee tariff I.C.C. A-4396.

By the Commission.

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

[F.R. Doc. 62-4114; Filed, Apr. 26, 1962; 8:47 a.m.]

[Sec. 5a; Application 49]

CENTRAL AND SOUTHERN MOTOR CARRIERS

Application for Approval of Amendments to Agreement

APRIL 24, 1962.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 18, 1962, by: R. L. Weck, 2722 Crittenden Drive, Louisville 9, Ky.

Amendments involved: Change the Association's bylaws so that (1) paragraph 1 of Article X will provide clearly that no member or commonly controlled members shall have more than one representative on the Board of Directors, and (2) subparagraph 2(B)(e) of Article XIV will specify the conditions under which voting representation on the North-South General Rate Committee shall be exercised by any one carrier representative of a commonly controlled carrier group.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

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

[F.R. Doc. 62-4115; Filed, Apr. 26, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

ORGANIZATIONAL STATEMENT AND DELEGATIONS OF AUTHORITY

The introductory phrase of subsection 22(b) of the "Organizational Statement and Delegations of Authority" which was dated January 9, 1961 and was published in the FEDERAL REGISTER of January 13, 1961 (26 F.R. 271), is amended by inserting "Delegation of Authority No. 410" in lieu of "Delegation of Authority No. 363" and "March 26, 1962" in lieu of "March 10, 1959."

Dated: April 12, 1962.

EDWARD A. McDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 62-4092; Filed, Apr. 26, 1962; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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