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FEDERAL REGISTER

VOLUME 27 NUMBER 12

Washington, Thursday, January 18, 1962

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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

PERMITS FOR IMPORTATION OF STRAWBERRY PLANTS AND REQUIREMENTS FOR THEIR FOREIGN CERTIFICATION

On October 7, 1961, there was published in the FEDERAL REGISTER (26 F.R. 9513) a notice of proposed rule making relating to the amendment of § 319.37(b) of the notice of quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37(b)) and § 319.37–13 of the regulations supplemental to said quarantine (7 CFR 319.37–13). After due consideration of all relevant matters presented, and pursuant to the provisions of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), in lieu of the proposed amendments, §§ 319.37–12 and 319.37–13 of said regulations (7 CFR 319.37–12, 319.37–13) are hereby amended in the following respects:

1. § 319.37–12 is amended by adding thereto a paragraph (e), to read as follows:

§ 319.37–12 Applications for and issuance of permits.

* * * * *

(e) Permits for the importation of strawberry plants (Fragaria spp.) from Europe will be issued only upon presentation to the Director of Division of satisfactory evidence that the red stele disease organism (Phytophthora fragariae Hickman) does not exist in the country where the plants were grown.

2. Section 319.37–13(a) is amended by adding at the end thereof another sentence to read as follows:

§ 319.37–13 Certification.

(a) * * * Further, a certificate accompanying a shipment of strawberry plants from Europe shall, in addition, state that the red stele disease organism (Phytophthora fragariae Hickman) is not known to occur in the country where the plants were grown.

(Secs. 1, 5, and 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

The foregoing amendments shall become effective January 18, 1962.

These amendments must be made effective promptly to protect the United States against the entry of certain races of the red stele disease of strawberries. Certain races of this serious fungus disease, caused by Phytophthora fragariae Hickman, are not now prevalent in the United States. It has recently been reported to this Department that one or more of the races not reported as present here occur in a number of European countries. Although certain races of this fungus are known to exist in domestic strawberry plantings, many varieties of American strawberries are resistant to infection by the races prevalent here. However, recent experiments by Department scientists have shown that these resistant American varieties are all susceptible to infection by at least one of the foreign races. The fungus causing the disease is carried by infected strawberry plants and its presence or absence cannot be reliably determined by present port of entry inspection methods. Neither is there an effective treatment available for strawberry plants suspected of being infected. Moreover, it is impossible to distinguish between the races known to exist here and those found abroad, except by extensive laboratory work. Hereafter, a permit to import strawberry plants from any European country will be issued only when satisfactory evidence is submitted to the Director of the Plant Quarantine Division that such country is free of the red stele disease organism. Furthermore, the certificate accompanying such a permitted shipment from Europe must contain a statement that the red stele disease organism is not known to occur in the country where the plants were grown.

The amendments are less restrictive than the prohibitions originally proposed and it does not appear that further public rule making procedure will make new information available to the Department.

Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice of rule making and other public procedure on the amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–575; Filed, Jan. 17, 1962; 8:50 a.m.]

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

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Changes in Representation of Certain Districts on Bartlett Pear Commodity Committee

Notice was published in the FEDERAL REGISTER issue of December 30, 1961 (26 F.R. 12782), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100, 24 F.R. 469) currently in effect pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

Delete § 917.116 and substitute therefor the following:

§ 917.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District;

(c) Two (2) members to represent the Placer District and the Colfax District;

(d) Three (3) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) changes in the representation of districts on the commodity committees are required to be based, insofar as practicable, on shipments of fruit during the past 3 seasons; (2) accurate information concerning such shipments was not

available to the Department until December 8, 1961; (3) notice that consideration was being given to the proposed amendment was issued on December 27, 1961, and published in the FEDERAL REGISTER on December 30, 1961; (4) nominations for membership on the commodity committees are required to be made not later than February 15 of each year; and (5) it is necessary that this amendment be made effective as soon as practicable in order that the required nomination meetings may be scheduled and nominations made prior to such date.

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 62–571; Filed, Jan. 17, 1962; 8:50 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 122 and Order No. 950 (7 CFR Part 950), regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER December 23, 1961 (26 F.R. 12294). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 950.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending August 31, 1962, will amount to $40,544.00.

(b) The rate of assessment to be effective for the fiscal period ending August 31, 1962, shall be $1.25 per railroad car, $1.00 per truckload of 25,000 pounds or over, and $0.50 (fifty cents) per truckload of less than 25,000 pounds, or the respective equivalent quantities, of potatoes handled during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said marketing agreement and order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began on September 1, 1961, and the rates of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: January 12, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 62–572; Filed, Jan. 17, 1962; 8:50 a.m.]

[971.304, Amdt. 3]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971, formerly Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.304 (26 F.R. 10793, 11236, 12280), delete the provisions of paragraph (a) *Grade,* and paragraph (a) is, therefore, reserved.

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

Effective date. Dated January 15, 1962, to become effective January 15, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 62–570; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

STUDENTS AND EXCHANGE ALIENS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.7 is amended by adding paragraph (c) to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

* * * * *

(c) *Section 212(e).* An exchange alien who believes that compliance with the foreign-residence requirements of section 212(e) of the Act would impose exceptional hardship upon his spouse or child who is a citizen of the United States or a lawful permanent resident alien shall apply for a waiver on Form I–612. The applicant shall be notified of the decision and if the application is denied of the reasons therefor.

PART 214—NONIMMIGRANT CLASSES

1. Paragraph (a) of § 214.1 is amended to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) *General.* Every nonimmigrant alien applicant for admission or extension of stay in the United States shall establish that he is admissible to the United States or that a ground of inadmissibility has been waived under section 212(d)(3) of the Act; present a passport, valid for the period set forth in section 212(a)(26) of the Act, except as otherwise provided in this chapter, and, upon admission, a valid visa, except when either or both documents have been waived; agree that he will abide by all the terms and conditions of his admission or extension, and that he will depart at the expiration of the period of his admission or extension or on abandonment of his authorized nonimmigrant status; and post a bond on Form I–352 in the sum of not less than $500 if required by the district director, special

inquiry officer, or the Board of Immigration Appeals at the time of admission or extension, to insure the maintenance of the alien's nonimmigrant status and his departure from the United States. A nonimmigrant other than one in the classes defined in (1) section 101(a)(15)(A)(i) or (ii) or (G)(i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); (2) section 101(a)(15)(C) or (D) of the Act (members of which classes are ineligible for extensions of stay); (3) section 101(a)(15)(J) of the Act, or (4) Title V of the Agricultural Act of 1949, as amended, and whose period of admission has not expired, shall apply on Form I–539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director.

2. Paragraphs (f) and (j) of § 214.2 are amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I–20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I–20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I–94. Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within one year of the date of its issuance. A student shall not be eligible for transfer to another school unless he presents a valid Form I–20 completed by the school to which he desires to transfer. An application by a student for permission to accept employment shall be filed on Form I–538 and may be granted or denied without appeal by an officer in charge of a suboffice or a district director. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay.

* * * * *

(j) *Exchange aliens.* As used in this chapter the term "exchange alien" means a nonimmigrant alien who was admitted to the United States under section 101(a)(15)(J) of the Act or acquired such status after admission, or who acquired exchange-visitor status under the United States Information and Educational Exchange Act of 1948, as amended. An exchange alien coming to the United States as a participant in a program designated pursuant to section 101(a)(15)(J) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless the participant presents completely executed Form DSP–66 or DSP–67. The spouse and minor children following to join the participant shall not be eligible for admission unless they present a copy of the current Form DSP–66 or DSP–67 issued to the participant by his program sponsor. Form DSP–66 or DSP–67 presented by an exchange alien returning from a temporary absence may be retained by such alien and used for any number of reentries within one year of the date of its issuance. When applying for an extension of stay, a spouse or child of a participant in a designated exchange program shall be classified under section 101(a)(15)(J) of the Act unless the spouse or child is applying for an extension of stay for a purpose other than to accompany the participant. A spouse or child accompanying a participant shall not be eligible for an extension of stay unless the participant is eligible for an extension of stay.

3. Section 214.3 is amended to read as follows:

§ 214.3 Petitions for approval of schools.

Any institution or place of study seeking approval for the attendance of alien students shall file with the district director having administrative jurisdiction over the place in which it is located a Form I–17. The petitioner shall be notified of the decision, and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter. Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that it is no longer entitled to approval, he shall send it a notice containing the reasons why it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted. Within such 30-day period, which may be extended, the instiution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and if said decision is to withdraw the approval previously granted the reasons therefor and of its right to appeal in accordance with the provisions of Part 103 of this chapter. The required report concerning each nonimmigrant F–1 student shall be made on Form I–20B.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Section 248.1 is amended to read as follows:

§ 248.1 Scope of part.

Any alien lawfully admitted to the United States as a nonimmigrant (including an alien who acquired such status pursuant to section 247 of the Act) who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be qualified. This section shall not apply to an alien classified as a nonimmigrant under section 101(a)(15)(D) of the Act, or to an alien classified as a nonimmigrant under section 101(a)(15)(C) who is within the purview of section 238(d) of that Act.

PART 282—FORMS FOR SALE TO PUBLIC

Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by Subchapter B of this chapter: G–28, I–20, I–94, I–95, I–129B, I–130, I–131, and I–418.

PART 299—IMMIGRATION FORMS

1. The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

a. The following forms and references thereto are added:

Form No.	*Title and description*
DSP–67	Certificate of Eligibility for Program Transfer of Exchange Visitors.
I–538	Application by Nonimmigrant F–1 Student for Permission to Accept Employment.
I–612	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

b. The following form and reference thereto is deleted:

Form No.	*Title and description*
I–21	Report of Initial Registration and Termination of Attendance of Nonimmigrant "F" Student.

2. Section 299.2 is amended to read as follows:

§ 299.2 Forms available from the Superintendent of Documents.

The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G–28, I–20, I–94, I–95, I–129B, I–130, I–131, and I–418. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

3. Section 299.3 is amended to read as follows:

§ 299.3 Reproduction of forms by private parties.

The following forms required for compliance with the provisions of Subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–94, I–95, and I–418. Forms printed or re-

produced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed or otherwise duplicated in the English language with black ink or dye that will not fade or "feather" within 20 years.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, implementing the Act of September 21, 1961 (75 Stat. 527), relate to agency procedure.

Dated: January 12, 1962.

R. F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-578; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) That portion of South Dakota lying west of the Missouri River;

(3) The following Counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(4) That portion of McKinley and San Juan Counties in New Mexico, occupied by the Navajo Indian Reservation;

(5) All of that area of the State of North Dakota lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(6) The following Counties in Kansas: Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche, and all Counties in the State of Kansas lying west thereof.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Arkansas, Hawaii, Illinois, New Jersey, New York, Tennessee, and Wisconsin;

(2) That portion of South Dakota lying east of the Missouri River;

(3) The following Counties in Kansas: Barber, Barton, Cloud, Ellsworth, Harper, Harvey, Kingman, Lincoln, McPherson, Mitchell, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Russell, Sedgwick, Smith, Stafford, and Sumner Counties;

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff;

(5) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(6) All of the State of North Dakota except that area lying west of the Missouri River and State Highway No. 8, beginning at a point where said river intersects the South Dakota boundary line and continuing along said river to a point on the Garrison Dam Reservoir directly south of the intersection of State Highways Nos. 23 and 8; thence, directly north to the intersection of State Highways Nos. 23 and 8; thence, north along State Highway No. 8 to the North Dakota-Canadian boundary; and

(7) The following Counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes all parts of New Mexico heretofore designated as free areas, with the exception of portions of McKinley and San Juan Counties, from the list of free areas and adds such parts to the list of infected and eradication areas, as sheep scabies is known to exist in these parts in New Mexico. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in the regulations in 9 CFR Part 74, as amended, will apply to such parts.

The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1962.

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

[F.R. Doc. 62-576; Filed, Jan. 17, 1962; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

Applications and Requests

1. Effective January 12, 1962, Part 262 is amended by adding the following new subparagraph (7) to paragraph (f) of § 262.2:

§ 262.2 Applications and requests.

* * * * *

(f) *Bank holding company and merger applications.* * * *

(7) In any case in which the Board orders a public hearing or a public oral presentation of views, as soon as practicable following publication in the FEDERAL REGISTER of notice of such public proceeding, the application shall be available for inspection by the public except such portions thereof as to which the Board finds that disclosure would not be in the public interest.

2a. The purpose of this amendment is to make explicit in the Board's Rules of Procedure the present practice of the Board under which bank merger and bank holding company applications are made available for public inspection in cases in which the Board orders that a hearing or oral presentation of views shall be a public proceeding.

b. Notice, public participation, and deferred effective date are not required by section 4 of the Administrative Procedure Act for rules of agency procedure or practice, and therefore were not provided in connection with the adoption of these amendments.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-539; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1028; Amdt. 388]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-6 and DC-7 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Douglas DC-6 and DC-7 Series aircraft in complying with Amendment 259, 26 F.R. 1854. Accordingly, Amendment 259 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 259 (26 F.R. 1854), is amended by adding paragraph (d) as follows:

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

This amendment shall become effective January 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

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

[F.R. Doc. 62-524; Filed, Jan. 17, 1962; 8:46 a.m.]

[Reg. Docket No. 1026; Amdt. 386]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Models PA-18 and PA-18A Aircraft

There have been several failures of the rudder cable attachment fitting lug at the weld on the rudder pedals on Piper Models PA-18 and PA-18A aircraft. To preclude further failures, an airworthiness directive requiring inspection of the weld is considered necessary.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to all Models PA-18 and PA-18A Series aircraft.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

Several failures have been reported of the rudder cable attachment fitting lug, P/N 40831, at the weld on rudder pedals, P/N's 40842-04 and 40842-05. Accordingly, the following shall be accomplished:

Visually inspect the weld that attaches the rudder cable lug, P/N 40831, to the foot bar tube on both left and right rudder pedals for evidence of separation, cracks in the weld, insufficient length of weld, or excessive wear of weld. A weld of sufficient length will extend approximately three-fourths of the way round the tube.

If the weld is separated, cracked, excessively worn, or of insufficient length, replace the rudder pedal assembly prior to further flight.

(Piper Service Bulletin No. 207, dated December 15, 1961, covers this subject.)

This amendment shall become effective January 23, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

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

[F.R. Doc. 62-525; Filed, Jan. 17, 1962; 8:46 a.m.]

[Reg. Docket No. 1027; Amdt. 387]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA-25 Aircraft

Amendment 298, 26 F.R. 5621, requires inspection of the front spar hinge fittings on certain Piper PA-25 aircraft every 100 hours' time in service until FAA approved modified parts are installed. FAA approved parts have been designed and are now available. The results of the inspections required by Amendment 298, have shown that in the interest of safety the present fittings should be replaced rather than be repeatedly inspected. Therefore Amendment 298, 26 F.R. 5621, is being superseded by a new directive to require installation of the modified fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-25 aircraft, Serial Numbers 25-1 to 25-619 inclusive, 25-622, 25-623, 25-625, and 25-626.

Compliance required as indicated.

As a result of inspections performed on the aluminum front spar wing-to-fuselage attachment fittings, Piper P/N's 61111-00 and 61111-01, it has been determined that the following action is necessary. Within the next 25 hours' time in service after the effective date of this AD, but not later than February 15, 1962, unless already accomplished, replace the aluminum front spar wing-to-fuselage attachment fittings, Piper P/N's 61111-00 and 61111-01, with steel forgings, Piper P/N's 60113-00 and 60113-01, or equivalent parts approved by the FAA Eastern Region, Engineering and Manufacturing Branch. The steel forgings have ⅛ inch raised digits "60112" or "60112-1" on the parts.

The replacement shall be accomplished in accordance with Piper Service Bulletin No. 206, dated August 24, 1961, or FAA approved equivalent.

(Piper Service Bulletin No. 206, dated August 24, 1961, pertains to this subject.)

This supersedes Amendment 298, 26 F.R. 5621.

This amendment shall become effective January 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1962.

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

[F.R. Doc. 62-526; Filed, Jan. 17, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-57]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation of Segment of Low Altitude VOR Federal Airway and Associated Control Area and Alteration of Control Area Extension

The purpose of these amendments to §§ 600.6253, 601.6253 and 601.1416 of the regulations of the Administrator is to

revoke a segment of VOR Federal airway No. 253 and its associated control area, and to redefine the Salt Lake City, Utah, control area extension.

The segment of Victor 253 between the Timpie, Utah, intersection and the Tooele, Utah, intersection has a minimum en route altitude of 15,000 feet MSL which is above the ceiling of the low altitude airway structure in the continental United States. Consequently, this airway segment is, in effect, unusable and is therefore revoked herein. Intermediate altitude VOR Federal airway No. 1656 now serves this route at altitudes above 14,500 feet MSL.

The referred to portion of Victor 253 presently constitutes the southwest boundary of the Salt Lake City control area extension. It is therefore necessary to redefine this area using an appropriate radial of the Provo, Utah, VOR. This will not change the configuration of the existing Salt Lake City control area extension.

Since the changes effected by these amendments 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 thirty 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. Section 600.6253 (14 CFR 600.6253) is amended to read:

§ 600.6253 VOR Federal airway No. 253 (Provo, Utah, to Tooele, Utah, and Timpie, Utah, to Boise, Idaho).

From the Provo, Utah, VOR to the INT of the Ogden, Utah, VOR 194° and the Provo, VOR 315° radials. From the INT of the Salt Lake City, Utah, VOR 265° and the Ogden VOR 225° radials via the Bonneville, Utah, VOR; Lucin, Utah, VOR; Twin Falls, Idaho, VOR; to the Boise, Idaho, VOR.

2. Section 601.6253 (14 CFR 601.6253) is amended to read:

§ 601.6253 VOR Federal airway No. 253 control areas (Provo, Utah, to Tooele, Utah, and Timpie, Utah, to Boise, Idaho).

All of VOR Federal airway No. 253.

§ 601.1416 [Amendment]

3. In the text of § 601.1416 (14 CFR 601.1416) "NW along VOR Federal airway No. 253 to the INT of VOR Federal airway No. 32; and E along Victor 32 to the point of beginning." is deleted and "NW along a line parallel to and 5 miles NE of the Provo 315° radial to VOR Federal airway No. 32; thence E along Victor 32 to the point of beginning." is substituted therefor.

These amendments shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-536; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-FW-87]

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

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On September 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9090) stating that the Federal Aviation Agency (FAA) proposed to alter the El Dorado, Ark., control zone, revoke the El Dorado control area extension and designate the El Dorado transition area.

The Departments of Army and Air Force voiced no objections to the proposal, however, the Air Transport Association (ATA) recommended the control zone extension be increased from 8 to 10 miles.

With regard to the ATA's recommendation, coordination between offices of the FAA has resulted in revisions to the instrument approach procedure at the Goodwin Airport to provide for a procedure turn maneuvering altitude of 1,500 feet above the surface. It is the policy of the Agency to provide control zone protection to a point seven nautical miles outbound from the approach fix in those instances where the procedure turn is executed at or above 1,500 feet above the surface within 10 nautical miles of the approach fix, and the final approach fix crossing altitude is less than 1,500 feet above the surface. Accordingly, action is taken herein to designate the control zone extension as described in the notice.

No other adverse comments were received.

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

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

1. Section 601.2398 (14 CFR 601.2398) is amended to read:

§ 601.2398 El Dorado, Ark., control zone.

Within a 5-mile radius of the Goodwin Airport, El Dorado, Ark. (Lat. 33°13'05" N, Long, 92°48'45" W), and within 2 miles either side of the El Dorado VORTAC 052° radial extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

2. Part 601 (14 CFR 601) is changed as follows:

a. Add:

§ 601.10015 El Dorado, Ark. (Goodwin Airport), transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the El Dorado, Ark., VORTAC 052° and 232° radials, extending from the Goodwin Airport to 18 miles NE of the VORTAC.

b. Revoke:

§ 601.1417 Control area extension (El Dorado, Ark.). [Revoked]

These amendments shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-527; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-119]

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 § 601.2198 of the regulations of the Administrator is to alter the description of the Montpelier, Vt., control zone.

The Montpelier control zone is designated, in part, on the northeast course of the Montpelier radio range. The Federal Aviation Agency is decommissioning this radio range. Therefore, since the Montpelier terminal area is adequately served by the Montpelier VOR, action is taken herein to alter the Montpelier control zone by deleting reference to the radio range. However, the designated airspace will not be altered.

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. 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), § 601.2198 (14 CFR 601.2198) is amended to read:

§ 601.2198 Montpelier, Vt., control zone.

Within a 5-mile radius of the Barre-Montpelier Airport (latitude 44°12'15" N., longitude 72°33'45" W.) and within 2 miles either side of the 034° bearing from the airport extending from the 5-mile radius zone to 13 miles NE of the airport.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-528; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-119]

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 § 601.1002 of the regulations of the Administrator is to alter the Austin, Tex., control area extension.

The Austin control area extension is designated on the Austin radio beacon.

The Federal Aviation Agency no longer has an air traffic service requirement for the Austin radio beacon. However, the present controlled airspace based on this facility is still utilized by aircraft executing prescribed VOR instrument approach procedures. Accordingly, action is taken herein to substitute the geographical coordinates of the Austin radio beacon, latitude 30°22'36" N., longitude 97°40'55" W., for the Austin radio beacon in the description of the Austin control area extension.

Since this amendment imposes no additional burden on the public, 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), § 601.1002 (14 CFR 601.1002) is amended to read:

§ 601.1002 Control area extension (Austin, Tex.).

Within a 40-mile radius of latitude 30°22'36" N., longitude 97°40'55" 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 January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-529; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-120]

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 § 601.2149 of the regulations of the Administrator is to alter the Jacksonville, Fla., control zone.

The Jacksonville control zone east extension as presently designated is based, in part, on the Fort George Island fan marker. The Federal Aviation Agency proposes to decommission this fan marker since its continued operation is no longer warranted for air traffic service purposes. However, the controlled airspace based, in part, upon this aid will still be utilized by aircraft executing prescribed radio range instrument approach procedures. Accordingly, action is taken herein to delete the Fort George Island fan marker from the description of the Jacksonville control zone and substitute therefor the corresponding mileage distance from the radio range.

Since this amendment imposes no additional burden on the public, 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), the following action is taken:

Section 601.2149 (14 CFR 601.2149) is amended to read:

§ 601.2149 Jacksonville, Fla., control zone.

Within a 5-mile radius of Imeson Airport, Jacksonville, Fla. (latitude 30°25'17" N., longitude 81°38'15" W.), within 2 miles either side of the Jacksonville VORTAC 064° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC; within 2 miles either side of the Jacksonville RR E course extending from the RR to 10.3 miles E of the RR; within a 3-mile radius of Mayport NAS, Fla. (latitude 30°23'45" N., longitude 81°25'15" W.) and within 2 miles either side of the 051° bearing from the Mayport RBN extending from the 3-mile radius zone to 10 miles NE of the RBN.

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 January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-530; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-121]

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 § 601.2270 of the regulations of the Administrator is to alter the time of designation of the Enid, Vance AFB, Okla., control zone.

The Enid control zone is designated from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday. The Federal Aviation Agency, with Department of the Air Force concurrence, is changing the time of designation of the Enid control zone from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday to 0600 through 1800 hours local standard time Monday through Friday, except holidays.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2270 (26 F.R. 8630) "from 0600 through 1800 hours local standard time Monday through Friday and from 1300 through 1700 hours local standard time on Sunday." is deleted and "from 0600 through 1800 hours local standard time Monday through Friday except holidays." is substituted therefor.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-531; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-122]

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 § 601.2247 of the regulations of the Administrator is to alter the Abilene, Tex., control zone.

The present Abilene control zone is designated, in part, based on the Abilene radio range. The Federal Aviation Agency (FAA) proposes to convert the Abilene radio range to a nondirectional radio beacon. Therefore, the FAA has determined that the extension of the Abilene control zone based on the north course of the radio range is no longer required for air traffic service purposes and may be revoked, such action is taken herein.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be

made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

Section 601.2247 (14 CFR 601.2247) is amended to read:

§ 601.2247 Abilene, Tex., control zone.

Within a 5-mile radius of the Abilene, Tex., Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W.); within 2 miles either side of the Abilene ILS localizer S course extending from the 5-mile radius zone to the ILS OM; within 2 miles either side of the Abilene VOR 112° radial extending from the 5-mile radius zone to the VOR; within a 5-mile radius of Dyess AFB, Abilene, Tex. (latitude 32°25'10" N., longitude 99° 51'15" W.); within 2 miles either side of the Abilene VOR 354° radial extending from the Dyess 5-mile radius zone to 12 miles N of the VOR; and within 2 miles either side of the 168° and 348° bearings from the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles S of the RBN.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-532; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-123]

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 § 601.2230 of the regulations of the Administrator is to alter the Brunswick, Ga., control zone.

The Brunswick control zone is designated within a 5-mile radius of the McKinnon Airport; within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon and within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius to the VOR.

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

Since the change effected by this amendment reduces a burden on the public, 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), § 601.2230 (14 CFR 601.2230) is amended to read:

§ 601.2230 Brunswick, Ga. (McKinnon Airport), control zone.

Within a 5-mile radius of McKinnon Airport, Brunswick, Ga. (latitude 31°09'-05" N., longitude 81°23'20" W.), and within 2 miles either side of the 023° radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., March 8, 1962.

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

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-533; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-WA-237]

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 is to change the name of University of Illinois Airport to University of Illinois-Willard Airport in the description of the Champaign, Ill., control zone in order to correctly reflect the name of this facility.

Since this amendment is editorial in nature, 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), the following action is taken: In the text of § 601.2475 (14 CFR 601.2475) "University of Illinois Airport" is deleted and "University of Illinois-Willard Airport" is substituted therefor.

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

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

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-535; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-SW-124]

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 § 601.2352 of the regulations of the Administrator is to alter the Dalhart, Tex., control zone.

The Dalhart, Tex., control zone is designated within a 3-mile radius of the Municipal Airport with an extension to the southeast within 2 miles either side of a line bearing 132° True extending from the Dalhart radio beacon and an extension to the north within 2 miles either side of the 184° and 004° True radials of the Dalhart VOR.

The extension to the southeast is no longer required for air traffic control purposes. The extension to the north as presently designated will not fully protect the proposed instrument approach procedure. Therefore, action is taken herein to revoke the southeast extension and realign the north extension within 2 miles either side of the Dalhart VORTAC 002° True radial in lieu of the 004° True radial.

Since the change effected by this amendment reduces a burden on the public, 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), the following action is taken:

Section 601.2352 (14 CFR 601.2352) is amended to read:

§ 601.2352 Dalhart, Tex., control zone.

Within a 3-mile radius of the Dalhart, Tex., Municipal Airport (latitude 36°01'-30" N., longitude 102°32'55" W.), and within 2 miles either side of the 002° radial of the Dalhart VORTAC extending from the 3-mile radius zone to 10 miles N of the VORTAC.

This amendment shall become effective 0001 e.s.t. March 8, 1962.

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

Issued in Washington, D.C., on January 11, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-534; Filed, Jan. 17, 1962; 8:46 a.m.]

[Airspace Docket No. 61-HO-5]

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

Designation of Transition Area, Revocation of Control Area Extension and Alteration of Control Area Extension

On October 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 9386) stating that the Federal Aviation Agency proposed to revoke the Kaneohe, Hawaii, control area extension; designate, in lieu thereof, a transition area at the Kaneohe Marine Corps Air Station, Oahu, Hawaii; and alter the Oahu, Hawaii, control area extension.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, the Kahuku Point, Oahu, Hawaii, Restricted Area R-3106 was amended (Airspace Docket No. 61-WA-143, 26 F.R. 10636) by enlarging the area southeastward and designating a controlling agency. This action, to be effective January 11, 1962, results in a minor penetration of the Kaneohe transition area being designated herein. Therefore, appropriate reference to R-3106 in the description of the transition area is included herein. References to warning areas in § 601.1423 are also updated herein.

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

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

§ 601.1423 [Amendment]

1. In the text of § 601.1423 (14 CFR 601.1423, 26 F.R. 8171, 10636),

a. "The airspace south of the Kaneohe control area extension (601.1380) lying within" is deleted and "Within" is substituted therefor.

b. "Excluding the portion below 4,000 feet MSL which lies within the geographic limits of Warning Area (W-322 Area D). The portions of this control area extension which coincide with R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority; and the portions which lie within the geographic limits of, and between the established altitudes of, Warning Areas W-318, W-319 (Area A), W-320 (Area B), W-321 (Area C) and W-334 are excluded during these warning areas' times of established use." is deleted and "excluding the portion below 4,000 feet MSL within the geographic limits of W-322 (Area D), the portion within W-318 and the portion that coincides with and underlies the Kaneohe, Oahu, Hawaii, transition area (§ 601.10019). The portions of this control area extension within R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

2. Part 601 (14 CFR Part 601) is amended by deleting the following section:

§ 601.1380 Control area extension (Kaneohe, Hawaii). [Deleted]

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10019 Kaneohe, Oahu, Hawaii, transition area.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 21°25'00" N., longitude 157°47'00" W.; to latitude 21°23'00" N., longitude 157°41'00" W.; to latitude 21°41'00" N., longitude 157°18'00" W.; thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 21°27'00" N., longitude 157°47'00" W.; to latitude 21°56'00" N., longitude 157°57'00" W.; to latitude 21°30'00" N., longitude 157°48'00" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 21°27'35" N., longitude 157°46'50" W., to point of beginning. The portion of this transition area which coincides with R-3106 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., March 8, 1962.

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

Issued in Washington, D.C., on January 12, 1962.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-537; Filed, Jan. 17, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7476 o.]

PART 13—PROHIBITED TRADE PRACTICES

Murray Space Shoe Corp. Et Al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-22 *Corrective, orthopedic, etc.;* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.170-70 Preventive or protective.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Murray Space Shoe Corp. et al., Bridgeport, Conn., Docket 7476, Oct. 17, 1961]

In the Matter of Murray Space Shoe Corporation, a Corporation, and Alan E. Murray and Lucille Marsh Murray, Individually and as Officers of Said Corporation, and Alan E. Murray and Lucille Marsh Murray, Copartners Trading and Doing Business as Alan E. Murray Laboratories and Murray Space Shoe

Order requiring Bridgeport, Conn., manufacturers of molded shoes—custom made over plaster casts of customers' feet—to cease making in advertising unqualified claims that the shoes had therapeutic qualities and would correct, prevent, or relieve various diseases and disorders; and dismissing for lack of proof of competitive effect, charges of exclusive dealing.

The order to cease and desist is as follows:

It is ordered, That respondents Murray Space Shoe Corporation, a corporation, and its officers, and Alan E. Murray and Lucille Marsh Murray, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of molded shoes, that is, custom-made shoes constructed over plaster casts of the customers' feet, or any shoe of substantially similar construction or design, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, including pamphlets and circulars distributed to customers and prospective customers, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication:

(a) That their shoes have therapeutic qualities, except that nothing herein contained shall prevent respondents from making representations permitted under subparagraphs (b) and (d) hereof, and provided further that nothing herein contained shall prevent respondents from representing that said shoes, or the wearing thereof, will give relief from pains or disorders of the feet due to, or caused by, ill-fitting shoes, to the extent not prohibited by subparagraph (c) hereof.

(b) That their shoes, or the wearing thereof, will correct, prevent, or relieve swollen ankles, swollen joints, puffiness on ball of foot, pain in the hip, fatigue, or sagging ankles unless expressly and clearly limited to relief only of said diseases or ailments due to, or caused by, ill-fitting shoes.

(c) That their shoes, or the wearing thereof, will correct, prevent or relieve indigestion, stomach ulcers, high blood pressure or arthritis.

(d) That their shoes, or the wearing thereof, will correct hammer toes or bunions, provided, however, that nothing contained in this paragraph shall

prevent respondents from representing that their said shoes, or the wearing thereof, will give relief from pain suffered by a person with hammer toes or bunions.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said shoes, which advertisements contain any of the representations prohibited in Paragraph 1 above.

It is further ordered, That all allegations contained in the complaint under Count I, not hereinbefore mentioned under Paragraph 1, be, and the same hereby are, dismissed.

It is further ordered, That the allegations of the Commission's complaint herein under Count II thereof be, and the same hereby are, dismissed.

By "Final Order", report of compliance was required as follows:

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

Issued: October 17, 1961.

By the Commission.

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

[F.R. Doc. 62-560; Filed, Jan. 17, 1962; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 241; Docket No. R-205]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Natural Gas Companies; Exempt Facilities

JANUARY 12, 1962.

The Commission has before it for consideration an amendment to § 2.55 of Part 2, Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations.

Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) requires, inter alia, a certificate of public convenience and necessity issued by the Commission for any proposed construction or extension of natural gas facilities subject to the jurisdiction of the Commission. Section 2.55 of the Commission's rules (18 CFR 2.55) interprets the word "facilities" as used in section 7(c) of the Act to exclude from the requirement for certification certain types of facilities therein described. The pertinent portions of that section here under consideration are set forth below.

§ 2.55 *Definition of term used in section 7(c).* For the purposes of section 7(c) of the Natural Gas Act, as amended, the word "facilities" as used therein shall be interpreted to exclude:

* * * * *

(b) *Replacement of facilities.* Facilities which constitute the replacement of existing facilities which have or will soon become unserviceable: *Provided,* That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: and, *Provided, further,* That such replacement does not appreciably change the daily delivery capacity of the existing transmission pipeline system.

(c) *New delivery points.* Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipeline system by such customer.

Questions have arisen in the past concerning the meaning of the word "unserviceable" and the clause *"Provided, further,* That such replacement does not appreciably change the daily delivery capacity of the existing transmission pipeline system" in § 2.55(b) and the words "local community presently served" in § 2.55(c). Accordingly, we are adopting amendments to those paragraphs for purposes of clarification.

The Commission finds:

(1) The amendments herein adopted represent matters of interpretation which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) In § 2.55 of Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, subsections (b) and (c) are amended to read as follows:

(b) *Replacement of facilities.* Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: *Provided,* That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: *Provided further,* That such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(c) *New delivery points.* Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipeline system by such customer: *Provided,* That the "local community presently served" shall include only the area in which distribution facilities are being operated by the distributor company, but shall not include any area outside the distribution system or beyond the confines of the community, whether incorporated or not, presently being served by the natural gas company's pipeline system.

(B) The statement and amendments herein prescribed shall become effective February 12, 1962.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-538; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION

PART 34—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Selection of Applicants

On page 6476 of the FEDERAL REGISTER of July 19, 1961, there was published a notice and text of a proposed amendment of § 34.3 of Title 25, Code of Federal Regulations. The purpose of this amendment is to define further eligibility for Adult Vocational Training Services.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

JANUARY 11, 1962.

Section 34.3 is amended to read as follows:

§ 34.3 Selection of applicants.

The Vocational Training Program is available primarily to adult Indians of one-fourth or more degree of Indian blood who are not less than 18 and not more than 35 years of age and who reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs. The Program is also available to additional Indians who reside near reservations in the discretion of the Secretary of the Interior when the failure to provide the services would have a direct effect upon Bureau programs within the reservation boundaries. An application for training services may be approved, within the limitation of available funds, when it is determined that the applicant is in need of such training in order to obtain reasonable and satisfactory employment, and that it is feasible for him to pursue such training. Reasonable and satisfactory employment is employment that provides:

(a) Sufficient income for the individual or family unit to live at an economic level considered as adequate in the community; and

(b) Opportunity for advancement on the basis of skill and experience acquired in the course of employment.

[F.R. Doc. 62-541; Filed, Jan. 17, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

Issues of Equipment

Add new subparagraph (6) to § 543.2 (c), to read as follows:

§ 543.2 Issues of rifles, ammunition, etc., to civilian shooting clubs.

* * * * *

(c) *Issues.* * * *

(6) *Weapons for State rifle and pistol associations.* Each recognized and approved State rifle and pistol association may receive eight caliber .30 M1 National Match rifles and six caliber .45 National Match pistols to be used by members of the State civilian teams selected to represent their respective States at the National Matches. If the number of weapons authorized is insufficient, additional weapons may be approved by the Director of Civilian Marksmanship for issue upon receipt of proper justification from the organization. In States which have no recognized State Associations, a recognized civilian club may receive these weapons upon approval by the Director of Civilian Marksmanship. The weapons will remain in the custody of the State Association or authorized club on a year-round basis. No alteration or modification of these weapons is authorized. All existing regulations pertaining to the bonding, transportation, maintenance, and property accountability for civilian clubs apply to these organizations.

[C 3, AR 920-20, Jan. 3, 1962] (Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308)

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

[F.R. Doc. 62-515; Filed, Jan. 17, 1962; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 59]

PART 24—SANITATION, HEALTH, AND QUARANTINE

Subpart H—Licensing of Pest Exterminators

Effective on the thirtieth day after publication in the FEDERAL REGISTER, Part 24 of Chapter I, Title 35, Code of Federal Regulations, is amended by adding thereto a new Subpart H embracing §§ 24.200 to 24.208, and reading as follows:

Sec.
24.200 License required to engage in business of pest extermination.
24.201 Licensed foreman required to be in charge.
24.202 Possession and display of licenses.
24.203 Renewal of licenses; suspension and revocation.
24.204 Approval of types, concentrations, and manner of use of insecticides and rodenticides required.
24.205 Sale of insecticides and rodenticides.
24.206 Inapplicability to Government agencies and their officers and employees.
24.207 Inapplicability to military reservations.
24.208 Punishment for violation.

AUTHORITY: §§ 24.200 to 24.208 issued under 2 C.Z. Code 371; sec. 3(c) of E.O. 9746, July 1, 1946 (11 F.R. 7329), as amended by E.O. 10595, Feb. 7, 1955 (20 F.R. 819).

§ 24.200 License required to engage in business of pest extermination.

No firm, establishment, company, corporation, or individual doing business in his own name shall engage in the business of extermination of pests such as rats, roaches, ticks, termites, ants or other harmful insects or rodents, unless licensed to do so by the Health Director of the Canal Zone Government. An applicant shall not be licensed unless it establishes to the satisfaction of the Health Director (a) that a sufficient number of its personnel are licensed under § 24.201 to ensure its capacity to conduct its business in conformity with the regulations in this subpart, and (b) that it is otherwise properly qualified and competent to conduct such business.

CROSS REFERENCE: See also 3 C.Z. Code 221 for certain statutory requisites applicable to corporations doing business in the Canal Zone.

§ 24.201 Licensed foreman required to be in charge.

Each crew or gang of pest exterminators performing pest eradication shall be under the direct and immediate supervision of a foreman or gang leader licensed as a pest exterminator under this section. In order to be licensed as a pest exterminator the applicant must establish to the satisfaction of the Chief, Division of Sanitation of the Health Bureau of the Canal Zone Government, or such other person as may be designated by the Health Director to issue such licenses, that he is familiar with the accepted methods of dispensing insecticides and rodenticides, with their toxicity and other significant qualities, and with safety precautions to be observed in their use.

§ 24.202 Possession and display of licenses.

The foreman or leader of each crew or gang of pest exterminators performing pest eradication shall have in his possession a legible copy of the license issued to him under § 24.201 and a legible copy of the license issued to his employer under § 24.200 and shall display such licenses on demand of personnel of the Health Bureau or of the Canal Zone Police.

§ 24.203 Renewal of licenses; suspension and revocation.

Licenses issued under §§ 24.200 and 24.201 shall be renewed annually. The licensing authority may require the same kind of showing of qualification of an applicant for renewal of a license as is required of an applicant for an original license. Licenses may be suspended at any time by the issuing authority, without prior notice to the licensee, for failure to comply with these regulations or with the terms of the license or for other good and sufficient cause. The suspended licensee shall be entitled to a hearing if he requests it within 10 days of receiving notice of the suspension. The hearing, if requested, shall be held by the licensing authority or his delegate within 10 days of the request therefor or within such later period as may be acceptable to the suspended licensee and the licensing authority. Upon completion of the hearing, or if no hearing is requested, the licensing authority shall: (a) Remove the suspension, (b) extend the suspension for a fixed period, or (c) revoke the license. A former licensee whose license has been revoked shall not be eligible to apply for a new license until expiration of a period of 1 year following the revocation.

§ 24.204 Approval of types, concentrations, and manner of use of insecticides and rodenticides required.

Licensees under §§ 24.200 and 24.201 shall use only such insecticides or rodenticides and only such concentrations thereof and shall employ only such techniques as are approved in writing by the Chief of the Sanitation Division for each licensee under § 24.200.

§ 24.205 Sale of insecticides and rodenticides.

The sale of insecticides and rodenticides is prohibited. This section does not prohibit pest exterminators who are issued licenses under §§ 24.200 and 24.201 from dispensing approved insecticides and rodenticides in the performance of pest eradication and including the cost thereof in the charges for the service.

§ 24.206 Inapplicability to Government agencies and their officers and employees.

The provisions of this subpart do not apply to agencies or instrumentalities of the United States or to their officers or employees who use, handle, dispense or sell insecticides or rodenticides in the performance of their official duties.

§ 24.207 Inapplicability to military reservations.

The provisions of this subpart do not apply within military or naval reservations.

§ 24.208 Punishment for violation.

A violation of any of the provisions contained in this subpart is punishable, as provided in section 373 of Title 2 of the Canal Zone Code, by a fine of not more than $25 or by imprisonment in jail for not more than thirty days, or by

both; and each day such violation continues constitutes a separate offense.

ELVIS J. STAHR, Jr.,
Secretary of the Army.

JANUARY 11, 1962.

[F.R. Doc. 62-550; Filed, Jan. 17, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—BULK GRAIN CARGOES

[CGFR 61-65]

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

Transportation of Loose Grain in Bulk

The Merchant Marine Council held a public hearing on March 27, 1961, for the purpose of receiving comments, views and data with respect to the proposals regarding bulk grain cargoes, which was considered as Item VI on its Agenda. These proposals were included in the notice of proposed rule making published in the FEDERAL REGISTER on February 15, 1961 (26 F.R. 1278-1286). The Merchant Marine Council Public Hearing Agenda (CG-249), dated March 27, 1961, set forth the proposals in detail and copies thereof were furnished to all who indicated an interest in the subjects set forth therein.

The purpose for this revision is to promote safety in the handling, stowage and transportation of loose grain in bulk on board vessels by establishing minimum requirements. These requirements apply to cargo vessels of 500 gross tons or over or passenger vessels when such vessels are carrying loose grain in bulk on international voyages other than international voyages on the Great Lakes. A number of comments were received and in view of problems presented the final recommendations of the Merchant Marine Council were delayed. The primary problem was one regarding stability and related to the sufficiency of the "GM" limits contained in the proposals. It has been determined that the proposals regarding 12-inch and 14-inch "GM" limits are not sufficient for safety when applied to vessels larger than the Liberty ships. The values which are considered sufficient for such larger ships are 1¾ percent of the beam for one- or two-deck vessels and 2 percent of the beam for vessels having more than two decks. Thus a two-deck vessel of 68-foot beam is required to have a minimum "GM" of 1.19 feet or 14.3 inches, and a three-deck vessel of 75-foot beam, a minimum "GM" of 1.5 feet or 18.0 inches. Since these "GM" values are also higher in some cases than that provided in the 1960 Safety of Life at Sea Convention, action has been initiated to effect a reconsideration of the grain stability provisions in this 1960 Convention by the Intergovernmental Maritime Consultative Organization.

The proposals in Item VI regarding "Bulk Grain Cargoes" as revised are approved. Changes in 46 CFR 144.10-95, 144.20-1, 144.20-10, 144.20-20, 144.20-22, 144.20-28, 144.20-30, 144.20-32, 144.20-34, and 144.20-36 were made by the Merchant Marine Council. These changes were the direct result of comments received and problems presented or are deemed necessary to make the regulations sufficiently definitive. Except for those changes regarding stability, these changes neither increase nor decrease the severity of the requirements.

This document is the last of a series regarding the regulations and actions considered at the March 27, 1961, Public Hearing and Annual Session of the Merchant Marine Council. This document contains the final actions taken with respect to Item VI regarding "Bulk Grain Cargoes." The seventh document of this series summarized the actions taken by the Merchant Marine Council with respect to the March 27, 1961, Public Hearing and was published in the FEDERAL REGISTER of September 30, 1961 (26 F.R. 9253-9304). The eighth document dealt with smoke detecting systems on passenger vessels and was published in the FEDERAL REGISTER of September 23, 1961 (26 F.R. 8979). The ninth document dealt with shipboard cargo gear and power-operated industrial trucks and was published in the FEDERAL REGISTER of November 23, 1961 (26 F.R. 10995-11022).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), the following amendments to 46 CFR Part 144 are prescribed and shall be in effect on and after 30 days after the date of publication of this document in the FEDERAL REGISTER:

Subpart 144.10—General Requirements

1. Section 144.10-70 is amended to read as follows:

§ 144.10-70 Feeders, bins, and bulkheads.

(a) Feeders, bins, and bulkheads shall be of sufficient strength to withstand the pressure of the head of grain contained therein and shall be made grain tight. When the height of the 'tween decks is greater than normal, special attention should be given to the stiffening and support of feeders and bins.

(b) Wood feeders and bin bulkheads may be constructed:

(1) Of planks worked vertically not less than 2½-inch thickness, but where the vertical unsupported span exceeds 8 feet the thickness of the planks shall be increased, or additional stiffening fitted; or,

(2) Of studding and lined with grain-tight boards 2 inches in thickness or two 1 inch layers of shiplap, laid horizontally with broken joints. Studding where possible shall be placed inside the hatch coamings and shall be not less than 4 inches by 6 inches on edge spaced not more than 2 feet centers.

(c) Wing feeders may be constructed in a similar manner around trimming hatches. In all cases the planks at the corners shall be well secured to substantial vertical cants.

(d) Where the depth of the hatch end beams or coamings exceeds 15 inches below the surface of the deck, feeding holes shall be provided to allow the grain to flow through the coamings into the hold or 'tween decks; where the depth of the coamings below the surface of the deck exceeds 15 inches and is not more than 18 inches feeding holes 2 inches in diameter shall be provided. Where the depth exceeds 18 inches feeding holes of 3½-inch diameter shall be provided. Feeding holes shall be spaced approximately 2 feet apart.

(e) Engine room, boiler room, stokehold bulkheads and donkey boiler recesses where subjected to heat shall be sheathed with wood and made grain tight. An air space of at least 6 inches shall be left between the bulkhead and the sheathing and a box trunk ventilator 6 inches by 8 inches shall be provided from the top of the air space to a ventilator or hatchway, or other equal and approved means of ventilation adopted. Sheathing shall be supported on vertical runners spaced not more than 2 feet centers and shall consist of 2 inch planks or two thicknesses of 1 inch boards laid to break joint. Other approved means of insulation may be accepted.

(f) Feeders or bin bulkheads may be constructed of bagged grain: *Provided,* That:

(1) The bags are tightly stowed and interlocked.

(2) Whenever practicable the bags are so stowed as to engage firmly with the vessel's sides, bulkheads, and other convenient structures. Where this is not possible, the bagged bulkheads are to be not less than 11 feet (mean) in thickness and stepped.

(3) Transverse bagged bulkheads not in way of hatchways or forming feeders but supporting grain on one side only are to be not less than 11 feet (mean) in thickness and stepped.

(4) In place of bagged grain, as required by this section, cased, baled, or other suitable cargo may be used provided it is equally strongly supported and made grain-tight with strong separation cloths.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

2. Section 144.10-95 is amended to read as follows:

§ 144.10-95 Responsibility of owner or master.

(a) The loading of bulk grain in accordance with the regulations in this part is a responsibility of the master, who shall designate a competent responsible person to be in constant attendance during loading operations. Nothing in the regulations in this part shall be deemed to relieve the owner or master of a ship from taking all necessary and

reasonable precautions to prevent grain from shifting.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 144.20—Detailed Loading and Stowage Requirements

3. Sections 144.20–1 to 144.20–40, inclusive, which comprise the entire text of Subpart 144.20, are deleted and the following §§ 144.20–1 to 144.20–36, inclusive, are substituted in their place so that this subpart, as revised, reads as follows:

Sec.
144.20–1 Trimming and filling.
144.20–2 Bagged grain.
144.20–10 Stowage of full holds and compartments.
144.20–20 Feeders required.
144.20–22 Stowage of partly filled holds and compartments.
144.20–24 Exceptions to the requirements for longitudinal bulkheads.
144.20–26 Trimming and bagging of end spaces.
144.20–28 Common loading.
144.20–30 Bulk grain in tween decks and superstructures.
144.20–32 Stowage of specially suitable ships.
144.20–34 Stability conditions.
144.20–36 Grain loading plans.

AUTHORITY: §§ 144.20–1 to 144.20–36 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

§ 144.20–1 Trimming and filling.

(a) The safe loading of grain, in accordance with the regulations in this part, is vitally dependent upon compartments which are treated as entirely filled, being actually well trimmed so as to fill all the spaces between the beams and in the wings and ends. It is equally important that the feeders be loaded and trimmed so as to contain at least the minimum percentage of grain required by the regulations in this part.

(b) Spaces which are to be partly filled and bagged off, or equivalent, must be levelled for proper bagging.

§ 144.20–2 Bagged grain.

(a) Bagged grain stowed in a hold, compartment or bin with loose grain in bulk shall be in sound bags, well filled and securely closed.

§ 144.20–10 Stowage of full holds and compartments.

(a) Subject to the provisions of § 144.20–22, any hold or compartment which is entirely filled with bulk grain shall be divided either by a longitudinal bulkhead or by a shifting board in line with, or not more than 5 percent of the molded breadth of the vessel from the center line; or by longitudinal bulkheads or shifting boards off the centerline of the vessel, port and starboard, provided the distance between them shall not exceed 60 percent of the molded breadth of the vessel, and that in this latter case trimming hatches of suitable size shall be provided in the wings at longitudinal intervals of not more than 25 feet with end trimming hatches placed not more than 12 feet from transverse bulkheads. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and fitted grain-tight with proper fillings between the beams. In holds such longitudinal bulkheads or shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet, whichever is the greater. In compartments in tween decks and superstructures they shall extend from deck to deck. Except as provided otherwise in this section, longitudinal bulkheads or shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

(b) In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tanks and as otherwise noted in this part) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards need not be fitted in the following locations and subject to the following conditions:

(1) Below and within 7 feet of a feeder, but only in way of a hatchway, if that feeder contains, or all the feeders collectively feeding a compartment contain, not less than 5 percent of the quantity of grain carried in that compartment. Feeders so considered shall have such dimensions that the free grain surface will remain within the feeders throughout the voyage, after allowing for a settling of grain amounting to 2 percent of the volume of the compartment fed and a shift of the free grain surface to an angle of 12 degrees to the horizontal. In calculating the net minimum metacentric height specified in paragraph, the heeling moment due to such a grain shift shall be allowed for by taking a deduction equal to this moment divided by the product of the displacement and the sine of 5 degrees.

(2) In way of the hatchway where the bulk grain beneath the hatchway is trimmed in the form of a saucer hard up to the deckhead beyond the hatchway and is topped off with bagged grain or other suitable bagged cargo extending to a height in the center of the saucer of not less than 6 feet above the top of the bulk grain (measured below the deck line). In this case, the bagged grain or other suitable bagged cargo shall fill the hatchway and the saucer below and shall be stowed tightly against the deckhead, the longitudinal bulkheads, the hatchway beams and the hatchway side and end coamings. For the purposes of this subparagraph suitable packaged general cargo having a stowage factor of not less than 25 cubic feet or not more than 70 cubic feet per ton, and of such unit dimension that it can be stowed tightly to completely fill the saucer, may be used in place of bagged cargo provided a tarpaulin or separation cloth is used between the cargo and the grain.

§ 144.20–20 Feeders required.

(a) Except as otherwise provided in § 144.20–10(b)(2) and as subsequently otherwise provided in this section, any hold or compartment which is entirely filled with bulk grain shall be fed by suitably placed and properly constructed feeders so as to secure a free flow of grain from the feeder to all parts of that hold or compartment. Each feeder shall contain not less than 2½ percent nor more than 8 percent of the quantity of grain carried in that part of the hold or compartment that it feeds, except as provided in § 144.20–10(b)(1). Feeders which do not extend to the weather deck but which instead open up into a tween deck shall either be of such dimensions and filling level that a shift of grain free surface to an angle of 12 degrees to the horizontal cannot spill out of the feeder, or the grain free surface shall be secured against such shifting and spillage.

(b) When bulk grain is carried in deep tanks primarily constructed for the carriage of liquids, or in other spaces of comparable size, location, arrangement, and construction, of breadth not exceeding half the vessel's beam, or that are divided by one or more permanent steel longitudinal divisions fitted grain-tight, feeders to these spaces may be omitted if the tanks and tank hatchways are completely filled and the hatch covers secured.

§ 144.20–22 Stowage of partly filled holds and compartments.

(a) Subject to the provisions of § 144.20–24, if any hold or compartment is partly filled with bulk grain, it shall comply with both of the following conditions:

(1) It shall be divided by a longitudinal bulkhead or shifting boards, in line with, or not more than 5 percent of the molded breadth of the vessel from the center line or by longitudinal bulkheads or shifting boards off the center line of the vessel port and starboard, provided that the distance between them shall not exceed 60 percent of the molded breadth of the vessel. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and shall extend from the bottom of the deck, as the case may be, to a height of not less than 2 feet above the surface of the bulk grain. In the case of vessels loaded with bulk grain other than linseed, in which a metacentric height (after correction for the free surface effects of liquids in tank) is maintained throughout the voyage of not less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, longitudinal bulkheads or shifting boards may be omitted in way of the hatchway.

(2) The bulk grain shall be levelled and topped off with bagged grain or other suitable cargo tightly stowed and extending to a height of not less than 4 feet above the top of the bulk grain within spaces or portions of spaces divided by such longitudinal bulkheads

or shifting boards, and not less than 5 feet within portions of spaces not so divided. The bagged grain or other suitable cargo shall be supported on suitable platforms laid over the whole surface of the bulk grain. Such platforms shall consist of bearers spaced not more than 4 feet apart and 1 inch boards laid thereon spaced not more than 4 inches apart, or of strong separation cloths with adequate overlapping.

(b) Unless stability data indicates that the metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) is at least 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels, not more than two holds or compartments shall be partly filled with bulk grain; except that other holds or compartments may be partly filled with bulk grain if they are filled up to the deckhead with bagged or other suitable cargo. For the purpose of this paragraph the following conditions apply:

(1) Superimposed tween decks shall be regarded as separate compartments and separate from any lower hold below them.

(2) Feeders and partly filled spaces, referred to in § 144.20–30(a)(2) shall not be regarded as compartments.

(3) Holds or compartments provided with one or more grain-tight longitudinal divisions shall be regarded as one hold or compartment.

§ 144.20–24 Exceptions to the requirements for longitudinal bulkheads.

(a) The fitting of longitudinal bulkheads or shifting boards in accordance with the provisions of § 144.20–10 and 144.20–22 is not required under the following conditions:

(1) In a lower hold (which term also includes the lower part of the hold of a single deck vessel) if the bulk grain therein does not exceed one-third of the capacity of the hold, or where such lower hold is divided by a shaft tunnel, one-half the capacity of that lower hold; or,

(2) In any space in a tween deck or superstructure provided that the wings are tightly stowed with bagged grain or other suitable cargo to a breadth on each side of not less than 20 percent of the breadth of the vessel in way thereof; or,

(3) In those parts of spaces where the maximum breadth of the deckhead within the said spaces does not exceed one-half of the molded breadth of the vessel.

§ 144.20–26 Trimming and bagging of end spaces.

(a) When the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 feet, the bulk grain in the end spaces beyond 25 feet from the nearest feeder shall be levelled off at a depth of at least 6 feet below the deck, and the end spaces filled with bagged grain built up on a suitable platform constructed as required in § 144.20–22(a)(2).

§ 144.20–28 Common loading.

(a) For the purpose of §§ 144.20–10 and 144.20–20 lower holds and tween deck spaces over them may be loaded as one compartment under the following conditions:

(1) The hatches to spaces so treated as common spaces shall be of such proportions and shall have sufficient volume within their coamings and above deck so as to serve as feeders, based upon the total volume of the common spaces served.

(2) Longitudinal bulkheads or shifting boards shall be fitted deck to deck, and in all cases for the full length of the space, in the tween deck of a vessel having two decks; in all other cases the longitudinal bulkheads or shifting boards shall be fitted for the upper third of the total depth of the common spaces.

(3) In order to secure an adequate flow of grain all spaces shall comply with the requirements of § 144.20–26. Additionally, openings shall be provided in the wings of the deck immediately below the uppermost deck forward and aft of the ends of the hatchways so as to provide in combination with the hatchways a maximum fore and aft feeding distance of 8 feet. Such openings shall be located approximately on the diagonal line between the hatch corners and the corners of the tween deck spaces.

(4) The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels.

§ 144.20–30 Bulk grain in tween decks and superstructures.

(a) Bulk grain shall not be carried above deck, in the tween deck of a two-deck vessel, or in the upper tween deck of a vessel having more than two decks except under the following conditions:

(1) The bulk grain or other cargo shall be stowed so as to ensure maximum stability. The metacentric height maintained throughout the voyage (after correction for the free surface effects of liquids in tanks) shall not be less than 1¾ percent of the vessel's beam but not less than 12 inches in the case of one or two deck vessels, and not less than 2 percent of the vessel's beam but not less than 14 inches in the case of other vessels. Where specific data on metacentric height is not available, grain loaded above deck, in the tween deck of a two deck vessel, or in the uppermost tween deck of a vessel having more than two decks, shall not exceed 28 percent by weight of the total cargo below the space concerned; except that this limitation shall not apply when the grain carried above deck or in the uppermost tween deck is oats, barley, or cotton seed. The conditions in this subparagraph are in all cases subject to the additional condition that the master is satisfied that the ship will have adequate stability throughout the voyage.

(2) The deck area of any portion of the spaces referred to in this section which contains bulk grain and which is only partly filled shall not exceed 1,000 square feet.

(3) All spaces referred to in this section in which bulk grain is stowed shall be subdivided by transverse bulkheads at intervals of not more than 100 feet. When this distance is exceeded the excess space shall be entirely filled with bagged grain or other suitable cargo.

§ 144.20–32 Stowage of specially suitable ships.

(a) Ships which are generally of self-trimming type, specially designed and constructed for the carriage of bulk cargoes and having two or more vertical or sloping grain-tight longitudinal divisions suitably disposed to limit the effect of any transverse shift of grain, may carry bulk grain without regard to the requirements of §§ 144.20–10 through 144.20–30 subject however to compliance with the following requirements:

(1) As many holds and compartments as possible shall be full and trimmed full.

(2) For any specified arrangement of stowage the metacentric height at any stage of the voyage (after correction for the free surface effects of liquids in tanks) shall be sufficient so that the list resulting from the heeling moment due to the following assumed shift of grain shall not exceed 5 degrees or the angle at which one-half the freeboard is immersed, if less.

(3) In all holds and compartments, grain surfaces are assumed to settle 2 percent by volume and at a slope of 30 degrees under all surfaces which have an inclination of less than 30 degrees to the horizontal. All resulting grain free surfaces except those sloping opposite to the direction of list (i.e., sloping towards the high side after list) are assumed to shift to an angle of 12 degrees with the original horizontal.

(4) However, any grain surfaces which are overstowed in accordance with § 144.20–22 shall be assumed to shift after settling, to an angle of 8 degrees with the original horizontal.

(5) Where the metacentric height necessary to compliance with the provisions of this section is considered to be excessive, the design of vessel will be required to be suitably modified or stowage in accordance with §§ 144.20–10 through 144.20–30 will be required.

(6) Where acceptance under the provisions of this section is desired, calculations relative to the anticipated loading and to the foregoing stability requirements shall be submitted to the Commandant, U.S. Coast Guard, for approval prior to commencement of construction. These will be subject to confirmation by a stability test as provided in § 93.05–1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(b) Where considered necessary, supplementary conditions shall be required either with respect to the vessel's design and construction, or with respect to particular loading precautions to prevent shifting of grain.

§ 144.20–34 Stability conditions.

(a) It is a condition of acceptance of loading based upon the stability limits specified in this subpart that the vessel shall be supplied with plans and stability data, approved by the Commandant, including the following information:

(1) A capacity plan, including grain capacities and centers.

(2) The minimum acceptable GM when carrying grain.

(3) Stability data applicable to typical loading conditions for grain and other homogeneous cargoes when loaded at stowage factors of 45, 55, 65, 75 cubic feet per ton. Such data shall be given, in each case, both for typical departure and arrival conditions. Where an arrival condition includes salt water ballast, and an intermediate tankage condition results in a lesser GM, such intermediate condition shall also be given. In calculating the available GM, free surface allowance shall be made for all slack liquids, but in no case shall the free surface correction used be less than that corresponding to maximum free surface for the pair of tanks, port and starboard, of each type, having the largest free surface, plus the fuel oil settlers, plus the virtual free surface at 5 degrees heel for all nominally full fuel oil tanks (taken 98 percent full).

(4) To provide for conditions wherein shifting boards may be omitted, as provided by § 144.20–10(b)(1), grain free surface applicable to feeders not fitted with shifting boards shall be given. In order to provide flexibility in the subsequent selection of feeder arrangements, this free surface shall be presented as a function of the aggregate length of feeders, grain density, and vessel displacement rather than as just applying to any specific grain stowage arrangement.

(b) The stability information supplied specially suitable ships shall, in general, comply with this section subject to such modification as is necessary, having regard for their special arrangements.

(c) Double bottom tanks having a width measured at half length in excess of 60 percent of the vessel's molded breadth shall in no case be permitted. Such tanks shall therefore be divided by a watertight longitudinal division.

§ 144.20–36 Grain loading plans.

(a) Vessels carrying grain shall be loaded in accordance with grain loading plans bearing the approval of the National Cargo Bureau, Inc., or of another agency otherwise officially designated. A grain loading plan shall take into account the applicable requirements of this subchapter and shall indicate the main characteristics of the fittings used to prevent the shifting of cargo. It shall indicate the distribution and the circumstances of loading. Additionally, in all cases where approval is dependent upon the stability limits specified in this subpart, it shall, in conjunction with the information called for by § 144.20–34, indicate the applicable minimum GM and associated tankage conditions.

(b) A grain loading plan, in addition to the language in which it is given, shall be annotated in at least one other of the following languages: English, French, Spanish, or Russian.

(c) A copy of the grain loading plan shall be maintained at all times on the vessel. The master, if so required, shall produce it for the inspection of the appropriate authority of the port in which loading takes place.

(d) A grain loading plan and associated stability information approved for a vessel belonging to a country which is a party to the effective International Safety of Life at Sea Convention, issued either under the authority of the government of that country or under the authority of another government which is a party to that Convention upon the request of the first government, will be accepted by the United States. Other contracting governments have agreed to accept such information as evidence that the vessel, when loaded in accordance with this grain loading plan, meets the applicable grain loading requirements of the effective Convention.

(e) Vessels not having a grain loading plan approved in accordance with the paragraph (d) of this section may expect to be required to comply in detail with the rules of the country in which the loading port is situated.

VESSELS SHIFTING PORTS

4. Section 144.30–1 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

* * * * *

(b) Vessels subject to the regulations in this part, moving between ports totally within the inland waters of the United States, may load any amount of loose grain in bulk without securing the grain provided shifting boards extend above the grain in each hold at least 2 feet. Vessels that have no longitudinal bulkheads or shifting boards in the lower holds shall comply with § 144.20–10(c).

(c) * * *

(1) Any one hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 144.40—Equivalents Allowed for Construction of Feeders and Bin Bulkheads, and Stowage of Loose or Heavy Grain in Bulk

§§ 144.40–1—144.40–50 [Canceled]

5. Subpart 144.40, consisting of §§ 144.40–1 to 144.40–50, inclusive, is canceled in its entirety. (The requirements in these sections are either covered in revised regulations in this document or it has been determined they are no longer necessary.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

Dated: January 11, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62–558; Filed, Jan. 17, 1962; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (l)(3) of § 6.312 is amended as set out below.

§ 6.312 Department of Commerce.

* * * * *

(1) *Martime Commission.* * * *

(3) One Confidential Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

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

[F.R. Doc. 62–559; Filed, Jan. 17, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN SWEETPOTATOES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Sweetpotatoes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This standard, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standard should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 120 days after publication hereof in the FEDERAL REGISTER.

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

AUTHORITY: §§ 52.5001 to 52.5012 issued under sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, COLOR, STYLES, GRADES

§ 52.5001 Product description.

Frozen sweetpotatoes is the product prepared from the clean, sound root of sweetpotatoes (Ipomoea batatas) by washing, sorting, trimming, draining, and peeling, as the case may be. The product may or may not be cooked; may be prepared with the addition of suitable seasoning ingredient(s), sweetening ingredient(s), antioxidant(s), edible oil(s), or spices. Such ingredients may or may not be admixed with the sweetpotatoes or they may be contained separately from the sweetpotato ingredient. When the sweetpotatoes have been cooked or partially cooked prior to freezing and are packed with a high density sirup and/or sugar to produce a "candied" effect, the frozen sweetpotatoes may be considered "Candied Sweetpotatoes" for the purposes of this subpart. In lieu of peeling, the product may be prepared as unpeeled sweetpotatoes in baked or stuffed form, with or without the addition of edible fat or oil to the peel. "Stuffed" form consists of cooked potatoes where the flesh has been removed from the peel, has been comminuted or crushed, and has been replaced in the peel or a preformed shell. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.5002 Colors of frozen sweetpotatoes.

(a) Golden.
(b) Yellow.
(c) Mixed (golden and yellow).

§ 52.5003 Styles of frozen sweetpotatoes.

(a) *Whole.* (1) Peeled.
(2) Baked (unpeeled).
(3) Stuffed (in peel or preformed shell).

(b) *Halved (or halves).* (1) Peeled.
(2) Stuffed (in peel or preformed shell).

(c) *Sliced.* This style consists of peeled units, cut longitudinally and/or crosswise, with flat-parallel or corrugated-parallel surfaces.

(d) *French-cut.* This style consists of peeled units cut into strips, commonly called French-style cut, which may have flat or corrugated surfaces.

(e) *Diced.* This style consists of peeled units cut into recognizable cube-shape units.

(f) *Cut (or chunks).* This style consists of peeled units of irregular sizes and shapes which do not conform to any of the foregoing single styles.

(g) *Mashed (or Souffle).* This style consists of peeled, cooked, and wholly comminuted or crushed sweetpotatoes.

(h) *Mixed (or combination).* This style consists of peeled units which are a combination of two or more of the foregoing styles.

§ 52.5004 Grades of frozen sweetpotatoes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen sweetpotatoes that (1) possess similar varietal characteristics, (2) have a normal flavor and odor, (3) have a good or reasonably good color, (4) are practically uniform, or reasonably uniform, in size for the applicable style, (5) are practically free from defects, (6) possess a good character, and (7) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen sweetpotatoes that (1) may possess similar or mixed varietal color characteristics, (2) have a normal flavor and odor, (3) have a reasonably good color, (4) are reasonably uniform in size for the applicable style, (5) are reasonably free from defects, (6) possess a reasonably good character, and (7) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen sweetpotatoes that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.5005 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics, as applicable.

(ii) Flavor and odor. A representative sample of the product is cooked to determine flavor and odor. "Normal flavor and odor" means that the flavor of the product before and after cooking is characteristic of properly prepared sweetpotatoes and is free from objectionable flavors and objectionable odors of any kind.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Uniformity of size	20
Absence of defects	40
Character	20
Total score	100

(ii) Quality factors of color, uniformity of size, and absence of defects are determined by observing the product in the frozen or partially frozen state as soon as the units are separable into individual units, as the case may be, and after the product has been prepared by heating in a suitable manner; the factors of color and character (including consistency, as applicable) and flavor are evaluated after the product has been prepared by heating in a suitable manner as prescribed in this subpart.

§ 52.5006 Color.

(a) *General.* The color of the product (before and after heating) is evaluated on the internal color in whole baked, whole stuffed, and halved stuffed styles and on the overall external color

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

appearance for all other styles. Color variations due to packing media consisting of brown sugar or sweetening mixtures including brown sugar and spices are considered characteristic.

(b) (*A*) *classification.* Frozen sweetpotatoes that possess a good color may be given a score of 18 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden, but not mixed) and that there may be reasonable variations of such characteristic color among the units, in each unit, or in the mass.

(c) (*B*) *classification.* If frozen sweetpotatoes possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the color (yellow, golden, or mixed) may be variable among the units, in each unit, or in the mass and that the color may be no more than slightly dull. Mixed color types shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

(d) (*SStd*) *classification.* If frozen sweetpotatoes possess an off-color, a score of 0 to 15 points may be given. "Off-color" means that the over-all color is extremely dull, such as, but not limited to the presence of units that are extremely oxidized or the presence of units that are green colored. Frozen sweetpotatoes that score in this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5007 Uniformity of size.

(a) *General.* The factor of uniformity of size for the styles of mashed and mixed frozen sweetpotatoes is not scored; the other three factors (color, absence of defects, and character) are scored and the total multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definition of a "small unit."* A unit that weighs less than 1/10 ounce is considered a "small unit" when contained in sliced, French-cut, or cut styles.

(c) (*A*) *classification.* Frozen sweetpotatoes that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (A) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not materially affected by units of abnormal size and shape.

(d) (*B*) *classification.* If the frozen sweetpotatoes are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" in styles other than mashed or mixed means that:

(1) The frozen sweetpotatoes comply with the size and uniformity requirements for (B) classification in Table I of this subpart; and, in addition

(2) The over-all appearance of the product for the applicable style is not seriously affected by units of abnormal size and shape.

(e) (*SStd*) *classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—UNIFORMITY OF SIZE REQUIREMENTS FOR CERTAIN STYLES OF FROZEN SWEETPOTATOES

Styles, as applicable	(A) Classification		(B) Classification	
	Uniformity of size		Uniformity of size	
Whole:				
(1) Peeled	May vary moderately in size		May vary considerably in size.	
(2) Baked (unpeeled)	The weight of the smallest unit is no less than 3/5 the weight of the largest unit.		The weight of the smallest unit is no less than 1/2 the weight of the largest unit.	
(3) Stuffed				
Halves:				
(1) Peeled	May vary moderately in size		May vary considerably in size.	
(2) Stuffed	The weight of the smallest unit is no less than 3/5 the weight of the largest unit.		The weight of the smallest unit is no less than 1/2 the weight of the largest unit.	
		Small units		Small units
Sliced, French-cut, Cuts (or chunks)	May vary moderately in size except that the thickness of slices are reasonably uniform.	Composite weight does not exceed 5% by weight of all units.	May vary considerably in size except that the thickness of slices are fairly uniform.	Composite weight does not exceed 10% by weight of all units.
Diced	May vary moderately in size.	No limits	May vary considerably in size.	No limits.

§ 52.5008 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from particles of peel in peeled styles; broken skins and broken or distorted preformed shells in whole baked, whole stuffed, and halves stuffed styles; primary and secondary rootlets, fibrous ends, discolored areas, and corky areas, or from other defects that detract from the appearance or edibility of the unit or product.

(b) (*A*) *classification.* Frozen sweetpotatoes of any style that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell is not broken nor the shell distorted to any noticeable extent other than in the opening in whole stuffed style; and the units are practically free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a slight amount of particles of peel, primary and secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect materially the appearance or the edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 5 percent, by weight, of all the units: *Provided,* The overall appearance and edibility of the product is not materially affected by the presence of defective units.

(c) (*B*) *classification.* If the frozen sweetpotatoes of any style are reasonably free from defects, a score of 32 to 35 points may be given. Frozen sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning for the applicable styles:

(1) *Whole baked; whole stuffed; halves stuffed.* The peel or shell may be broken or the shell distorted to some extent other than in the opening in whole stuffed style; and the units are reasonably free from primary and secondary rootlets, internal fibers, internal corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(2) *Whole peeled; halves peeled; mashed.* The product may contain not more than a moderate amount of particles of peel, primary or secondary rootlets, untrimmed fibrous ends, discolored areas, corky areas, and any other defects which do not affect seriously the appearance or edibility of the product.

(3) *All other styles.* The aggregate weight of all defective units does not exceed 10 percent, by weight, of all the units: *Provided,* The overall appearance and edibility of the product is not seriously affected by the presence of defective units.

(d) (*SStd*) *classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5009 Character.

(a) *General.* The factor of character refers to the texture or consistency and condition of the flesh, the degree of freedom from pithy units and tough or coarse fibers, the uniformity of tenderness of the frozen sweetpotatoes after heating in a suitable manner, and the tendency of the frozen sweetpotatoes (except for mashed style) to retain their apparent original conformation and size without disintegration.

(b) (*A*) *classification.* Frozen sweetpotatoes that possess a good character may be given a score of 18 to 20 points. "Good character and consistency" has

the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not soggy nor dry and is practically free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The mass or stuffing possesses a uniformly smooth texture and consistency and is free from lumps and tough or coarse fibers.

(3) *All other styles.* The units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be firm to soft but hold their apparent original conformation and size without material disintegration.

(c) *(B) classification.* If the frozen sweetpotatoes possess a reasonably good character, a score of 16 or 17 points may be given. "Reasonably good character and consistency" has the following meaning for the applicable styles:

(1) *Whole baked.* The flesh is not excessively dry and is reasonably free from tough or coarse internal fibers.

(2) *Whole stuffed; halves stuffed; mashed.* The texture and consistency of the mass or stuffing may be coarse and stiff but practically free from lumps, and not more than a few tough or coarse fibers may be present.

(3) *All other styles.* The units possess a reasonably uniform smooth texture, are reasonably free from tough or coarse fibers, and 75 percent, by weight, or more of the units hold their apparent original conformation and size without material disintegration.

(d) *(SStd.) classification.* Frozen sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHOD OF ANALYSIS

§ 52.5010 Preparation by heating.

"Prepared by heating in a suitable manner" means by either of the following applicable methods:

(a) *Oven method.* (Applicable to any style).

(1) Place the product and packing media, if any, in a shallow pan (or use the open carton if suitable for heating) of sufficient size so that the product may be spread to a uniform thickness of not more than 1½ inches; and

(2) Place pan (or open carton) and frozen contents into a properly ventilated oven, preheated to 375 degrees F., and allow to remain 30 minutes or longer until the interior portions of the larger units are thoroughly heated and cooked; or

(b) *Pot method.* (Not applicable to baked and stuffed styles). Place the product while still in the frozen state in a stainless steel cooking utensil and add enough water to cover the product. Bring to a boil, cover, and simmer until the larger units are thoroughly cooked.

LOT INSPECTION AND CERTIFICATION

§ 52.5011 Ascertaining the grade of a lot.

The grade of a lot of frozen sweetpotatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.5012 Score sheet for frozen sweetpotatoes.

Size and kind of container.....
Container mark or identification.....
Label.....
Package contents (ounces).....
Weight of media (ounces)—if contained separately.....
Style of pack of sweetpotatoes.....
Count (whole; halves).....
Type of media (if any).....
Brix measurement of media (if liquid and contained separately).....
Color (yellow; golden; mixed).....

Factors		Score points	
Color	20	(A)	18–20
		(B)	[2] 16–17
		(SStd.)	[1] 0–15
Uniformity of size	20	(A)	18–20
		(B)	16–17
		(SStd.)	[1] 0–15
Absence of defects	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 0–31
Character	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Total score	100		

Flavor and odor.....
Grade.....

[1] Limiting rule.
[2] "Mixed Color" limited to Grade B or lower grade (partial limit limiting rule).

Dated: January 12, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62–553; Filed, Jan. 17, 1962; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1051]

[Docket No. AO–329]

MILK IN MADISON, WISCONSIN, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Madison, Wisconsin marketing area, which was issued December 22, 1961 (26 F.R. 12591), is hereby extended to February 3, 1962.

Signed at Washington, D.C., on January 15, 1962.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 62–577; Filed, Jan. 17, 1962; 8:50 a.m.]

[9 CFR Part 301]

[Dockets Nos. AO 336 RO 1, Dockets Nos. AO 337 RO 1]

TURKEY HATCHING EGGS AND TURKEYS

Notice of Reopening of Hearing on Proposed Marketing Agreements and Proposed Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing on proposed marketing agreements and orders regulating the handling of turkey hatching eggs and turkeys which was held in the cities of Richmond, Virginia; Des Moines, Iowa; Las Vegas, Nevada; Oklahoma City, Oklahoma; Chicago, Illinois; and Albany, New York during the period between November 20 and December 13, 1961. (26 F.R. 10286, 10516, and 10772).

Such hearing is hereby reopened and will be reconvened at 3d Floor, Windsor Room, Hotel Phillips, 12th and Baltimore Streets, Kansas City, Missouri, commencing on January 29, 1962, at 10:00 a.m., local time, and will continue as necessary through January 31, 1962.

Attached to this notice of hearing is a draft of a proposed marketing agreement and order regulating the handling of turkeys which incorporates modifications proposed and considered in the course of previous sessions of the hearing. This draft has been prepared solely for the purpose of aiding interested persons and has not received the approval of the Secretary of Agriculture. All interested persons will be afforded an opportunity at the hearing to submit additional evidence, data, and views as they may desire with respect to the proposed marketing agreements and orders which are the subject of the hearing and appropriate modifications thereof, including the attached draft.

Copies of this notice of the reopening of the hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may there be inspected.

Dated: January 17, 1962.

JAMES T. RALPH,
Assistant Secretary.

Draft of Proposed Marketing Agreement and Order Regulating the Handling of Turkeys Incorporating Modifications Proposed in the Course of the Hearing

DEFINITIONS

§ 301.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 301.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted

and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 301.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 301.4 Production Area.

"Production area" means the 48 contiguous states of the continental United States and the District of Columbia.

§ 301.5 Turkey.

"Turkey" means that fowl belonging to the family Meleagridae, the genus Meleagris and the species Gallopavo.

§ 301.6 Type or variety.

"Type" or "variety" are synonymous and mean such classification of turkeys as the Committee may recommend and the Secretary shall approve.

§ 301.7 Quantity.

"Quantity" means the weight of live turkeys at the time of shipment to a handler or receipt by a handler or the equivalent thereof of processed turkeys as determined by the committee.

§ 301.8 Processed turkey.

"Processed turkey" means the eviscerated turkey (ready to cook) or the equivalent thereof of New York Dressed or Kosher processed turkey as determined by the committee.

§ 301.9 Handle.

"Handle" means the slaughtering of turkeys in the production area for the production of meat.

§ 301.10 Handler.

"Handler" means a person who handles turkey.

§ 301.11 Exempt handler.

"Exempt handler" means a handler who handles less than a quantity of 7,000 pounds of turkey per marketing year.

§ 301.12 Producer.

"Producer" means a person, other than a producer-handler, who (a) is directly engaged in the production of a quantity of turkeys in excess of 1,800 pounds per year and who ships or delivers turkeys to a handler, other than an exempt handler or producer-handler, and operates and controls the facilities for the production of turkeys and produces turkey with such facilities; or (b) is involved in the production of turkeys by having a proprietary interest in the turkeys defined in subparagraph (a): *Provided,* That for the purposes of this part, if two or more persons are producers with respect to the turkeys defined in (a) of this section, their respective shares in the turkeys shall be deemed to be a quantity of turkeys equal to the total number of turkeys so produced divided by the number of persons who are producers thereof.

§ 301.13 Proprietary interest.

"Proprietary interest" means participation in the risk of profit and loss of the production of turkeys.

§ 301.14 Producer-handler.

"Producer-handler" means a person who (a) handles a quantity of not more than 65,000 pounds of turkey per marketing year, of which not more than 5,000 pounds of such turkey are not of his own production, and (b) does not produce any turkeys other than those he handles.

§ 301.15 Board.

"Board" means the Turkey Advisory Board established pursuant to this part.

§ 301.16 Committee.

"Committee" means the Turkey Administrative Committee established pursuant to this part.

§ 301.17 Marketing year.

"Marketing year" means the 12-month period beginning February 1, of each year and ending January 31 of the following year, or such other period as may be recommended by the Committee and approved by the Secretary.

§ 301.18 Year.

"Year" means the marketing year when referring to a period after the order has become effective and the 12-month calendar year when referring to periods prior to the order becoming effective.

TURKEY ADVISORY BOARD

§ 301.20 Establishment and membership.

A turkey advisory board is hereby established, consisting of 60 members, of whom 57 shall be nominated to represent various states and regions, as listed below:

California-Nevada	6
Minnesota	6
Iowa	4
Wisconsin	3
Virginia-West Virginia	3
Missouri	3
Texas	3
Indiana	2
Utah and Arizona	2
Ohio	2
Arkansas	2
North Carolina	2
Colorado-New Mexico	1
New England States	1
Georgia-Florida	1
Washington	1
Oregon	1
Pennsylvania	1
Oklahoma	1
Michigan	1
Nebraska	1
North Dakota	1
Illinois	1
Kansas	1
South Dakota	1
Kentucky-Tennessee	1
New York	1
Delaware, Maryland, New Jersey, District of Columbia	1
Montana, Idaho, Wyoming, Alabama, Mississippi, Louisiana	1
South Carolina	1

The remaining three members shall be representatives-at-large and shall be selected at the discretion of the Secretary. Each member of the Board shall have an alternate member nominated in the same manner as members.

§ 301.21 Term of office.

Members and alternate members of the Board shall serve for terms of three years ending on the last day of January, and each such member and his alternate shall serve until his successor is selected and qualified: *Provided,* That the term of office of the initial board shall be three years for one-third of the members and their alternates, two years for one-third of the members and their alternates, and for the remaining one-third of the members and their alternates shall be from the effective date of this part to the last day of January 1963, such staggered terms of office to be determined by the Secretary.

§ 301.22 Nominations.

Nominees for membership on the Board shall be made at one or more nomination meetings called and supervised by the committee under rules and regulations promulgated by the committee and approved by the Secretary. Such meetings shall be held in and for each of the states of groups of states specified in § 301.20 and reasonable publicity shall be provided for such nomination meetings by the committee. Only producers and handlers other than exempt handlers shall be eligible to vote and each such person shall have but one vote. Voting shall be by secret ballot. Three nominations shall be made for each member position, which shall also be deemed nominations for such member's alternate. All nominations should be certified by the Committee to the Secretary as soon as practicable and, after the initial appointment of the Board, no later than January 4 immediately preceding the commencement of the term of office for the position for which a nomination is certified. Such certification shall include, for each nominee, a brief summary of his experience and association with the turkey industry. For the purpose of obtaining nominations for the initial Board, the Secretary shall perform the functions of the committee.

§ 301.23 Duties.

The duties of the Board shall consist of selecting from among its members a chairman and other officers, establishing procedures for performing its functions, the making of nominations for membership on the committee, the certifying of such nominations to the Secretary, the making of recommendations with respect to marketing policy, and the consideration of such other matters as it deems proper or as the committee or the Secretary may request.

TURKEY ADMINISTRATIVE COMMITTEE

§ 301.24 Establishment and membership.

A Turkey Administrative Committee is hereby established to administer the terms and provisions of this part. Such Committee shall consist of 19 members which shall include the chairman of the Board who shall also be chairman of the Committee. For each member there shall be an alternate member. No person shall be selected or continue to serve as a member or alternate member

of the Committee unless he is serving as a member or alternate member of the Board.

§ 301.25 Nomination.

The Board shall nominate from among its members and alternate members 38 nominees for appointment as members and alternate members of the Committee. All such nominations for the Committee shall be certified by the Board to the Secretary as soon as practicable following their nomination.

§ 301.26 Term of office.

Members and alternate members of the Committee shall serve for terms of one year ending on January 31, the initial term beginning with the effective date of this part and ending on January 31, 1963, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 301.27 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 301.28 Duties.

The Committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time.

(c) To investigate and assemble data on the production, handling, and marketing of turkeys and to make recommendations concerning the issuance of regulations pursuant to this part.

(d) To submit to the Secretary or the Board such available information with respect to turkey hatching eggs and turkeys as may be requested and such other information as the Committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the Committee to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the Committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the Committee and to make such statements, together with the minutes of the meetings of said Committee and the Board, available for inspection at the offices of the Committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the Committee and the Board as is given to members;

(j) To investigate compliance with and to use means available to the Committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

BOARD AND COMMITTEE

§ 301.30 Selection.

The Secretary shall select and appoint members and alternate members of the Board and the Committee in the numbers and with the qualifications specified in this subpart. Such selections shall, to the extent feasible in the light of the following considerations, be made from the nominations certified by the Committee and the Board: *Provided,* That in making such selections and appointments the Secretary shall give major recognition to turkey producers, including consideration of the size, nature, and location of their production operations, and reasonable handler representation with a view to the extent possible and practicable to have representation from all segments of the industry.

§ 301.31 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 301.32 Qualify by acceptance.

Each person selected as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 301.33 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 301.34 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Committee certifying to the Secretary a new nominee within 40 calendar days.

§ 301.35 Procedure.

All decisions of the Board and the Committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the Board shall consist of not less than thirty (30) members and for the Committee not less than ten (10) members. Such quorum requirements may be changed by the Secretary, upon recommendation of the Board or Committee. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, it must be favored by not less than fourteen (14) members of the Committee to constitute action by the Committee.

§ 301.36 Expenses and compensation.

The members of the Committee and the Board, and the alternate members, shall be allowed their necessary expenses, actual or per diem, as approved by the Committee. If the Secretary upon recommendation of the Board determines that it is necessary for the efficient and effective operation of the Board or Committee and that the members thereof receive reasonable compensation for their services, such members may receive such compensation at a rate recommended by the Committee and approved by the Secretary.

EXPENSES AND ASSESSMENTS

§ 301.40 Expenses and budget.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board and committee and for other such purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The Committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the marketing year.

§ 301.41 Assessments.

Each handler shall pay to the committee, upon demand, with respect to turkeys handled by him, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each marketing year. Each handler's pro rata share shall be at a rate of assessment per hundred pounds of processed turkey, fixed by the Secretary. At any time during the marketing year the Secretary may decrease the rate of assessment or may increase the rate of assessment to cover unanticipated expenses or a deficit in the anticipated quantity of turkeys handled but in no event shall such assessment exceed $.20 per 100 pounds of processed turkey: *Provided,* That no such assessment shall be retroactive. In order to provide funds to carry out the functions of the board and committee, the committee may accept advance pay-

ments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the board and committee may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative, or whether volume regulation is in effect.

§ 301.42 Accounting.

(a) If, at the end of a marketing year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately and to the extent practicable to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent marketing year, as a reserve: *Provided,* That funds already in the reserve do not equal approximately one marketing year's expenses. Such reserve funds may be used (i) to defray expenses, during any marketing year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any marketing year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary and appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members, thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH DEVELOPMENT

§ 301.45 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, and distribution of turkeys. The expenses of such projects shall be paid from funds collected pursuant to § 301.41.

REGULATIONS

§ 301.50 Marketing policy.

At least once each marketing year the Board shall prepare and submit to the Secretary through the committee a report setting forth its general marketing policy for such ensuing period or periods as it may deem appropriate. Notice of the Board's marketing policy shall be given promptly by reasonable publicity to producers and handlers. The report shall include any recommendation it may make for regulatory action in such period or periods as well as data and information used by the board in formulating the marketing policy. In developing the marketing policy, the board shall give consideration to the following factors:

(a) The estimated quantity of processed turkeys on hand in the production area at the beginning of such period or periods.

(b) The probable availability of additional turkeys during such period or periods.

(c) The estimated quantity of processed turkeys which should be carried over as a desirable inventory into any succeeding period or periods.

(d) The number of turkey hatching eggs set for hatching or the number of poults placed in such period or periods as will reflect probable availability of turkeys in the period or periods for which regulation is proposed.

(e) The estimated market requirements for processed turkeys for the period or periods for which regulation may be proposed, including in such estimates as separate items probable trade demands for such turkeys in the various available outlets for such turkeys.

(f) Current prices being received for turkeys and the probable general level of prices to be received for turkeys by producers and handlers.

(g) The trend and level of consumer income and any other factors which may affect consumer demand for processed turkeys.

(h) Any other pertinent factors bearing on the marketing of such turkeys, including the estimated supply or demand for particular types or sizes of turkeys or special problems relating thereto.

(i) The need for any regulations and recommendations with respect thereto dealing in any manner with any of the foregoing or with the authorities for regulation provided by this subpart.

Recommendations with respect to specific implementation of the general marketing policy recommended by the Board shall be made to the Secretary by the committee from time to time, as circumstances warrant, and the committee's recommendation shall contain the data and information upon which it is based, together with the specific regulatory action recommended.

§ 301.51 Issuance of regulations.

The Secretary shall regulate the handling of turkeys as authorized by this subpart whenever he finds from the recommendations and information submitted by the board or committee, or from other available information, that such regulation may tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit the quantity of turkeys all handlers may receive for handling pursuant to § 301.56.

(b) Limit the handling for specified outlets of particular grades, sizes, qualities or packs of any or all types of turkeys during a specified period or periods.

(c) Fix, or provide methods for fixing, pursuant to §§ 301.55 and 301.57 through 301.68, free and surplus percentages applicable to the handling of all turkeys handled by handlers and for the pooling of set aside turkeys and the distribution of the proceeds of such pool.

(d) Limit the handling of turkeys differently for different period or periods, for difference regions, for different types, sizes or for different purposes, or any combination of the foregoing for any period.

VOLUME REGULATION

§ 301.55 Volume regulation.

The Secretary may establish, upon the recommendation of the board, or other available information, regulation of turkeys for the marketing year or for such period or periods as he may prescribe, by any one or both of the methods hereinafter specified if he determines that regulation by the method or methods employed may tend to effectuate the declared policy of the act. Such regulation may be based upon different desirable quantities or desirable free quantities for different types or sizes of turkeys, or for any or all portions of the production area; and when such quantities are established for such turkeys, the allocation of bases, allotments, or percentages under such regulation shall be equitably apportioned among producers: *Provided,* That if the Board recommends volume regulation for the balance of the fiscal year 1962, remaining after this part becomes effective, such volume regulation shall be restricted to Method No. II provided in §§ 301.57 through 301.68 and in such event the Board shall give due consideration to the regional differences in production of turkeys.

METHOD NO. I

§ 301.56 Desirable quantity.

Whenever a desirable quantity of turkeys which all handlers may acquire from producers in the marketing year has been established the committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments for the marketing year as follows:

(a) *Allocation bases.* Each producer shall be apportioned an allocation base which shall be computed as follows:

(1) Each producer's base for the years 1963 and 1964 shall be the highest of the quantity of turkeys produced by him which were marketed in the years 1959, or 1960 or 85 percent of the quantity which were marketed by him in the year 1961: *Provided,* That where more than one producer is involved in the production of turkeys marketed from the same production facility, the year 1961, as adjusted, shall be used in computing their bases unless the producers concerned agree to the use of either 1959 or 1960.

(2) For the marketing years 1965 and thereafter each producer's allocation base shall be determined by taking the average of the highest quantity of turkeys produced by him which were marketed in any three of the five years immediately preceding the marketing year for which the allocation base is being determined: *Provided,* That for the purposes of this computation the 1961 quantity for allocation base purposes shall be limited as in subparagraph (1) of this paragraph; and the year 1962 shall not be used in the computation of bases: *Provided further,* That where more than one producer is involved in the production of turkeys marketed from the same production facility, the three most recent base years shall be used in computing their bases unless the producers concerned agree to the use of other years of said five years.

(3) A producer who operates and controls the facilities for production, the marketing from which was divided between producers in establishing his base, may have the option upon application to the committee to have his allocation base adjusted up to the total quantity of turkeys marketed from such facilities in his base period as if he had had the sole proprietary interest in such turkeys: *Provided,* Such producer may exercise such option only once and: *Provided further,* That such adjusted allocation base shall be available only when the total marketings from such facilities are turkeys in which the producer has the sole proprietary interest.

(4) (i) The committee may provide for adjustment of a producer's allocation base upon a showing that such producers' production in the applicable base periods provided in subparagraphs (1) and (2) of this paragraph was not representative.

(ii) A producer-handler who desires to relinquish his status as a producer-handler, may be apportioned an allocation base by the committee based upon his past production and marketing in accordance with regulations made by the committee and approved by the Secretary.

(iii) If the sum of the desirable quantity in any marketing year exceeds the sum of the allotments of the preceding year the committee may determine a portion of the difference between such sums which may be apportioned to persons who are not producers of turkeys and who can establish that they have the ability to produce.

(b) *Application.* Each producer desiring an allocation base for the marketing year shall, not later than 6 weeks preceding such marketing year, or prior to such date as the committee may otherwise prescribe, file with the committee or other agency specified by the committee an application therefore on forms prescribed by the committee, which shall supply all pertinent information required by the committee. The burden of supplying and supporting all such information filed with the committee shall rest upon the producer.

(c) *Committee verification.* The committee or agency shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the committee finds an error, omission, false statement or inaccuracy in any such application, it shall correct the same and shall give the person who submitted the application a reasonable opportunity to discuss with the committee or agency the factors considered in making the corrections. In the event of correction of a base, the allotment apportioned to the producer pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each producer who has an allocation base shall be apportioned an allotment of turkeys which handlers may purchase or otherwise acquire or receive from such producer for their account or the account of such producer during the marketing year which allotment shall be computed by dividing the desirable quantity of turkeys established pursuant to this section by the sum of the allocation bases of all producers, and multiplying such producer's allocation base by the resulting percentage figure. The result shall be the producer's allotment of the established desirable quantity of turkeys and no handler shall acquire a quantity of turkeys from any producer (including such handler in his capacity as a producer) which would result in handlers having acquired or received a greater quantity of turkeys from such producer than the total quantity so apportioned to such producer, plus such additional amounts as may be specifically provided in this part.

(e) *Certification of allotments.* The committee, with the approval of the Secretary, may establish by regulation such means of certification or identification with respect to allotments of producers as may be required to effectuate the purposes of any regulation issued under this part.

(f) *Allotments by period.* Whenever the board recommends and the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act, he may establish within the marketing year a period or periods within which handlers may acquire a producer's allotment or specified portion thereof. In determining the quantities of turkeys which handlers may acquire in such period or periods, the Board shall take into consideration the seasonal patterns of production by region, such regions to be established by the committee, and shall apportion such quantities to be acquired by handlers from producers so as to provide equity among producers.

(g) *Foundation breeders.* The committee may establish, by regulation, a definition of a foundation breeder and, notwithstanding the provisions of paragraphs (d) and (e) of this section if the committee finds, upon substantial information submitted by a producer who is a foundation breeder, that such producer's apportionment of the established desirable quantity of turkeys is having a substantial adverse affect upon the operation of a sound breeding program, the committee may adjust such producer's allotment which may be acquired by handlers to the extent necessary to avoid or mitigate such adverse affect. A determination as to whether a producer is a foundation breeder shall be made by the committee and shall be based upon an application for foundation breeder status, filed with the committee by the producer, containing such information as the committee may prescribe, and upon such other information as the committee may find necessary in order to arrive at its determination.

(h) *Allotment adjustment.* (1) In any marketing year or period or periods within such marketing year when allotments are in effect any handler may acquire from a producer a quantity of turkeys which will result in the total quantity of turkeys acquired from such producer by handlers exceeding such producer's allotment by not in excess of 5 percent thereof: *Provided,* That such producer furnishes the handler with a certification that his total marketings of turkeys during the period, including the excess quantity, consisted of turkeys of his own production only and upon such certification, the producer's allotment for the period shall be deemed adjusted accordingly: *Provided further,* That any handler receiving excess turkeys under these conditions shall make the producer's certification available to the committee and file such reports relating thereto as the committee may require and the committee shall reduce the allotment to be acquired from the producer for the ensuing period by the quantity by which his current allotment was adjusted.

(2) If handlers do not acquire from a producer that producer's full allotment for the marketing year, or period within a marketing year, then such quantity which was not acquired from such producer may, pursuant to regulations issued by the committee, be added to the quantity which may be acquired from such producer during the next marketing year, or period, but in no event shall such quantity exceed 5 percent of the quantity which may be acquired from a producer during the marketing year, or in a period within a marketing year.

(i) *Transfers of bases and allotments.* Allocation bases and allotments shall not be transferred except as authorized by regulations issued by the committee and then only in the following circumstances:

(1) *Allocation bases.* (i) In the event of a transfer of the producer's entire production facilities, the base may be transferred to the person acquiring and continuing the use of such facilities.

(ii) In the event of the death, retirement, or entry into military service of a producer, the entire allocation base may be transferred to a member of such producer's immediate family who carries on the turkey production operation.

(iii) If an allocation base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(2) *Allotments.* A producer's allotment may be transferable to another producer for a marketing year subject to regulations issued by the committee.

METHOD NO. II

§ 301.57 Desirable free quantity.

Whenever a desirable free quantity of turkeys has been established for any period or periods as may be prescribed, all handlers shall handle such turkeys in such period or periods subject to the percentage requirements of § 301.58.

§ 301.58 Free and surplus percentages.

(a) Whenever the committee concludes that the volume of turkeys which will be available for handling, in a period or periods for which there has been established a desirable free quantity of turkeys, will exceed such desirable free quantity it may recommend to the Secretary that the handling of turkeys in such period or periods be limited by establishing free and surplus percentages applicable to the handling of all turkeys, or the handling of turkeys of any grade, size or quality, or any combination thereof. If the Secretary finds that such recommendation may tend to effectuate the declared policy of the Act he may establish free and surplus percentages applicable to such total handlings or of any grade, size, or quality thereof, within such period or periods, which shall total 100 percent of the turkeys to which the percentages apply. If the Secretary determines that such percentages should be modified within any such period or periods, appropriate new percentages may be established: *Provided,* That any change in the applicable percentages may be applicable only to the remainder of the period and may not be retroactive.

(b) Whenever free and surplus percentages have been established for a period or periods, each handler shall set aside at such times as the committee may prescribe, and withhold for marketing a quantity of processed turkeys computed by multiplying the quantity of all turkeys handled by him in such period by the applicable surplus percentage.

(c) The committee, with the approval of the Secretary, may prescribe the grade, size, or quality of turkeys which shall be set aside to meet the surplus percentage and may require that such surplus percentage be set aside from each lot handled: *Provided,* That for purposes of this provision each day's slaughter of each producer's turkeys or of the handler's own turkeys shall be deemed a separate lot. The turkeys handled by a handler which are free quantity turkeys may be disposed of by him in any marketing outlet, subject, however, to any grade, size or quality restrictions otherwise provided by this part.

§ 301.60 Set aside turkeys.

(a) All turkeys set aside to meet the handler's set aside obligation shall be held by the handler for the account of the committee in compliance with regulations of the committee, approved by the Secretary, until the handler has been relieved of such responsibility by the committee. Such set aside turkeys shall be free and clear of all liens: *Provided,* That any liens which were outstanding at the time turkeys were set aside shall be subject in every way to this order and the regulations thereunder, and any lienholder with respect to such lien shall, to the extent of such lien, be deemed an assignee of a pro rata interest in the net proceeds of the applicable pool of set aside turkeys.

(b) The handler shall hold such turkeys in storage, in such facilities and under such storage conditions as the committee may prescribe.

(c) Set aside turkeys shall be labeled or otherwise marked in such manner as the committee may prescribe so as to be identifiable at all times and shall be subject to inspection by the committee or its representatives at all times.

(d) Upon reasonable notice by the committee, a handler shall commence delivery to the committee or its designee of any or all set aside turkeys held for the account of the committee and at such rate as may be prescribed.

(e) Handlers shall use good commercial practices in caring for set aside turkeys and be liable to the committee for losses of set aside resulting from lack of due care.

(f) The committee may, by regulation, authorize methods, other than processing and storage by which a handler may comply with his set aside requirements. Some such other methods might include, but are not limited to the following.

(1) The committee may allow the handler to purchase other handlers free percentage turkeys to fulfill his set aside requirement.

(2) The committee may, upon authorization and payment from the handler, purchase free percentage turkeys to fulfill the handlers set aside.

(3) The committee may designate in advance a point or points of delivery of set aside turkeys to which the handler may ship such turkeys whenever he has set aside commitments.

(4) The committee may allow the handler to satisfy his set aside requirements for a period or periods by setting aside at a time or times specified by the committee, the aggregate of his set aside requirements rather than meeting such requirements out of each day's processing.

§ 301.61 Set aside by grade, size, or type.

Upon recommendation by the committee and approval by the Secretary, the quantities of turkeys to be set aside by handlers may be segregated by grade, size, or type and separate pools may be established for the disposition thereof and the distribution of proceeds.

§ 301.62 Title.

The committee, with respect to turkeys set aside for the account of the committee, shall be deemed to have title thereto as trustees and is authorized to negotiate loans on such set aside surplus turkeys for the purpose of paying the expenses relating thereto, or for making advance payments, or both.

§ 301.63 Pooling period.

Any pool of set aside turkeys shall consist of all surplus percentage turkeys set aside by all handlers during any period or periods as may be prescribed, but any such period shall be not less than one month, nor more than one year in duration: *Provided,* That a pool may include surplus turkeys from one or more set aside periods within a marketing year.

§ 301.64 Handler compensation.

Each handler shall be compensated for processing and other costs relating to the surplus percentage set aside of turkeys as the committee may deem to be appropriate, in accordance with charges established at the beginning of the marketing year by the committee with the approval of the Secretary. Such costs shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons.

§ 301.65 Committee disposition of set aside.

(a) *General.* The committee shall have the power and authority to sell and dispose of, or use any agency approved by the Secretary including cooperatives, to dispose of any and all set aside turkeys upon the best terms and at the highest prices attainable consistent with the provisions and objectives of this part, but only in the outlets specified in paragraph (b) of this section.

(b) *Outlets.* The committee may sell or dispose of set aside turkeys in the following outlets:

(1) By sales for disposition in export;

(2) By direct sale to any agency of the United States Government;

(3) In other outlets which the Secretary, upon recommendation of the committee, may specify by regulation to be substantially noncompetitive with those for normal outlets for turkeys, as defined by regulations, or

(4) To the extent feasible and consistent with the purposes of this part, the committee with the approval of the Secretary may sell or dispose of set aside surplus turkeys in any other outlets, including any normal outlets for turkeys.

(c) The committee shall make disposition of surplus turkeys in each pool as expeditiously as practical consistent with the provisions and objectives of this part, and in any event not later than August 1 of the following marketing year.

§ 301.66 Distribution of net proceeds.

The net proceeds from the disposition of any pool of set aside surplus turkeys shall be distributed, after deduction of any expenses incurred by the committee for the receiving, handling, holding, or disposition thereof, to handlers pro rata on the basis of the quantities of their respective contributions to the set aside contained in such pool, for distribution

by such handlers to the respective producers of such turkeys, or their successors in interest, in accordance with records of each handler showing their respective contributions to the handler's total set aside.

§ 301.67 Equity holders.

So that the handler may determine each producer's or his successor's or assignee's interest or equity in the handler's total set aside, each handler who sets aside turkeys to meet his surplus percentage shall determine, or cause to be determined, the size, grade, and quantity of turkeys so set aside which were received from each producer thereof, together with the name and address of such producer, or his successor in interest, and any other information which the Committee may require to identify all producers of the turkeys so set aside. The handler shall keep a record of all such information pertinent to each pool of set aside surplus turkeys to which it may be pertinent.

§ 301.68 Prohibition against disposition.

Except as provided herein, set aside turkeys shall not be used or disposed of by any handler.

CERTIFICATION FOR GRADE OR QUALITY

§ 301.69 Certification for grade or quality.

Whenever, for any period or periods, regulations are in affect which require the determination of grade or quality of turkeys, the Secretary, upon recommendation of the committee, may, by regulation, require each handler to cause such turkeys to be certified for grade by any agency or agencies which he may designate, and further require that any such agency certify the grade of such turkeys on forms or certificates to be prescribed by the committee with the approval of the Secretary. The cost of any such services shall be borne by the handler.

APPLICATION OF PROVISIONS

§ 301.70 Application of provisions.

(a) *Producer-handlers and exempt handlers.* Sections 301.41, 301.55, 301.56, except § 301.56(a)(3), and §§ 301.57 through 301.69 shall not apply to producer-handlers or exempt handlers.

(b) *Institutional exemptions.* The committee may, by regulations approved by the Secretary, exempt from the application of §§ 301.41, 301.55 and 301.56 through 301.69 turkeys produced by federal, state, or other governmental or private institutions for their own consumption.

(c) *Research and educational exemptions.* The committee may exempt from the application of sections 301.41 and 301.55 through 301.69 persons, other than foundation breeders, producing turkeys for research and educational purposes upon application by such persons to the committee, and a determination by the committee, that the quantity of turkeys sought to be exempted are reasonable for the purposes stated.

REPORTS AND RECORDS

§ 301.71 Reports.

(a) *Regular monthly reports.* At a time and in a manner prescribed by the committee, each handler shall file reports with the committee on forms prescribed by the committee and approved by the Secretary, relating to his handling of turkeys for the preceding month, and providing such information with respect thereto as the committee may prescribe.

(b) *Exempt-handler and producer-handler reports.* Each handler exempted under § 301.70 shall make reports at such times and in such manner and containing such information as the committee may request.

(c) *Other reports.* Upon the request of the committee, each handler shall furnish to the committee reports relating to the handling of turkeys other than producer turkeys and such other information as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 301.72 Records.

Each person required to file reports with the committee shall maintain such records pertaining to all turkeys handled as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than six years after the termination of the marketing year to which such records relate.

§ 301.73 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, producer handlers and other persons required to file reports to the committee, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where turkeys are handled, and, at any time during reasonable business hours, shall be permitted to inspect such person's premises, and any and all records of such persons with respect to matters within the purview of this part.

§ 301.74 Confidential information.

All reports and records furnished or submitted to the committee, or obtained by the employees of the committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

COMPLIANCE

§ 301.75 Compliance.

Except as provided in this subpart, no handler shall handle turkeys, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle turkeys except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 301.80 Supervisory authority.

Regulations implementing this order shall be approved by the Secretary prior to being made effective. Nothing in this order shall impair the Secretary's right to take such action as necessary to carry out his responsibility to insure that actions taken are in the public interest, tend to effectuate the purpose of the Act, and are within legal authority. Any person having responsibilities in connection with the administration of this order may be removed or suspended by the Secretary at his discretion if he concludes such action to be in the public interest.

§ 301.81 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 301.82 Separability.

If any provision of this subpart, is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 301.83 Derogation.

Nothing contained in this subpart is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 301.84 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 301.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 301.86 Effective time.

The provisions of this subpart, or any amendments thereto, shall become effec-

tive at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this subpart.

§ 301.87 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the 30th day of January of any marketing year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers between October 1 and October 31, 1964, to determine whether they favor termination of this subpart and thereafter shall hold a referendum for the same purpose between October 1 and October 31 of each subsequent even numbered year if the Secretary receives recommendation from the Board requesting the holding of such a referendum. The results of such a referendum shall be announced by the Secretary by November 30 of any marketing year in which held.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 301.88 Procedure upon termination.

Upon termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purposes of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 301.89 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any set aside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or any other person, with respect to such violation.

§ 301.90 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

PROVISIONS APPLICABLE ONLY TO PROPOSED MARKETING AGREEMENT

§ 301.100 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 301.101 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take affect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 301.102 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of turkeys in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.

[F.R. Doc. 62-660; Filed, Jan. 17, 1962; 11:00 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

Proposed Revision

Notice is hereby given that pursuant to section 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1066, as amended; 29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to revise Part 516 of Title 29, Code of Federal Regulations, in order to provide record-keeping requirements appropriate under the Fair Labor Standards Amendments of 1961 (Public Law 87-30). The proposed revision includes the changes in §§ 516.1 to 516.3 and 516.23 proposed earlier by notice published in the FEDERAL REGISTER on August 30, 1961 (26 F.R. 8114), together with a proposed further revision of § 516.23 relating to situations in which different minimum wage rates may apply to an employee's employment, during the same workweek.

Interested persons may submit written data, views, and arguments relating to the proposed revision to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days from its publication in the FEDERAL REGISTER.

The proposed revision reads as follows:

INTRODUCTORY

Sec.

AUTHORITY: §§ 516.1 to 516.27 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records.

(a) No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) Scope of regulations:

(1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage and overtime provisions; sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom both sections 6 and 7(a) of the act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth, if under 19,

(4) Occupation in which employed,

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group or employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6)(i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the act, (ii) basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment, except that,

(13) Subparagraphs (6)(i) and (iii) and (9) of this paragraph shall not apply prior to September 3, 1963, with respect to any employee with respect to whom the overtime provisions of section 7(a) of the act do not become effective until September 3, 1963.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$350 mo."; "$95 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the act, shall post and keep posted such notices pertaining to the applicability of the act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved three years.

Each employer shall preserve for at least three years:

(a) Payroll records: From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part and

(b) Certificates, agreements, plans, notices, etc.: From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the act,

(2) Collective bargaining agreements, under sections 7(b)(1) or 7(b)(2) of the act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(d) of the act,

(4) Individual contracts or collective bargaining agreements under section 7(e) of the act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(f) of the act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved two years.

(a) *Supplementary basic records.* Each employer required to maintain records under this part shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess computation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate work forces.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2(a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees under certain collective bargaining agreements who are partially exempt from overtime as provided in section 7(b)(1) or 7(b)(2) of the act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the act, shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep as part of his records and, within 30 days after such collective bargaining agreement has been made, re-

port and file a copy thereof with the Administrator at Washington 25, D.C. Likewise, the employer shall keep a copy of each amendment or addition thereto and, within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator at Washington 25, D.C.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the act or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the act.

§ 516.12 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption for 14 workweeks provided in section 7(b)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2, except that with respect to paragraph (a)(9) thereof, the employer shall record the daily as well as the weekly overtime compensation.

(b) *Establishment operation records.* The employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(b)(3) of the act.

(c) *Posting of notice of weeks taken under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(b)(3) of the Fair Labor Standards Act, when overtime, at a rate of not less than time and one-half the regular hourly rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14-workweek partial overtime exemption provided under section 7(b)(3) of the act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.13 Employees exempt from overtime pay requirements during 14 workweeks pursuant to section 7(c) of the act.

(a) *Items required.* With respect to employees employed pursuant to the total overtime pay exemption for 14 workweeks provided in section 7(c) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(9) thereof.

(b) *Establishment operation record.* Every such employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7(c) of the act.

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) beginning _____ and ending _____ in this pay period as a part of the 14 workweeks permitted under section 7(c) of the Fair Labor Standards Act during which overtime excess compensation, as provided in section 7(a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any week or part of a week during which the establishment operates under the 14-workweek partial overtime exemption provided in section 7(c) of the act, the employer, shall after making appropriate notations in the blank spaces in the aforesaid notice, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.14 Employees totally exempt from overtime pay requirements pursuant to section 7(c) and sections 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in sections 7(c), 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), and (11) of the act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$1.30 hr."; "$10 day"; "$50 wk."; "$50 wk. plus 5 percent commission on sales over $300 wk.").

§ 516.15 Employees totally exempt from overtime pay requirements pursuant to section 13(b)(6) of the act—items required.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the act as provided in section 13(b)(6) of the act shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the act applies, but to whom neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$1.20 hr."; "$10 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(b)(2) of the act),

(c) Total straight-time earnings or wages for each pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.16 Employees exempt from both the minimum wage and overtime pay requirements under sections 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act—items required.

With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (18), (19), (20), (21), or (22) of the act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.17 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(16) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13(a)(16) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the em-

ployer shall maintain and preserve the records specified in paragraphs (b) and (c) of this section.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employee shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.18 Employees exempt from both the minimum wage and overtime pay requirements under section 13(a)(17) of the act—items required.

(a) With respect to each and every employee covered by the act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(17) of the act, the employer shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, the information and data required by paragraph (b) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

§ 516.19 Employees employed pursuant to a bona fide individual contract or a collective bargaining agreement, and compensated in accordance with sections 6 and 7(e) of the act—items required.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(e) of the act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings,

(b) Total weekly compensation in excess of weekly guaranty,

(c) A written memorandum summarizing the terms of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, where such contract or agreement is not in writing.

§ 516.20 Employees compensated for overtime work on the basis of the "applicable" piece rates or hourly rates as provided in sections 7(f)(1) and 7(f)(2) of the act—items required.

With respect to each and every employee compensated for overtime work in accordance with section 7(f)(1) or 7(f)(2) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a)(1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) The number of overtime hours worked at each applicable hourly rate or the number of units of work performed at each applicable piece rate during the overtime hours.

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.21 Employees compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act—items required.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, in accordance with section 7(f)(3) of the act, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof and, in addition thereto, the following:

(a)(1) The hourly or piece rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours. If the employee is part of a work force or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice, (3) the amount and nature of each payment which, pursuant to section 7(d) of the act, is excluded from the "regular rate,"

(b) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of the oral agreement or understanding to use this method of computation. If the employee is part of a group, all of whom have agreed to use this method of computation a single memorandum will suffice.

§ 516.22 "Red caps" and other employees dependent on tips as part of wages—items required.

Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to such employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for or turned over by the employee to the employer:

(a) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,

(b) Actual total hours worked each workday in any other occupation,

(c) Total daily or weekly straight-time earnings segregated according to:

(1) Time paid for under paragraph (a) of this section,

(2) Time paid for under paragraph (b) of this section,

(3) Tips or gratuities received and accounted for or turned over by the employee to the employer.

§ 516.23 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the act.

(a) *Items required.* With respect to persons employed as learners, apprentices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the act employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.24 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial home work for an employer.

(2) "Industrial home work," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential

establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes,

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom home work is distributed or collected and name and address of each homeworker to whom home work is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (*a*) preserve a copy as part of his records, (*b*) deliver a copy to the employee, and (*c*) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Home work handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting home work on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing home work.

§ 516.25 Additional records required when additions or deductions are made to or from wages for "board, lodging, or other facilities" customarily furnished to employees.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in section 3(m) of the act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less in cash than the minimum hourly wage provided in section 6 of the act or in any applicable wage order, or (2) if the employee works in excess of 40 hours a week and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under section 3(m) of the act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3(m) and which need not be maintained on a workweek basis, see §§ 777.13 to 777.15 of this chapter.)

§ 516.26 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data re-

quired to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa, the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment ("$1.30 each hour"; $10.00 a day"; $50.00 wk."; 2¢ per piece"; $50 wk. plus 5 percent commission on sales over $300 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straighttime for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, therefore, not subject to different minimum rates of pay.

§ 516.27 Minors employed in agriculture—items required.

Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(a) Name in full.

(b) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.

(c) Date of birth.

Provided, however, That such data need not be maintained for any minor employees who work only on days when school is not in session.

Signed at Washington, D.C., this 12th day of January 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-549; Filed, Jan. 17, 1962; 8:48 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 two petitions (FAP 634, 635) have been filed by Cook Paint and Varnish Company, Post Office Box 389, Kansas City 41, Missouri, proposing the issuance of a regulation to amend § 121.2514 of the food additives regulations to provide for the safe use of the following substances in the formulation of resinous and polymeric coatings that contact food:

1. Diphenolic acid (FAP 634).

2. 3-Pentadecyl phenol mixture obtained from cashew nut liquid (FAP 635).

Dated: January 11, 1962.

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

[F.R. Doc. 62-551; Filed, Jan. 17, 1962; 8:48 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 667), has been filed by the Department of Microbiology and Public Health, Michigan State University, East Lansing, Michigan, proposing the issuance of a regulation to establish a tolerance of 2 parts per million (0.0002 percent) for residues of paraformaldehyde in maple sirup, from the use of paraformaldehyde in controlling microbial or fungal growth in maple tree tapholes.

Dated: January 11, 1962.

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

[F.R. Doc. 62-552; Filed, Jan. 17, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

EXEMPTION OR GENERAL LICENSING OF CERTAIN BYPRODUCT MATERIALS FOR MEDICAL USE

Notice of Proposed Rule Making

A number of byproduct materials, such as iodine 131, phosphorus 32, chromium 51, cobalt 58, and cobalt 60, have been used for medical purposes for several years. Considerable experience has been obtained also with various devices containing byproduct material.

The Commission considers that the uses, contraindications, and necessary precautionary measures for safe handling of certain of these byproduct materials and devices have been determined. It appears feasible and desirable, therefore, to exempt physicians from the licensing requirements of Part 30 for relatively small quantities of certain byproduct materials. It also appears feasible and desirable to issue a general license to physicians for larger quantities of these byproduct materials if appropriate radiation safety limitations are made a condition of the general license.

The proposed amendments would exempt the use for diagnostic purposes by physicians of iodine 131, cobalt 58, cobalt 60, and chromium 51 in specified forms and relatively small quantities. A general license would be established for the medical use of iodine 131 and phosphorus 32 in specified forms and limited quantities sufficient for certain therapeutic and diagnostic uses. The exemption and this general license would apply only to byproduct material obtained from a supplier holding (a) an effective new drug application, or license issued by the Secretary, Department of Health, Education, and Welfare, and (b) a license issued by the Atomic Energy Commission under § 30.24(k) of the proposed amendment. A general license would be established also for needles and tubes containing cobalt 60.

The exemption and general licenses would apply only to physicians defined in 10 CFR 30.4(i) as "* * * an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine." Cobalt 60 needles and tubes would be generally licensed for use by a physician who has at least three years of experience in the interstitial or intracavitary use of sealed sources containing radioactive materials, and who certifies to the Commission that he is familiar with the hazards and appropriate precautions associated with such sealed sources.

The general licensees would be required to register with the Commission and receive a registration number prior to obtaining the byproduct material or device for use under the general license. The conditions to which the general license would be subject will be reproduced upon the Registration Certificate. Thus, he will be informed of the conditions of the general license.

The proposed amendments also would establish licensing criteria for persons proposing to distribute byproduct material for use by physicians who would be exempted or generally licensed by the amendment.

STATEMENT OF RADIATION SAFETY CONSIDERATIONS

Section 30.11: Under the provisions of the exemption in § 30.11 the pharmaceutical containing radioactive material would be packaged in individual cali-

brated doses ready for administration. No processing by the physician would be required. The radioisotopes would be used only by physicians and for medical diagnosis. The proposed exemption requires that the radioactive material be stored, until administered, in the original shipping container or a container providing equivalent radiation protection. The maximum quantities of radioactive material which a physician could possess at any one time under the exemption would be 200 microcuries of iodine 131; 10 microcuries of cobalt 58; 10 microcuries of cobalt 60; and 200 microcuries of chromium 51.

The radiation doses received by physicians or technicians in the administration and handling of diagnostic doses of radioisotopes which would be exempted are quite small. Interstate Commerce Commission regulations specify that the radiation on the surface of a shipping container shall not exceed 200 milliroentgens per hour (mr/hr) and at one meter from the contained radioactive material shall not exceed 10 mr/hr. In practice, the radiation levels about containers of diagnostic doses of isotopes are much less than these maximum allowable levels. The radioisotope container is handled by physicians and technicians for very short periods of time. Remote handling equipment is unnecessary. The dose rate at a distance of one centimeter from a point source of 200 microcuries of iodine 131 is about 440 mr/hr or 7.3 mr/minute. A bottle of iodine 131 capsules is not a point source, but the dose rate close to it would be of this order of magnitude.

The dose rates from the other diagnostic radioisotopes which would be exempted will be much lower than for iodine 131. The dose rates at one centimeter from point sources of 10 microcuries of cobalt 58, 10 microcuries of cobalt 60 and 200 microcuries of chromium 51 are 60 mr/hr, 128 mr/hr and 80 mr/hr, respectively.

10 CFR Part 20 specifies that the hands of radiation workers may be exposed to 18¾ rems per quarter or an average dose of 1440 millirem per week. If an individual were exposed only through the handling of 200 microcuries of iodine 131, he could handle the cup or bottle containing the radioisotope $^{1440}/_{7.3}$=198 minutes each week without exceeding the limiting hand dose established by 10 CFR Part 20. In practice, diagnostic doses of radioisotopes are handled only one or two minutes during each administration and in a large diagnostic program perhaps no more than ten cases a week would be involved. The hand doses received by physicians and technicians from handling diagnostic doses of radioisotopes are small.

The whole body exposures to medical personnel are likewise small from the handling of these doses. The dose rate at one foot from 200 microcuries of unshielded iodine 131, 10 microcuries of unshielded cobalt 58, 10 microcuries of unshielded cobalt 60 and 200 microcuries of unshielded chromium 51 are 0.5 mr/hr, 0.06 mr/hr, 0.14 mr/hr and 0.09 mr/hr, respectively. Doses received by physicians and technicians who work in the radioisotope diagnostic programs are so small that personnel monitoring equipment is not required under the provisions of § 20.202 of 10 CFR Part 20.

Because of the low levels of radiation involved and the manner in which diagnostic radioisotopes are used, there is no need to specify minimum training or experience requirements for physicians. Further, a radiation survey meter is not needed. In the case of accidental spills, which are infrequent, the radiation instrumentation used by the licensee to interpret results of the diagnostic tests can be used to check for contamination. There is little likelihood that the radioisotopes will be ingested or inhaled by medical personnel since no processing of the radioisotopes will be involved. Since diagnostic radioisotopes are ordered by physicians on an as needed basis, very little of the material is disposed of as waste.

Section 30.26: Iodine 131 and phosphorus 32 which would be generally licensed under § 30.26 would be packaged in individual doses ready for administration. No additional processing of the material would be required and the radioisotopes would be used only by physicians and only for medical diagnosis or therapy. The maximum quantities of radioactive material which a physician could possess at any one time under this general license would be 15 millicuries of iodine 131 and 10 millicuries of phosphorus 32.

Since phosphorus 32 is a pure beta emitter, the radiation dose rates received by the hands of persons who handle this isotope in closed containers is quite low. The bremsstrahlung dose rate through the walls of a glass bottle containing 5 millicuries of the isotope is about 0.5 mr/hr at 10 centimeters from the bottle. The surface dose rate could be as high as $0.5\times(10)^2$=50 mr/hr. Quimby [1] found that the dose rate at the mouth of an "open" bottle with a 3 square centimeter area and 5 centimeters deep, containing 10 millicuries of phosphorus 32 was as high as 100 rads per hour. Hence, precautions must be taken when handling this isotope to assure that the hands are not overexposed. However, because of the type of container in which the isotope is received and the manner in which the material is used, the radiation doses to physicians and technicians working with phosphorus 32 are normally low.

The radiation levels outside of the bodies of patients who have been given phosphorus 32 are quite low. There is no external hazard to nursing personnel who care for such patients. Instructions for nursing personnel are standardized with respect to precautions to be observed in the event the patient should vomit after oral administration and precautions to be observed regarding excreta.

Therapeutic doses of iodine 131 are normally handled with forceps or tongs to reduce the radiation exposure. The dose rate at the surface of an unshielded bottle containing 15 millicuries of iodine 131 could be as high as 0.55 roentgens per minute. The provisions of the general license would, in effect, require that the iodine 131 be kept in a shielded container which would reduce the radiation level at the container surface to 200 mr/hr and at one meter from the contained radioactive material 10 mr/hr. Because of the shielding of the storage container and the routine manner in which the material is used, the radiation doses to physicians and technicians working with the material are kept well below the exposure limits of 10 CFR Part 20.

Special precautions are required in the handling of patients containing therapeutic levels of iodine 131 with respect to external radiation in the vicinity of the patient and with respect to vomitus and excreta. Extrapolating calculations given by Quimby,[1] the maximum dose which a nurse would be expected to receive while caring for a patient containing 15 millicuries of iodine 131 for six days would be about 25 millirem to the whole body and 250 millirem to the hands. A special duty nurse would be expected to receive a whole body exposure of about 50 millirem during the same period because of the extra time spent in the room.

The general license would apply only to iodine 131 and phosphorus 32 in capsules or other forms of prepackaged individual doses. Capsule form reduces the possibility of radio-contamination if the pharmaceutical is dropped. Suppliers of the general licensed radioisotopes would be required under the provisions of § 30.24(k) to provide the general licensee with instructions as to the precautions to be observed in handling this material. These instructions would be approved by the Commission's staff prior to issuance of a license to the supplier authorizing him to distribute radioisotopes to general licensees. With the safety instructions issued by the radioisotope supplier, these radioisotopes should be used in a safe manner.

Because of the high levels of radiation associated with millicurie amounts of unshielded phosphorus 32 and iodine 131, and possible contamination which could result from vomitus and excreta, a radiation survey instrument is considered necessary for use by the general licensee at all times to assure the safe use of this material.

As in the case of diagnostic radioisotopes, therapeutic doses are ordered by physicians on an as needed basis. Consequently, very little waste material results. Because of the short half-lives of iodine 131 and phosphorus 32 any contaminated equipment, including bedding, can be stored until the radioactivity has decayed to safe amounts.

The proposed general license of § 30.26 would not require the hospitalization of patients containing radioisotopes. The levels of radiation about patients containing phosphorus 32 are very low. Those about patients containing iodine 131 are substantial but are not considered sufficiently high to warrant hospitalization. Such patients are permitted to return home after adminis-

[1] Quimby, Edith H., "Safe Handling of Radioactive Isotopes in Medical Practice," The MacMillan Company (1960).

tration under present specific licensing procedures. The dose rate at one foot from the thyroid of a patient who is administered 30 millicuries of iodine 131 is initially less than 20 mr/hr. Approximately 50 percent of the radioisotope is eliminated by urinary excretion during the first 48 hours and thereafter the radioisotope is reduced 50 percent each week due to biological and radiological decay.[1]

The general license would require each physician who proposes to receive byproduct material under the provisions of the general license to register with the Commission prior to receiving the byproduct material. Registration will provide the Commission with the names and addresses of the generally licensed physicians so that inspections may be conducted by the AEC.

Section 30.28: Cobalt 60 was one of the first artificial radioisotopes to be used therapeutically, since it seemed to be the most suitable replacement for radium.[2] Needles or tubes of this radioisotope are used to supplement or replace radium in intracavitary or interstitial treatments. The dosage delivered by 0.646 millicuries of cobalt 60 is the same in roentgens per hour as that delivered by one milligram of radium filtered by 0.5 mm of platinum.[3] The procedures for cobalt 60 therapy are essentially the same as for radium. Cobalt 60 is a relatively corrosion resistant metal while radium is a powder (radium sulfate). Absorbed cobalt 60 is rapidly excreted while radium may be deposited in the bone.

Cobalt 60 needles are prepared by hermetically sealing small segments of cobalt 60 wire in stainless steel tubing and other corrosion resistant metals. They are essentially the same size as radium needles. Needles are placed directly in the tumor mass with thread or wire by which they may be withdrawn after the desired dosage has been delivered.

There are five stages during which radiation hazards may exist during the use of cobalt 60. These are listed below along with a discussion of each.

1. *Storage and transfer from storage.* Under the provisions of the proposed general license the cobalt 60 must be stored in the shielded storage case in which the cobalt 60 is received or a container providing equivalent radiation protection. The maximum radiation level on the surface of the container would be 200 mr/hr and at 1 meter from the contained radioactive material 10 mr/hr. The sources are prepared for use with the aid of remote handling tools behind shields. The need for shielding and remote manipulators is evident inasmuch as the dose rate at one foot from 100 millicuries of unshielded cobalt 60 is 1.4 r/hr. Procedures for transfer are well established because of the experience gained over several years in the use of radium.

2. *Application to patient.* Cobalt 60 sources are normally applied to patients in the operating room. They are transferred to the operating room in their shielded container and placed in the patient by use of remote manipulators. The time required to insert sources in patients is kept at a minimum since the methods of implant are determined in advance. Sources are packed in place with dressings and special appliances to assure that sources are not accidentally extruded from the patient.

3. *Irradiation of patient.* Procedures for caring for patients with cobalt 60 implants are well established. Special instructions are required for nursing personnel to advise them of safe distances and times to spend in the vicinity of the patient, and to inform them of what should be done if a tube or needle should be extruded from the patient. Under the provisions of the general license the physician would be supplied such instructions by the supplier of the byproduct material.

Because of the high dose rates about patients containing cobalt 60 needles or tubes, the proposed general license would require hospitalization of the patient until the byproduct material is removed. The dose rate at three feet from a patient containing 100 millicuries of the isotope may be as high as 155 mr/hr. A radioisotope record card containing the radiation caution symbol would be required to be attached to the patient's bed or to the door of the room in which the patient is hospitalized. The card would accompany the patient whenever he leaves his room as long as the radioisotope is contained in his body. The card would serve to give warning to anyone performing services for the patient in order to minimize their radiation exposures.

4. *Removal of sources.* Sources may be removed in the operating room or at the patient's bedside. They are immediately returned to the storage container. Special care must be taken when removing the sources to assure that all sources placed in the patient are accounted for. The proposed general license would require that a physical inventory of the cobalt 60 needles or tubes be conducted after each use to account for all byproduct material used.

5. *Dismantling of cobalt 60 applicator and return to stock.* Following removal of the sources from the patient, the applicator is dismantled behind shielding with remote manipulators, cleaned and returned to the shielded container for future use. These procedures are well established.

Because of the high levels of radiation associated with the millicurie amounts of cobalt 60 which would be used, the general license would require the licensee to maintain and use a calibrated radiation survey instrument in his program. The instrument would also be useful to locate any source which is accidentally extruded from a patient.

The provisions of the general license require that the sealed source shall be tested for leakage at twelve-month intervals, and specify what should be done in event a leaking source is found. The manufacturer of the sealed sources would be required to test sources following manufacture to assure that they are properly sealed. Also, each source must be individually calibrated and marked by the manufacturer so as to identify the number of millicuries and linear intensity of each needle or tube.

Any physician who proposes to receive byproduct material under general license would be required to register with the Commission prior to receiving the material. The general licensee would not be permitted to transfer, abandon or dispose of the radioisotope except by transfer to a person generally or specifically licensed to receive the material. Further, persons who manufacture and distribute cobalt 60 under the provisions of § 30.24(1) would be required by § 30.32 (g) to inform the Commission of all transfers of cobalt 60 to general licensees. Because of the possible hazards of the radioisotope in the hands of an untrained person, the reporting requirements are considered necessary. Further, this will enable the Commission to perform inspections of the general licensed physician.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within ninety (90) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new § 30.11 is added to read as follows:

§ 30.11 Exemption of certain quantities of byproduct material for medical use.

(a) A physician is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part to the extent that he receives, possesses, uses or transfers in accordance with the provisions of paragraphs (b), (c), and (d) of this section the following byproduct materials:

(1) Iodine 131 in capsules, disposable hypodermic syringes or other forms of prepackaged individual doses.

(2) Cobalt 58 in capsules or other forms of prepackaged individual doses.

(3) Cobalt 60 in capsules or other forms of prepackaged individual doses.

(4) Chromium 51.

(b) A physician shall not possess at any one time, pursuant to the exemption in paragraph (a) of this section more than:

(1) 200 microcuries of iodine 131, and

(2) 10 microcuries of cobalt 58, and

(3) 10 microcuries of cobalt 60, and

(4) 200 microcuries of chromium 51.

[1] Quimby, Edith H., "Safe Handling of Radioactive Isotopes in Medical Practice," The MacMillan Company (1960).

[2] Blahd, William H., et al., "The Practice of Nuclear Medicine," Charles C. Thomas (1958).

[3] Quimby, Edith H., et al., "Radioactive Isotopes in Clinical Practice," Lea and Febiger (1958).

(c) The exemption in paragraph (a) of this section is effective only when:

(1) The container of the pharmaceutical bears a label which includes the following statement: "This pharmaceutical may be distributed to physicians under license exemption of the U.S. Atomic Energy Commission."

(2) The byproduct material is stored, until administered, in the original shipping container or in a container providing equivalent radiation protection.

(d) A physician who possesses byproduct material under the exemption in this section:

(1) Shall use the pharmaceutical received pursuant to the exemption in paragraph (a) of this section only for those uses described in the label or brochure accompanying the package.

(2) Shall not transfer, abandon, or dispose of the byproduct material except by transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the exemption in paragraph (a) in this section or the general license in § 30.26(a).

(3) Shall not transfer the byproduct material to another person except in the unopened, labeled shipping container as received from the supplier.

2. A new § 30.26 is added to read as follows:

§ 30.26 General license, certain diagnostic and therapeutic quantities.

(a) A general license is hereby issued to any physician to receive, possess, use, or transfer in accordance with the provisions of paragraphs (b), (c), and (d) of this section the following byproduct materials:

(1) Iodine 131 in capsules or other forms of prepackaged individual doses.

(2) Phosphorus 32 in capsules or other forms of prepackaged individual doses.

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has:

(1) Filed Form AEC 482, "Registration Certificate—Medical Use of Byproduct Material Under General License" in triplicate with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., and

(2) Received from the Commission a validated copy of the Form AEC–482 with registration number assigned.

(c) A physician who receives a pharmaceutical containing byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, more than:

(i) 15 millicuries of iodine 131 in capsules or other forms of prepackaged individual doses, and

(ii) 10 millicuries of phosphorus 32 in capsules or other forms of prepackaged individual doses.

(2) He shall not receive, possess, or use the pharmaceutical pursuant to the general license in paragraph (a) of this section, unless the container bears a label which includes the following statement: "This pharmaceutical may be distributed to physicians pursuant to general license 10 CFR 30.26 of the U.S. Atomic Energy Commission."

(3) He shall use the pharmaceutical received pursuant to the general license in paragraph (a) of this section only for those uses described in the label or brochure accompanying the package.

(4) He shall not transfer, abandon, or dispose of the pharmaceutical except:

(i) By transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the general license in paragraph (a) of this section.

(ii) By release into a sanitary sewerage system: *Provided, however,* That the total quantity of byproduct material released into the sanitary sewerage system by the general licensee does not exceed more than 100 microcuries in any twenty-four hour period and the total quantity of byproduct material released into the sanitary sewerage system by the general licensee does not exceed 100 millicuries in any one year.

(5) He shall not transfer such pharmaceutical to another person except in the unopened, labeled shipping container as received from the supplier.

(6) He shall store the pharmaceutical until administered, in the original shipping container or a container providing equivalent radiation protection.

(7) He shall not use the pharmaceutical for any purpose other than medical diagnosis or therapy.

(8) He shall maintain, at each facility where the byproduct material is used, a calibrated and operable radiation survey instrument capable of measuring from 0.1 millirad per hour to 20 millirads per hour of the radiations emitted by the material generally licensed pursuant to paragraph (a) of this section.

(9) He shall calibrate or have calibrated each survey instrument at intervals not to exceed six (6) months and after each servicing.

(10) He shall secure byproduct material against unauthorized removal from the place of storage.

(11) He shall survey the immediate areas in which iodine 131 or phosphorus 32 is used for possible contamination immediately following a spill or unaccounted loss of any quantity of iodine 131 or phosphorus 32 and shall decontaminate such areas to a level not exceeding 2 millirads per hour measured at a distance of one centimeter from the surface.

(12) He shall maintain records showing the dates of calibration of each survey instrument, names of persons who performed the calibrations, and the results of surveys required by subparagraph (11) of this paragraph.

(13) He shall assure that each container in which a quantity of more than 10 microcuries of iodine 131 of phosphorus 32 is transported, stored, or used bears a durable, clearly visible label bearing the conventional three-bladed radiation symbol (magenta or purple on yellow background) and the words: "Caution—Radioactive Material." If the container is used for storage the label shall also state the quantities and kinds of radioactive materials in the container and the date of measurement of the quantities.

(14) He shall assure that each area or room in which a total of more than 100 microcuries of iodine 131 or phosphorus 32 is used or stored, excluding byproduct material contained in patients, is conspicuously posted with a sign bearing the conventional three-bladed radiation symbol and the words: "Caution—Radioactive Material(s)." Such posting is not required for an area or room which is under the licensee's control, and which contains byproduct material for less than eight hours, if the materials are constantly attended by an individual who will take necessary precautions to minimize exposure of individuals to the radiation.

(15) He shall comply with such radiation safety instructions which accompany the shipment of byproduct material and are referenced in the label attached to the container of the byproduct material.

(16) He shall report by telephone or telegraph to the Director, Division of Licensing and Regulation, Atomic Energy Commission within 24 hours after its occurrence becomes known to the licensee any loss or theft of more than one millicurie of iodine 131 or phosphorus 32.

(d) In addition to the conditions, limitations and requirements of paragraphs (b), (c), and (d) of this section, the general license provided in paragraph (a) of this section is subject to the conditions, limitations and requirements of §§ 30.32, 30.33, 30.41, 30.42, 30.43, 30.44, 30.52, and 30.61 of this part.

(e) The general licensee under paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

3. A new § 30.28 is added to read as follows:

§ 30.28 General license, cobalt 60 for interstitial, intracavitary therapy.

(a) A general license is hereby issued to any physician who has at least three years of experience in the interstitial or intracavitary use of sealed sources containing radioactive materials, and certifies to the Commission that he is familiar with the hazards and appropriate precautions associated with such sealed sources, to receive, possess, use, or transfer, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, cobalt 60 contained in needles or tubes designed and manufactured for interstitial or intracavitary therapy.

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has:

(1) Filed Form AEC–482–A, "Registration Certificate—Generally Licensed Medical Devices," in triplicate with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., and

(2) Received from the Commission a validated copy of the Form AEC–482–A with registration number assigned.

(c) A physician who receives byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following requirements:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section more than 100 millicuries of cobalt 60.

(2) He shall not receive, possess, or use byproduct material pursuant to the general license in paragraph (a) of this section, unless the container bears a label which includes the following statement: "This device may be distributed to physicians pursuant to general license 10 CFR 30.28 of the U.S. Atomic Energy Commission."

(3) He shall have the cobalt 60 needles and tubes tested for leakage of radioactive material by a person specifically licensed by the Commission to perform such tests, at no longer than twelve-month intervals by a test capable of detecting the presence of 0.005 microcurie of removable contamination on each sealed source. Any test which reveals the presence of 0.005 microcurie or more removable radioactive material shall be considered evidence that the sealed source is leaking.

(4) He shall immediately withdraw from use any cobalt 60 needle or tube which is leaking or has been damaged or broken and shall cause it to be repaired by the supplier or other person holding a specific license issued by the Commission to manufacture or repair such needle or tube, or dispose of it by transfer to a person specifically licensed by the Commission to receive the byproduct material. A report shall be filed in duplicate by the physician within 10 days after determining that any needle or tube is leaking, with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., describing the type of needle or tube involved, the test results, and the corrective action taken.

(5) He shall not transfer, abandon, or dispose of the needle or tube except by transfer to a person authorized to receive the byproduct material pursuant to a specific license issued by the Commission or pursuant to the general license in paragraph (a) of this section.

(6) He shall store the byproduct material, except when in use, in the shielded storage box or case in which it is received or in a container providing equivalent radiation protection.

(7) He shall secure each cobalt 60 needle or tube against unauthorized removal from its place of storage.

(8) He shall maintain, at each facility where the byproduct material is used, a calibrated and operable radiation survey instrument capable of measuring from 0.1 millirad per hour to 500 millirads per hour of the radiations emitted by the generally licensed material.

(9) He shall calibrate or have calibrated each survey instrument at intervals not to exceed six (6) months and after each servicing.

(10) He shall conduct after each use a physical inventory of the cobalt 60 needles or tubes to account for all the byproduct material used.

(11) He shall hospitalize any patient in whom the physician has inserted cobalt 60 until such time as the cobalt 60 is removed from the patient.

(12) He shall complete and attach a radioisotope record card to the bed or to the door of the room in which a patient with cobalt 60 in his body is hospitalized. The card shall accompany the patient whenever he leaves such room and shall include the following:

(i) The conventional three-bladed radiation caution symbol.

(ii) The name of the patient.

(iii) The number of millicuries of cobalt 60 which have been administered to the patient.

(iv) The name of the physician in charge.

(13) He shall post each area or room in which a cobalt 60 needle is being used or stored with a sign bearing the conventional three-bladed radiation symbol (magenta or purple on yellow background) and the words: "Caution—Radioactive material(s)."

(i) Such posting is not required for an area or room which is under the licensee's control and which contains cobalt 60 needles or tubes for less than eight hours if the cobalt 60 is constantly attended by an individual who will take necessary precautions to minimize exposure of individuals to the radiation.

(ii) Such posting is not required for a room or other area in a hospital because of the presence of cobalt 60 needles or tubes in patients provided there are personnel in attendance who will take necessary precautions to minimize the exposure of other persons to the radiation.

(14) He shall not possess, use or transfer generally licensed byproduct material in such a manner as to cause any individual, other than a patient to whom the byproduct material is administered, to receive in any period of one calendar quarter from generally licensed byproduct material and other sources of radiation in the licensee's possession a dose in excess of the limits specified in the following table:

	Rems Per Calendar Quarter
(i) Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
(ii) Hands and forearms; feet and ankles	18¾
(iii) Skin of whole body	7½

(15) He shall supply a film badge, pocket chamber, or pocket dosimeter to, and shall require the use of such personnel monitoring equipment by, any individual who is likely to receive a radiation dose in any one calendar quarter in excess of 25 percent of the applicable values specified in subparagraph (14) of this paragraph.

(16) He shall make or cause to be made such radiation surveys as may be necessary for him to comply with the provisions of this section.

(17) He shall report by telephone or telegraph to the Director, Division of Licensing and Regulation, immediately after its occurrence becomes known to the physician, any loss or theft of a cobalt 60 needle or tube.

(18) He shall maintain records of:

(i) All tests performed on the cobalt 60 needle or tube as required under this section, including dates and results of the tests and names of individuals who conduct the tests.

(ii) Dates of calibration for each survey instrument and names of persons who performed the calibrations.

(iii) Inventories of cobalt 60 needles or tubes.

(iv) The radiation dose of all individuals for whom personnel monitoring is required by subparagraph (15) of this paragraph.

(v) Radiation surveys required by § 30.28(c)(16).

(19) He shall comply with such radiation safety instructions which accompany the shipment of byproduct material and are referenced in the label attached to the container of the byproduct material.

(d) The general license provided in paragraph (a) of this section is subject to the provisions of §§ 30.32, 30.33, 30.41, 30.42, 30.43, 30.44, 30.52 and 30.61 of this part.

(e) The general licensee under paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

§ 30.24 [Amendment]

4. A new paragraph (k) is added to § 30.24 to read as follows:

(k) Manufacture and distribution of byproduct material for exempt or generally licensed medical use. An application for a specific license to manufacture, import, label, package, and distribute byproduct material for use by physicians exempt from licensing under § 30.11 or generally licensed under § 30.26 will not be approved unless:

(1) The applicant satisfies the general requirements specified in § 30.23.

(2) The applicant submits evidence that the byproduct material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has permitted to become effective, or in accordance with a license issued by the Secretary, Department of Health, Education and Welfare.

(3) The applicant submits complete information as to the labeling to be affixed to the container of the byproduct material which shall bear one of the following statements, as appropriate:

(i) "This pharmaceutical may be distributed to physicians under license exemption of the U.S. Atomic Energy Commission."

(ii) "This pharmaceutical may be distributed to physicians pursuant to general license 10 CFR 30.26 of the U.S. Atomic Energy Commission."

(4) The labels and brochures which accompany each package of byproduct material:

(i) Contain adequate information as to precautions to be observed in handling and storing such byproduct materials;

(ii) Include a copy of § 30.11 or § 30.26 as appropriate.

5. A new paragraph (l) is added to § 30.24 to read as follows:

(l) *Manufacture of cobalt 60 needles or tubes for distribution to persons generally licensed under § 30.28* An application for a specific license to manufacture, import, label, package and distribute cobalt 60 needles or tubes for use by physicians generally licensed under § 30.28 will not be approved unless:

(1) The applicant satisfies the general requirements specified in § 30.23.

(2) The applicant submits sufficient information relating to the design, manufacture, prototype testing and quality control procedures for the cobalt 60 needles or tubes, to provide reasonable assurance that the byproduct material contained in the needle or tube under normal conditions of use will not be likely to escape therefrom.

(3) The applicant submits sufficient information relating to the storage container for the cobalt 60 needles or tubes, to provide reasonable assurance that:

(i) No person would be likely to receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of storage.

(ii) The storage container may be kept locked.

(4) The applicant submits complete information as to the labeling to be affixed to the storage container for the cobalt 60 needles or tubes, which shall contain adequate information for the safe use or manipulation of the cobalt 60 needle or tube and shall bear the following statement: "This device may be distributed to physicians pursuant to general license 10 CFR 30.28 of the U.S. Atomic Energy Commission."

(5) In describing the label or labels to be affixed to the storage container for the cobalt 60 needles or tubes, the applicant shall separately indicate those instructions and precautions which are necessary to assure safe use of the byproduct material.

(6) Cobalt 60 needles or tubes will be comprised of cobalt 60 wire hermetically sealed within stainless steel tubing, or within other metal or alloy having equivalent properties of resistance to corrosion and abrasion.

(7) Each cobalt 60 needle or tube will:

(i) Be subjected to suitable tests to detect possible leakage of byproduct material.

(ii) Be individually calibrated.

(iii) Have engraved upon it a code marking which indicates the linear intensity and number of millicuries for such needle or tube.

§ 30.32 [Amendment]

6. A new paragraph (g) is added to § 30.32 to read as follows:

(g) Each licensee authorized under § 30.24(l) to manufacture, import, label, package, and distribute cobalt 60 needles or tubes to generally licensed physicians:

(1) Shall report in duplicate to the Director, Division of Licensing and Regulation, all transfers of such cobalt 60 needles or tubes to physicians generally licensed under § 30.28(a). Such report shall identify each general licensee by name and address and registration number; date of transfer; the type of cobalt 60 needles or tubes transferred and the amount in millicuries of byproduct material contained in the needles or tubes. The report shall be submitted within 10 days after the end of each calendar month in which such needle or tube is transferred to a generally licensed physician.

(2) Shall furnish to each general licensee to whom he transfers such cobalt 60 needle or tube,

(i) A copy of the general license established by § 30.28.

(ii) A certificate of calibration which shall include a statement that the needle or tube has been tested and shows no detectable leakage of radioactive material to the exterior of the needle or tube, a statement of the dosage rate, and the name of the manufacturer."

Dated at Germantown, Md., this 10th day of January 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-517; Filed, Jan. 17, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1025]

EDO AIRCRAFT

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 modification of Edo Models 345 and 345A airborne Loran A receivers to reduce the radiation to an acceptable level. This proposed action is deemed necessary since it has been determined that excessive spurious radiation from these receivers can adversely affect the operation of other navigational or communication equipment installed in 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 February 19, 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 when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

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

EDO. Applies to all aircraft equipped with Model 345 and 345A airborne Loran A receivers.

Compliance required within 1,200 hours' time in service after the effective date of this AD.

In order to reduce the spurious radiation which can adversely effect other navigational and communication equipment, modify Models 345 and 345A receivers in accordance with Edo Field Change Bulletin No. 27, dated August 28, 1961, so that the maximum radiation is 400 micromicrowatts.

Issued in Washington, D.C., on January 11, 1962.

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

[F.R. Doc. 62-521; Filed, Jan. 17, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-HO-9]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6409 and 601.6409 of the regulations of the Administrator, the substance of which is stated below.

Hawaiian VOR Federal airway No. 9 presently extends from the point of intersection of the Lanai, Hawaii, VOR 224° and the Honolulu VOR 179° True radials to the Honolulu, Hawaii, VOR. In addition, this airway includes the airspace between straight lines starting from a point on each outer boundary of the airway at a distance of 50 statute miles south from the Honolulu VOR, and diverging southward at angles of 6° relative to the centerline of the airway. The portion of this airway above 21,000 feet, mean sea level, which overlaps Warning Area (W-321 Area C) is excluded.

The Federal Aviation Agency is considering the alteration of VOR Federal airway No. 9 by redesignating it as follows:

From the intersection of the Lanai, Hawaii, VOR 223° and the Honolulu, Hawaii, VORTAC 179° True radials (Honolulu Oceanic Control Area Boundary), to the Honolulu VORTAC, including the additional area between lines diverging at angles of 5° from the centerline extending southward from the Honolulu VORTAC to the Honolulu Oceanic Control Area Boundary. It is proposed to designate the floors of the control areas associated with this VOR airway at 5,000 feet above the surface between the intersection

of the Lanai VOR 223° and the Honolulu VORTAC 179° True radials, and the intersection of the Lanai VOR 232° and the Honolulu VORTAC 179° True radials; at 3,000 feet above the surface between the intersection of the Lanai VOR 232° and the Honolulu VORTAC 179° True radials, and the intersection of the Molokai, Hawaii, VOR 239° and the Honolulu VORTAC 179° True radials; and at 1,500 feet above the surface between the intersection of the Molokai, Hawaii, VOR 239° and the Honolulu VORTAC 179° True radials, and the Honolulu VORTAC. The portion of this airway which would fall within the geographic limits of, and between the established altitudes of Warning Area "C" (W-321) would be excluded during the time of use of the warning area.

This proposed action would release controlled airspace which is no longer required for the management of air traffic, and the outermost segment of the control area associated with this airway would have a floor which is compatible with the base of the Honolulu Oceanic Control Area.

Interested persons may submit such written data, views or arguments as they may desire. Communcations should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. 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 January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-522; Filed, Jan. 17, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-173]

JET ROUTES AND JET ADVISORY AREAS

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 amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of Jet Route No. 501 from the Seattle, Wash., VORTAC to the intersection of the Seattle VORTAC 331° True radial and the United States/Canadian border, at which point it would join with Canadian High Level airway No. 501. This would provide the United States portion of a route for turbojet aircraft operating between Seattle and Alaskan and Canadian terminals. Radar jet advisory service would be provided civil turbojet aircraft operating via this jet route. This proposed jet route would not coincide with any high altitude refueling areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. 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 Chief, Airspace Utilization Division. 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.

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 January 12, 1962.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-523; Filed, Jan. 17, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14452; RM 288]

FREQUENCIES, FREQUENCY STABILITY AND DEFINITIONS; PETITION FILED BY SYLVANIA ELECTRIC PRODUCTS, INC.

Order Extending Time for Filing Comments

In the matter of amendment of Part 9 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) regarding frequencies, frequency stability and definitions. Petition filed by Sylvania Electric Products, Inc., New York, New York, October 24, 1961.

1. The Commission has before it for consideration a request from Aircraft Owners and Pilots Association (AOPA) dated January 5, 1962 for an extension of time for the filing of comments in the above-entitled proceeding to February 19, 1962.

2. The request is based on the grounds that insufficient time exists from actual receipt of the notice of proposed rule making to the closing date for comments, and the serious economic impact of the rules. Petitioner states that of the four weeks allowed for comments, almost two weeks elapsed before the Docket was in the hands of the interested parties. In addition, a survey by AOPA Foundation indicates that more than 65,000 VHF aircraft transmitters having an estimated replacement value of 60 million dollars will be affected by the proposal.

3. Inasmuch as the subject notice of proposed rule making was released on December 22, 1961, just prior to the Christmas and New Year holidays, it is understandable that the notice may have been delayed in reaching interested parties. The Commission, therefore, is of the view that an extension of time for the filing of comments in the above-entitled proceeding would serve the public interest, convenience and necessity, and is warranted.

In view of the foregoing: *It is ordered*, That the date for filing comments in the above-entitled matter is extended to February 8, 1962 and the date for filing replies to such comments is extended to February 19, 1962.

Adopted: January 12, 1962.

Released: January 15, 1962.

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

[F.R. Doc. 62-569; Filed, Jan. 17, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 259-62]

RESPONSIBILITY FOR PERFORMANCE OF CERTAIN FUNCTIONS RELATING TO IMMIGRATION AND NATIONALITY LAWS

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 122), and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend paragraph (1) of section 18(a) of Order No. 175-59, of January 19, 1959, to read as follows:

(1) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and the provisions for review by the Board of Immigration Appeals, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including, but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases under the immigration and nationality laws except as provided in paragraph (5) of this subsection.

This order shall be effective as of October 26, 1961.

Dated: December 28, 1961.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-556; Filed, Jan. 17, 1962; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 12, Correction]

IRRIGATION MATTERS

Redelegation of Authority

JANUARY 12, 1962.

In Federal Register Document 61-11515, appearing on page 11687 of the issue for December 6, 1961, the following change should be made:

SEC. 3.205 *Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agriculture, business or grazing purposes.* The granting of concessions on reservoir sites, reserves for canals or flowage areas, and other lands which have been withdrawn or otherwise acquired in connection with the Fort Hall Irrigation Project and to permit or lease such lands for agricultural, business or grazing purposes pursuant to 25 CFR Part 203.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-540; Filed, Jan. 17, 1962; 8:47 a.m.]

Bureau of Land Management

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

Effective January 10, 1962, Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 18, 1953, is amended revising the appraised value, realigning the longer axes, amending the rights-of-way of 33 feet in width along the boundaries thereof for roads and public utilities.

A list of tracts affected is posted and available for public inspection in the Nevada Land Office, 50 Ryland Street, Reno, Nevada. Twenty-three of the twenty-four tracts affected are under application.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

JANUARY 10, 1962.

[F.R. Doc. 62-542; Filed, Jan. 17, 1962; 8:47 a.m.]

[W-077497]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 10, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 077497, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388). Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for reclamation purposes.

The applicant desires the land for reclamation development in connection with the Shoshone Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 98 W.,
Sec. 4: Lots 1, 2, S½NE¼, SE¼.
T. 58 N., R. 98 W.,
Sec. 34: S½

The above areas aggregate 641.24 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-543; Filed, Jan. 17, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

JACKSONVILLE LIVE STOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the act.

Name and Location of Stockyard and Date of Posting

Jacksonville Live Stock Auction, Jacksonville, Fla.; Mar. 8, 1960.
Wolverine Dairy Consignment Sale, Wolverine, Mich.; Dec. 18, 1959.
Luther E. Tadlock Stockyard, Forest, Miss.; Feb. 9, 1959.
Farmers Stock Yard, Asheville, N.C.; Apr. 1, 1959.
Stockman's Auction Co., Inc., Huron, S. Dak.; Dec. 11, 1950.
Farmers Livestock Market of Camden, Inc., Camden, Tenn.; May 5, 1959.
Smithville Livestock Commission Co., Smithville, Tex.; Oct. 30, 1959.

The owner of the Luther E. Tadlock Stockyard, Forest, Mississippi, has dismantled the stockyard facilities and will construct a new stockyard in the approximate location. Notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 15th day of January 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-573; Filed, Jan. 17, 1962; 8:50 a.m.]

WALKER COUNTY LIVESTOCK ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

ALABAMA

Walker County Livestock, Jasper; Dec. 8, 1961.

COLORADO

Davis Ranch Sales Pavilion, Fort Morgan; Nov. 22, 1961.

GEORGIA

Burke County Stockyard, Waynesboro; Nov. 9, 1961.

IOWA

O'Neill Livestock Auction, Eldora; Dec. 8, 1961.

KANSAS

Ottawa Livestock Commission Co., Ottawa; Nov. 27, 1961.
S. & J. Livestock Commission Co., Inc., Norton; Dec. 4, 1961.

LOUISIANA

Brown-Alsbrooks Stockyards, Inc., Marksville; Oct. 20, 1961.

MISSISSIPPI

Walnut Sales Company, Walnut; Dec. 4, 1961.

MONTANA

Dillon Livestock Auction Co., Dillon; Nov. 30, 1961.

OKLAHOMA

Henryetta Livestock Auction, Henryetta; Nov. 14, 1961.

OREGON

Valley Livestock Auction Market, Hood River; Nov. 26, 1961.

SOUTH DAKOTA

Madden Livestock Market, Inc., St. Onge; Dec. 7, 1961.

TENNESSEE

Lincoln County Live Stock Market, Fayetteville; Nov. 27, 1961.

TEXAS

Arlington Livestock Commission Co., Inc., Arlington; Dec. 19, 1961.
Coleman Live Stock Auction Commission Co., Inc., Coleman; Dec. 11, 1961.

Done at Washington, D.C., this 15th day of January 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-574; Filed, Jan. 17, 1962; 8:50 a.m.]

Office of the Secretary

MISSISSIPPI AND VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the States of Mississippi and Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

MISSISSIPPI

Bolivar.	Smith.
Coahoma.	Sunflower.
Carroll.	Tallahatchie.
Holmes.	Tunica.
Humphreys.	Warren.
Leflore.	Washington.
Pontotoc.	Yazoo.
Quitman.	

VIRGINIA

Accomack.	Northampton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of January 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

[F.R. Doc. 62-554; Filed, Jan. 17, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-32]

BAY CITIES TRANSPORTATION CO.

Notice of Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of proposed licensing action with the Federal Register Division on September 20, 1961, the Atomic Energy Commission has this date issued Byproduct, Source and Special Nuclear Material License No. 4-7774-1 authorizing Bay Cities Transportation Company, Pier No. 3, San Francisco 11, California to receive waste byproduct, source and special nuclear material and to transfer said material to AEC-designated land burial sites for disposal, in accordance with the terms and conditions of said license. The license differs from the proposed licensing action in that the licensee is not authorized to store waste byproduct, source and special nuclear material. Notice of the proposed licensing action was published in the FEDERAL REGISTER on September 21, 1961, 26 FR 8915.

Dated at Germantown, Md., January 12, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-516; Filed, Jan. 17, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

PLAN FOR STANDARD INSTRUMENT DEPARTURES

Correction

In F.R. Doc. 62-97 appearing at page 126 of the issue for Friday, January 5, 1962, paragraph A is corrected by deleting the language in the last line reading "and/or narrative form" and substituting therefor "and narrative form or narrative form only."

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14482; FFC 62M-57]

ASHEBORO BROADCASTING CO. (WGWR)

Order Scheduling Hearing

In re application of Asheboro Broadcasting Company (WGWR), Asheboro, North Carolina, Docket No. 14482, File No. BP-14051; for construction permit.

It is ordered, This 11th day of January 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 6, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, February 6, 1962.

Released: January 12, 1962.

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

[F.R. Doc. 62-561; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14487; FCC 62–59]

BELLEVILLE BROADCASTING CO., INC. (WIBV)

Order Designating Application for Hearing on Stated Issues

In re application of Belleville Broadcasting Company, Inc. (WIBV), Belleville, Illinois, has 1260 kc, 1 kw, Day, requests 1260 kc, 5 kw, DA–2, U, Docket No. 14487, File No. BP–13787; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of January 1962;

The Commission having under consideration the above-captioned and described application for an increase in the daytime power and establish nighttime operation for Station WIBV, Belleville, Illinois; and

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate the facilities proposed but that, while data submitted by the applicant indicates that the proposed operation of WIBV will cause no objectionable interference to any existing or proposed operation, a study of the WIBV proposal indicates that the nighttime operation proposed would increase the RSS limitation of Station WALM, Albion, Michigan, from 14.0 mv/m to 15.7 mv/m; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the instant application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, that the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and population which may be expected to gain or lose primary service from the proposed operation of Station WIBV and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WIBV would cause objectionable interference to Station WALM, Albion, Michigan, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Calhoun Broadcasting Company, licensee of Station WALM, Albion, Michigan is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: January 15, 1962.

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

[F.R. Doc. 62–562; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14479; FCC 62M–55]

DEKALB BROADCASTING CO.

Order Scheduling Hearing

In re application of Samuel C. Chafin and N. W. Griffin, d/b as DeKalb Broadcasting Co., Decatur, Georgia, Docket No. 14479, File No. BP–14133; for construction permit.

It is ordered, This 11th day of January 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 8, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, February 8, 1962.

Released: January 12, 1962.

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

[F.R. Doc. 62–563; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14488–14492; FCC 62–60]

DOVER BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Dover Broadcasting Co., Richmond, Va., requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14488, File No. BP–13831; 1540 Radio, Inc., Richmond, Va., requests 1540 kc, 10 kw, DA–D, Docket No. 14489, File No. BP–14813; Oram C. Hutton, Milton Beyer and James T. Doukas d/b as Richmond Broadcasting Co., Richmond, Va., requests 1540 kc, 50 kw, DA–D, Docket No. 14490, File No. BP–14814; Homer C. Eliades and Plato G. Eliades d/b as Eliades Broadcast Co., Hopewell, Va., requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14491, File No. BP–14820; WDYL Radio, Inc. (WDYL), Ashland, Va., has 1430 kc, 1 kw, D, requests 1540 kc, 10 kw, 1 kw (CH), D, Docket No. 14492, File No. BMP–9493; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues set forth below, each of the subject applicants possesses the necessary qualifications to construct and operate its proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The five co-channel proposals involve mutually destructive interference.

2. The proposed operation of WDYL Radio, Inc. would cause interference to the operation of Station WDON, Wheaton, Maryland.

3. The aerial site photograph submitted with the application of the Richmond Broadcasting Company is not sufficiently clear and does not show sufficient detail to permit a determination as to whether the proposed site is satisfactory.

4. John Laurino, president, director and fifty-percent stockholder in WDYL Radio, Inc., is also the individual applicant for a new standard broadcast station at Chester, Virginia (File No. BP–13752, Docket No. 14382). Due to the proximity of Ashland and Chester, Virginia, it will be necessary to determine in the hearing ordered below whether a grant of the WDYL application would be in contravention of § 3.35 of the Commission's rules on multiple ownership. In considering the WDYL proposal and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved (if any); the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and

place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals for new standard broadcast stations and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WDYL and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of WDYL would cause objectionable interference to Station WDON, Wheaton, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether a grant of the instant proposal of WDYL Radio, Inc., would be in contravention of the provisions of § 3.35 of the Commission rules.

6. To determine whether the transmitter site proposed by Richmond Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Hopewell, Virginia, or the proposal for Ashland, Virginia, or one of the three proposals for Richmond, Virginia, would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded pursuant to the foregoing issue that one of the three proposals for Richmond, Virginia, should be favored, which of the three proposals would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programing services proposed in each of the said applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Commercial Radio Equipment Company, licensee of Station WDON, Wheaton, Maryland, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the Dover Broadcasting Company application, the construction permit shall contain a condition that measurement data made on permittee and WANT, United Broadcasting Company of Virginia, Richmond, Virginia at a point where the antenna resistance is measured shall be submitted with the application for license to prove that the installation of the filter circuits or other isolation equipment do not prevent satisfactory performance, pursuant to § 3.45(e)(1) of the rules, and that field observations or measurements shall be made to clearly show that operations of the two stations with the same antenna do not result in spurious radiations to the extent that interference would result to other radio services.

It is further ordered, That, in the event of a grant of the application of 1540 Radio, Inc., the construction permit shall contain the condition that before program tests are authorized, permittee shall submit sufficient data made in accordance with §§ 3.48 and 2.524 of the Commission rules to establish that the transmitter installed meets Commission requirements.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's Rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue. To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 15, 1962.

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

[F.R. Doc. 62-564; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 13525, 14478; FCC 62M-45]

SIMON GELLER AND RICHMOND BROTHERS, INC. (WMEX)

Order Scheduling Hearing

In re applications of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-14330, Richmond Brothers, Inc. (WMEX), Boston, Massachusetts, Docket No. 14478, File No. BP-13760, for construction permits.

It is ordered, This 11th day of January 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 7, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, February 7, 1962.

Released: January 12, 1962.

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

[F.R. Doc. 62-565; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14480, 14481; FCC 62M-56]

LORD BERKELEY BROADCASTING CO., INC., AND GRAND STRAND BROADCASTING CO.

Order Scheduling Hearing

In re applications of Lord Berkeley Broadcasting Co., Inc., Moncks Corner, S.C., Docket No. 14480, File No. BP-14123; Frank P. Larson, Jr., Charles T. Tilghman and John H. Nye, d/b as Grand Strand Broadcasting Co., Myrtle Beach, S.C., Docket No. 14481, File No. BP-14403; for construction permits.

It is ordered, This 11th day of January 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 7, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, February 6, 1962.

Released: January 12, 1962.

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

[F.R. Doc. 62-566; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket No. 14255; FCC 62M-49]

RADIO-ACTIVE BROADCASTING, INC. (WATO)

Order Continuing Hearing

In re application of Radio-Active Broadcasting, Inc. (WATO), Oak Ridge, Tenn., Docket No. 14255, File No. BP-13833; for construction permit.

The Hearing Examiner having under consideration a Motion to Cancel Presently Scheduled Procedural Dates in the

Above Proceeding and Request for Further Prehearing Conference, filed by the applicant herein on January 9, 1962;

It appearing, that, as stated in the aforementioned pleading it has now been determined that, by using a directional antenna, the applicant would be enabled to increase its power without creating any additional interference to Station WMTN, a respondent herein;

It further appearing, that it is stated in this pleading that by use of the aforementioned directional antenna the issues relating to a possible contravention of the Commission's multiple ownership rules (47 CFR 3.35) may be resolved without the necessity of a hearing;

It further appearing, that in order to provide for the directional antenna it is necessary for the applicant to seek to amend its application, and that in this connection it is stated that the necessary engineering amendment cannot be prepared prior to February 14, 1962;

It further appearing, that in accordance with an Order of the Examiner herein, released December 12, 1961 (FCC 61M–1946) specific dates were fixed for the exchange of exhibits, revised exhibits and notification of witnesses during the period between January 10 and 26, 1962, and that the hearing itself was rescheduled to commence on February 5, 1962;

It further appearing, that counsel for the other parties to the proceeding have consented to a grant of the motion above-described and have agreed to a waiver of the provisions of the Commission's rules (47 CFR 1.43), relating to the withholding of action on motions for a four-day period; and

It further appearing, that good cause has been shown for a prompt grant of the Motion herein;

It is ordered, This 11th day of January 1962, that the Motion of the applicant is granted; that the procedural dates set forth in the Examiner's Order of December 12, 1961, are cancelled; that a further prehearing conference is scheduled to commence on February 20, 1962, at 9:30 a.m. at the Offices of the Commission in Washington, D.C.; and that the hearing heretofore scheduled to commence on February 5, 1962, is postponed until further order of the Examiner.

Released: January 12, 1962.

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

[F.R. Doc. 62–567; Filed, Jan. 17, 1962; 8:49 a.m.]

[Docket Nos. 14402, 14403; FCC 62M–52]

WNOW, INC. (WNOW) AND RADIO ASSOCIATES, INC. (WEER)

Order Continuing Hearing

In re applications of WNOW, Inc. (WNOW), York, Pa., Docket No. 14402, File No. BP–13793; Radio Associates, Inc. (WEER), Warrenton, Va., Docket No. 14403, File No. BP–14802; for construction permits.

It is ordered, This 11th day of January 1962, that pursuant to a prehearing conference in this proceeding on January 4, 1962, the hearing now scheduled for February 1, 1962, be, and the same is hereby rescheduled for March 1, 1962, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: January 12, 1962.

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

[F.R. Doc. 62–568; Filed, Jan. 17, 1962; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1961 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1961.

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Pennsylvania.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Wisconsin.
Wyoming.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

DECEMBER 31, 1961.

[F.R. Doc. 62–544; Filed, Jan. 17, 1962; 8:47 a.m.]

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

DECEMBER 31, 1961.

[F.R. Doc. 62–545; Filed, Jan. 17, 1962; 8:47 p.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal

labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Tishomingo County, Tishomingo, Miss.; effective 1-1-62 to 12-31-62 (men's and boys' work pants).

Dillon Manufacturing Co., Inc., Wayne Road, Savannah, Tenn.; effective 12-30-61 to 12-29-62 (hospital gowns, shirts, pants, etc.).

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 1-9-62 to 1-8-63 (men's trousers).

The Exylin Co., Mount Vernon, Ind.; effective 1-2-62 to 1-1-63. Learners may not be employed at special minimum wage rates in the production of travel bags (raincoats).

Riviera Sportswear Co., 1207 South Seventh Street, La Crosse, Wis.; effective 1-3-62 to 1-2-63 (dresses).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn.; effective 1-1-62 to 12-31-62 (work shirts).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-62 to 12-31-62 (sport shirts).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 1-7-62 to 1-6-63 (ladies' and girls' blouses).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 1-1-62 to 12-31-62 (men's and boys' trousers and shorts).

Winchendon Fashions, Inc., 61 Railroad Street, Winchendon, Mass.; effective 1-2-62 to 1-1-63 (ladies' dresses).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 1-2-62 to 1-1-63 (children's wear—outerwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barry Bob Sportswear Co., Inc., 625 La Salle Street, Berwich, Pa.; effective 12-29-61 to 12-28-62; 10 learners. Learners may not be employed in the production of separate skirts (junior petites coordinates).

Blue Bell, Inc., Nappanee, Ind.; effective 1-6-62 to 1-5-63; 10 learners (boys' dungarees).

Gibson Garment Co., Inc., Gibson, Ga.; effective 1-2-62 to 1-1-63; 10 learners (men's and boys' pants).

Irene Garment Co., R. 410 East Diamond Avenue, Hazleton, Pa.; effective 1-4-62 to 1-3-63; 10 learners (women's dresses).

Klos Manufacturing Co., Muskogee, Okla.; effective 1-2-62 to 1-1-63; 10 learners (children's clothing—shorts and pants).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 1-1-62 to 12-31-62; 10 learners (ladies' cotton dresses).

Portland Dress Co., Inc., Brackett Street, Portland, Maine; effective 1-2-62 to 1-1-63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dury Clothing Co., Inc., 330 Philadelphia Avenue, West Pittston, Pa.; effective 12-30-61 to 6-29-62; 10 learners (men's trousers).

The Exylin Co., Mount Vernon, Ind.; effective 1-2-62 to 6-1-62; 20 learners. Learners may not be employed at special minimum wage rates in the production of travel bags (raincoats).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Knoxville Glove Co., 819 McGhee Street Knoxville, Tenn.; effective 1-15-62 to 1-14-63; 10 percent of the total number of stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 1-1-62 to 6-30-62; 40 learners for plant expansion purposes (men's and boys' knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Miller Manufacturing Co., 1105 South Ayers, Fort Worth 5, Tex.; effective 1-1-62 to 6-30-62; 2 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 160 hours at the rate of $1.00 an hour (clothes pin bags, laundry bags, barbecue aprons, pot holders, etc.).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-546; Filed, Jan. 17, 1962; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-62 to 12-31-62 (men's work shirts).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa.; effective 12-26-61 to 12-25-62 (women's woven sleepwear).

Decatur Shirt Corp., Decatur, Miss.; effective 12-21-61 to 12-20-62 (boys' sport shirts).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-62 to 12-31-62 (dress shirts).

Evergreen Textiles, Inc., Evergreen, Ala.; effective 12-21-61 to 12-20-62 (men's semi-dress slacks).

Forest City Manufacturing Co., Du Quoin, Ill.; effective 12-23-61 to 12-22-62 (misses' and women's dresses).

Forest City Manufacturing Co., Pinckneyville, Ill.; effective 12-21-61 to 12-20-62 (juniors' and misses' dresses).

Glenn Berry Manufacturers, Inc., Commerce, Okla.; effective 12-19-61 to 12-18-62 (fatigue trousers).

Granite Dress Corp., 40 County Street, Fall River, Mass.; effective 12-22-61 to 12-21-62 (ladies' and misses' cotton wash dresses).

Hollywood Vassarette, Athens, Tex.; effective 12-4-61 to 12-3-62 (brassieres).

Howard Manufacturing Co., Inc., Nashville, Ark.; effective 12-20-61 to 12-19-62 (men's bath robes).

I.B.S. Manufacturing Co., New Albany, Miss.; effective 1-1-62 to 12-31-62 (boys' and men's sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 1-1-62 to 12-31-62 (men's and boys' sport shirts).

Manufacturers Sportswear, Inc., Meadow Avenue at Maple Street, Scranton, Pa.; effective 1-6-62 to 1-5-63 (boys' trousers).

Martha Manning Co., 701 West Main Street, Collinsville, Ill.; effective 12-23-61 to 12-22-62 (women's and misses' dresses).

Metro Pants Co., Bridgewater, Va.; effective 12-22-61 to 12-21-62 (boys' trousers).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 12-30-61 to 12-29-62 (men's and boys' trousers).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-61 to 12-27-62 (men's and boys' dress and sport shirts).

Rutherford Garment Co., Rutherford, Tenn.; effective 12-29-61 to 12-28-62 (men's and boys' jackets and parkas).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 12-21-61 to 12-20-62 (women's and children's car coats).

Southern Garment Manufacturing Co., Culpeper, Va.; effective 12-28-61 to 12-27-62 (cotton work trousers, work-jackets).

Spring Corp. of America, Exmore, Va.; effective 12-21-61 to 12-20-62 (ladies' and children's blouses).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1-2-62 to 1-1-63 (men's and boys' work and sport pants).

Sunnyvale of Pennsylvania, Inc., 3 South Webster Avenue, Scranton, Pa.; effective 12-20-61 to 12-19-62 (women's dresses).

Swirl, Inc., Easley, S.C.; effective 1-13-62 to 1-12-63 (women's dresses).

Warner Brothers Co., Marianna, Fla., effective 12-22-61 to 12-21-62 (corsets and brassieres).

Warner Brothers Co., Thomasville, Ga.; effective 12-22-61 to 12-21-62 (corsets and brassieres).

The Warner Brothers Co., Moultrie, Ga.; effective 1-5-62 to 1-4-63 (corsets and brassieres).

The following learner certificates were issued for normal labor turnover pur-

poses. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1-1-62 to 12-31-62; 10 learners (men's washable service coats).

East Salem Shirt Factory, Delaware Township, Juniata County, Mifflintown, Pa.; effective 12-28-61 to 12-27-62; 5 learners (dress and sport shirts).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-62 to 12-31-62; 10 learners (men's cotton work shirts).

Martha Manning Co., Mascoutah, Ill.; effective 1-6-62 to 1-5-63; 10 learners (women's and misses' dresses).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 12-29-61 to 12-28-62; 10 learners (men's and boys' work and sport shirts).

I. Taitel and Son, 12 South Prettyman Street, Knox, Ind.; effective 12-23-61 to 12-22-62; 10 learners (work pants).

Woolrich Woolen Mills, Avis, Pa.; effective 12-21-61 to 12-20-62; 5 learners (men's wool hunting and work shirts, men's wool casual coats).

Woolrich Woolen Mills, Woolrich, Pa.; effective 12-21-61 to 12-20-62; 10 learners (men's wool and hunting work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1-1-62 to 6-30-62; 25 learners (men's washable service coats).

Chase City Manufacturing Co., Inc., Walker Street, Chase City, Va.; effective 12-26-61 to 12-25-62; 100 learners (men's and boys' dungarees).

Florence Fashions, Youngsville, N.C.; effective 12-20-61 to 6-19-62; 25 learners (ladies' dresses).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 12-21-61 to 6-20-62; 30 learners (women's and children's car coats).

Vandalia Garment Co., Vandalia, Mo.; effective 12-27-61 to 6-26-62; 75 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 12-21-61 to 12-20-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Holt Hosiery Mills, Inc., Glen Raven, N.C.; effective 12-21-61 to 6-20-62; 36 learners for plant expansion purposes (full-fashioned; seamless).

Interwoven Stocking Co., Martinsburg, W. Va.; effective 12-20-61 to 12-19-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 12-22-61 to 6-21-62; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills Inc., 206 North Elm Street, Sanford, Fla.; effective 12-22-61 to 6-21-62; 15 learners for plant expansion purposes (ladies' swim wear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 5th day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-547; Filed, Jan. 17, 1962; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bestform Foundations of Windber Inc., 21st Street and Stockholm Avenue, Windber, Pa.; effective 12-9-61 to 12-8-62 (ladies' brassiers and girdles).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-28-61 to 12-27-62 (men's trousers).

Canton Manufacturing Corp., 307 South Second Avenue, Canton, Ill.; effective 12-8-61 to 12-7-62 (men's and boys' cotton work pants).

Cluett, Peabody & Co., Inc., Gilbert, Minn.; effective 12-17-61 to 12-16-62 (collars for quality dress shirts).

Cluett, Peabody and Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 12-8-61 to 12-7-62 (sport shirts).

Decherd-Franklin Co., Inc., Decherd, Tenn.; effective 12-7-61 to 12-6-62 (men's single slacks).

Edric Manufacturing Corp., 101 Bel Air Drive, Columbia, Tenn.; effective 12-5-61 to 12-6-62 (men's sport shirts).

Frances Gee Garment Co., Higginsville, Mo.; effective 12-9-61 to 12-8-62 (women's nylon and dacron uniforms).

Garan Sportswear, Inc., Adamsville, Tenn.; effective 12-7-61 to 12-6-62 (men's and boys' sport shirts).

Glen of Michigan, Division of Glen Manufacturing, Inc., 77 Hancock Street, Manistee, Mich.; effective 12-6-61 to 12-5-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (dresses).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-26-61 to 12-25-62 (men's and boys' single pants).

Kenrose Manufacturing Co., Inc., Radford, Va.; effective 12-12-61 to 12-11-62 (women's dresses).

Liberty Manufacturing Corp., Liberty, Ky.; effective 12-8-61 to 12-7-62 (boys' sport shirts).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12-6-61 to 12-5-62 (children's polo shirts).

Madill Manufacturing Co., Inc., Madill, Okla.; effective 12-5-61 to 12-4-62 (men's dress trousers).

Mammoth Cave Garment Co., Cave City, Ky.; effective 12-11-61 to 12-10-62 (men's and boys' dungarees).

Mayflower Manufacturing Co., Inc., 460-506 North Main Avenue, Scranton, Pa.; effective 12-12-61 to 12-11-62 (boys' and students' trousers).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 12-8-61 to 12-7-62 (brassieres).

Prairie Manufacturing Co., East Prairie, Mo.; effective 12-5-61 to 12-4-62 (men's semidress and work pants).

Salant & Salant Inc., Henderson, Tenn.; effective 12-13-61 to 12-12-62 (men's cotton work shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; effective 12-8-61 to 12-7-62 (ladies' dresses).

Samsons Manufacturing Corp., 525 East Fifth Street, Washington, N.C.; effective 12-10-61 to 12-9-62 (men's sport shirts).

Shane Manufacturing Co., 1500 West Franklin Street, Evansville, Ind.; effective 12-9-61 to 12-8-62 (pants, shirts, and jackets).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; effective 12-19-61 to 12-18-62 (men's and boys' outerwear jackets, blouses).

Van Bealen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine; effective 12-15-61 to 12-14-62 (men's and boys' house and beach robes, men's cabana sets).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-21-61 to 12-20-62 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Loudoun Manufacturing Co., D/B/A Emmitsburg Manufacturing Co., Emmitsburg, Md.; effective 12-8-61 to 12-7-62; 10 learners (men's trousers).

Mohawk Dress Inc., 29 Chuctanunda Street, Amsterdam, N.Y.; effective 12-8-61 to 12-7-62; 10 learners (cotton and rayon moderately priced dresses).

Sherri-Lynn, Inc., Zebulon, Ga.; effective 12-5-61 to 12-4-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes.

The effective and expiration dates and the number of learners authorized are indicated.

Haynes Sportswear Co., Inc., Ruckersville, Va.; effective 12–5–61 to 6–4–62; 35 learners (women's dresses).

Jack Winter Manufacturing Co., Marianna, Ark.; effective 12–6–61 to 6–5–62; 30 learners (men's and ladies' slacks).

Prairie Manufacturing Co., East Prairie, Mo.; effective 12–5–61 to 6–4–62; 15 learners (men's semidress and work pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Diamond Mills Corp., Hanover Division, 3402 Carolina Beach Road, Wilmington, N.C.; effective 12–5–61 to 6–4–62; 120 learners for plant expansion purposes (seamless).

Exeter Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del.; effective 12–6–61 to 12–5–62; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 12–6–61 to 12–5–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Casa Grande Mills, Division of Parsons & Baker Co., Phoenix Highway, Casa Grande, Ariz.; effective 12–5–61 to 6–4–62; 5 learners for plant expansion purposes (cotton knit underwear).

Cluett, Peabody and Co., Inc., Gilbert, Minn.; effective 12–7–61 to 12–16–62; 5 learners for normal labor turnover purposes (underwear).

Manchester Knitted Fashions, 17 Brown Street, Whitefield, N.H.; effective 12–6–61 to 12–5–62; 5 learners for normal labor turnover purposes (underwear).

MK Manufacturing Corp., 205 West Sixth Street, West Wyoming, Pa.; effective 12–8–61 to 12–7–62; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's girdles, brassieres, and swimming suits).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Electrospace Corp. of Puerto Rico, Naguabo, P.R.; effective 11–6–61 to 5–5–62; 72 learners for plant expansion purposes, in the occupations of assemblers of electronic parts, cable assemblers, operators of automatic wire cutting machines, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electronic signal equipment).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of January 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

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CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.