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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1146; Amdt. 423]

#### PART 507—AIRWORTHINESS DIRECTIVES

#### General Electric Models CJ805-23, CJ805-23B, and CJ805-23C Engines

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on April 6, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of aircraft equipped with General Electric CJ805-23 Series turbofan engines. The directive requires retirement from service of turbofan engine fan buckets upon accumulation of 200 operating cycles because of low cycle fatigue failure.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to call known U.S. operators of aircraft equipped with General Electric CJ805-23 Series turbofan engines by individual telegrams dated April 6, 1962. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

**GENERAL ELECTRIC.** Applies to all Models CJ805-23, CJ805-23B, and CJ805-23C turbo-fan engines.

Compliance required as indicated.

To preclude low cycle fatigue failure of the fan buckets, remove GE P/N's 109R164P1, 107R392P1, 107R362P5, or 107R362P6, from engines and retire from service upon accumulation of 200 operating cycles since new, regardless of time in service. Replace with new units in accordance with GE Alert Service Bulletin A/23/72-58. For the purposes of this A.D. an operating cycle is considered to be an excursion of engine operation from engine start to takeoff power to shutdown. Restart in the air is also a cycle. Ground operations encompassing a start and operation to takeoff power is a cycle.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 6, 1962.

(Sec. 313(a), 601, 608; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

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

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

[F.R. Doc. 62-3709; Filed, Apr. 16, 1962; 8:49 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 7838 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

#### Grabler Manufacturing Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Grabler Manufacturing Company, Inc., Cleveland, Ohio, Docket 7838, Nov. 29, 1961]

Consent order requiring a Cleveland manufacturer of pipe fittings and accessories to cease violating section 2(d) of the Clayton Act by paying promotional allowances to some customers but not to all their competitors, such as payments of sums amounting to \$3,400 to American Radiator and Standard Sanitary Corp. for promoting its products on television programs in trading areas of Dallas, Tex.; St. Louis, Mo.; New Orleans, La.; and Pittsburgh, Pa.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Grabler Manufacturing Company, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

*It is further ordered,* That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing

setting forth in detail the manner and form in which it has complied with this order.

Issued: November 29, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-3679; Filed, Apr. 16, 1962; 8:45 a.m.]

## Title 21—FOOD AND DRUGS

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

#### PART 121—FOOD ADDITIVES

#### Further Extension of Effective Date of Statute for Certain Specified Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. note under sec. 342), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.90 (21 CFR 121.90; 26 F.R. 11241) is amended by changing the following item to read as follows:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

\* \* \* \* \*

#### MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Hydrobiotite, exfoliated (magnesium-aluminum-iron silicate) (26 F.R. 11241).	In formulated poultry feed: As a nutrient carrier. As a blending agent. In animal feed: As a nonnutritive bulking agent. As a nutrient carrier. As a blending agent.	Oct. 1, 1962      Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

*Effective date.* This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: April 10, 1962.

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

[F.R. Doc. 62-3685; Filed, Apr. 16, 1962;  
8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Resinous and Polymeric Coatings

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. (FAP 687, 688);  
Cook Paint and Varnish Co., P.O. Box 389, Kansas City 41, Mo. (FAP 634);  
E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del. (FAP 647);  
A. Gusmer, Inc., Barron Avenue, Woodbridge, N.J. (FAP 474);  
Dr. Kurt Herberts and Co., P.O. Box 44, Wuppertal-Barmen, Federal Republic of Germany (FAP 328); and  
Interchemical Co., 224 McWhorter Street, Newark 5, N.J. (FAP 594),

and other relevant material, has concluded that the following amendments to § 121.2514(b) (3) of the food additive regulations should issue to permit the use of additional substances in the formulation of resinous and polymeric coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2514 (21 CFR 121.2514; 26 F.R. 7088, 27 F.R. 1252) is amended as follows:

1. Section 121.2514(b) (3) (v) and (vi) are amended to read:

#### § 121.2514 Resinous and polymeric coatings.

\* \* \* \* \*  
(b) \* \* \*  
(3) \* \* \*

(v) Rosins and rosin derivatives, with or without modification by polymerization, isomerization, incidental decarboxylation, and/or hydrogenation, as follows:

(a) Rosins:

Gum rosin.  
Tall oil rosin.  
Wood rosin.

(b) Rosin esters formed by reacting rosin ((v)(a) of this subparagraph) with:

Bisphenol-epichlorohydrin (epoxy).  
Diethylene glycol.  
Ethylene glycol.  
Glycerol.  
Methyl alcohol.  
Pentaerythritol.

(c) Rosin esters ((v)(b) of this subparagraph) modified by reaction with:

Maleic anhydride.  
o-, m-, and p-substituted phenol-formaldehydes listed in subdivision (vi) of this subparagraph.  
Phenol-formaldehyde.

(d) Rosin salts:

Calcium resinate (limed rosin).  
Zinc resinate.

(vi) Phenolic resins as the basic polymer formed by reaction of phenols with formaldehyde:

(a) Phenolic resins formed by reaction of formaldehyde with:

Alkylated (methyl, ethyl, propyl, isopropyl, butyl) phenols.  
p-tert-Amylphenol.  
Bisphenol.  
p-tert-Butylphenol.  
o-, m-, and p-Cresol.  
p-Cyclohexylphenol.  
p-Nonylphenol.  
p-Octylphenol.  
Phenol.  
Phenyl o-cresol.  
p-Phenylphenol.  
Xylenol.

(b) Adjunct for phenolic resins: Aluminum butylate.

2. Paragraph (b) (3) (vii) (a) is amended by adding thereto the item "Diphenolic acid."

3. Paragraph (b) (3) (viii) (c) is amended by adding thereto the item "Aluminum butylate."

4. Paragraph (b) (3) (xv) is amended by adding thereto the item "Vinyl chloride-acetate, hydroxyl-modified copolymer, reacted with trimellitic anhydride."

5. Paragraph (b) (3) (xviii) is amended to read:

(xviii) Polyethylene and its copolymers as the basic polymer:

Ethylene-vinyl acetate copolymer.  
Polyethylene.

6. Paragraph (b) (3) (xxi) is amended by adding thereto the item: "Natural rubber (natural latex or natural latex solids, smoked or unsmoked)."

7. Paragraph (b) (3) (xxvi) is amended by adding thereto the items:

Cobalt oxide-aluminum oxide.  
Copper phthalocyanine.

8. Paragraph (b) (3) (xxxiii) is amended by adding thereto the item "Ethyl acetoacetate."

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

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

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

Dated: April 9, 1962.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.  
[F.R. Doc. 62-3686; Filed, Apr. 16, 1962;  
8:46 a.m.]

## PART 121—FOOD ADDITIVES

### PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTI-BIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

#### Hygromycin B

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that § 121.213 of the food additive regulations should be amended to provide for the safe use in chicken feeds of hygromycin B as an anthelmintic in combination with certain specified antibiotics used for growth promotion and increasing feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.213 (21 CFR 121.213; 27 F.R. 45) is amended to read as follows:

#### § 121.213 Hygromycin B.

Hygromycin B may be safely used in medicated feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) For chickens:

(i) In feed as an aid in the control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria columbae*), whereby the finished medicated feed contains 8 grams (8,000,000 units) of hygromycin B activity per ton of feed.

(ii) As prescribed in subdivision (i) of this subparagraph, with antibiotics added as an aid in stimulating growth and improving feed efficiency, as follows:

(a) Procaine penicillin, in accordance with the amounts prescribed in § 121.225(a) (3) (i).

(b) Streptomycin in accordance with the amounts prescribed in § 121.225(e) (3) (i).

(c) A combination of procaine penicillin and streptomycin in accordance with the amounts prescribed in § 121.225(a) (3) (iv).

(d) Bacitracin in accordance with the amounts prescribed in § 121.225(b) (3) (i).

(e) Bacitracin methylene disalicylate in accordance with the amounts prescribed in § 121.225(d) (3) (i).

(f) Zinc bacitracin in accordance with the amounts prescribed in § 121.225(c) (3) (i).

(g) Manganese bacitracin in accordance with the amounts prescribed in § 121.203.

(2) For swine:

(i) As an aid in the control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*), whereby the finished medicated feed contains 12 grams (12,000,000 units) of hygromycin B activity per ton of the feed, to be withdrawn 48 hours prior to slaughter.

(ii) As prescribed in subdivision (i) of this subparagraph, with tylosin added as an aid in stimulating growth and improving feed efficiency, in accordance with the amounts prescribed in § 121.217 (a) (1).

(iii) As prescribed in subdivision (i) of this subparagraph, with chlortetracycline added for the prevention or treatment of disease, in accordance with the conditions and in the amounts prescribed in § 121.208(a)(2) (i) and (ii).

(b) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) The word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used, and in juxtaposition therewith.

(4) Adequate directions and warnings for use.

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

§ 146.26 [Amendment]

II. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26(b) (21 CFR 146.26) is amended by adding thereto the following new subparagraph:

(50) It is intended for use as an aid in the control of infestation of large roundworms (*Ascaridia galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria columbae*) in chickens, and as an aid in promoting growth and improving feed efficiency in growing chickens; and its labeling bears adequate directions and warnings for such use. If it is a complete feed, it contains 4,000 units (4 milligrams) of hygromycin B per pound, or if it is hygromycin B concentrate, it contains not more than 16,000 units (16 milligrams) of hygromycin B per pound, and it contains, per ton of complete feed, the following quantities of the antibiotics listed:

Penicillin: Not less than 2.4 grams and not more than 50 grams; or

Streptomycin: Not less than 30 grams and not more than 50 grams; or

A combination of penicillin and streptomycin: Not less than 2.4 grams of penicillin and not less than 12 grams of streptomycin and not more than 50 grams of the combination drug; or

Bacitracin (as feed grade bacitracin), or bacitracin methylene disalicylate, or feed grade zinc bacitracin, or feed grade manganese bacitracin: Not less than 4 grams and not more than 50 grams.

If it is a concentrate, its antibiotic and hygromycin B content shall be such that, when mixed according to directions, the complete feed shall contain the prescribed amounts of these drugs. The exemption from certification is granted under the proviso that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. Such exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or packaging, or the facilities and controls used for such manufacturing, processing, or packaging, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

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

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

(Secs. 409, 507, 59 Stat. 463 as amended; 72 Stat. 1786; 21 U.S.C. 348, 357)

Dated: April 10, 1962.

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

[F.R. Doc. 62-3687; Filed, Apr. 16; 1962; 8:46 a.m.]

**PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS**

**Tetracycline-Amphotericin B Syrup; Change in Expiration Date**

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.262) are amended as follows:

Section 146c.262(b) is amended by changing the expiration date from 12 months only to 12 months or 18 months under the conditions specified. As amended, paragraph (b) reads as follows:

§ 146c.262 Tetracycline-amphotericin B syrup.

(b) The expiration date of the drug shall be 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drugs as prepared by him is stable for such period of time.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 10, 1962.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.  
[F.R. Doc. 62-3688; Filed, Apr. 16, 1962; 8:46 a.m.]

**Title 19—CUSTOMS DUTIES**

**Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 55600]

**PART 1—CUSTOMS DISTRICTS AND PORTS**

**Customs Agency Districts**

In order to maintain closer supervision over customs investigations on the border between Mexico and the United States as well as in the State of Colorado it is necessary to establish an

additional customs agency district. Accordingly, the following changes are made in the customs agency districts as set forth in § 1.5, Customs Regulations.

The area in district No. 9 is revised by deleting ", 47 (Colorado except the State of Wyoming)". The area in district No. 10 is revised by deleting ", 24 (El Paso), 50 (New Mexico)". The area in district No. 14 is revised by deleting ", 26 (Arizona)". A new customs agency district is established designated No. 11 with headquarters at El Paso, Texas, including the following areas: 24 (El Paso), 26 (Arizona), 47 (Colorado except the State of Wyoming), 50 (New Mexico).

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

The foregoing changes will become effective on July 1, 1962.

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

Approved: April 9, 1962.

JAMES A. REED,  
Assistant Secretary of the  
Treasury.

[F.R. Doc. 62-3705; Filed, Apr. 16, 1962;  
8:49 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.480]

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

##### Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an intending immigrant who is opposed to Communism may be entitled to the waiver of the passport requirement provided by § 42.6(f) regardless of the place of his application; to clarify the provisions of § 42.111(b) relating to certified copies of records of birth; and to delete from § 42.124(b) the provision that no seal, stamp or notation of any kind may be placed in an alien's passport to indicate that an immigrant visa has been issued. The amendments are as follows:

1. Section 42.6(f) is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

(f) *Nationals of Communist-controlled countries.* An immigrant who is a national of a Communist-controlled country and who is unable to obtain a passport from the government of such country, and his accompanying spouse and unmarried son or daughter.

2. Section 42.111 (b) and (b)(4) is amended to read as follows:

§ 42.111 Supporting documents.

(b) *Documents required.* An alien applying for an immigrant visa shall be

required to furnish with his application, if obtainable, two copies of a police certificate or certificates; two certified copies of any existing prison record, military record, and record of his birth; and two certified copies of all other records or documents concerning him or his case which the consular officer may deem to be necessary. An alien who has only one certified copy of any of these documents and cannot obtain another may present two authenticated or photostatic copies of the certified copy, but the certified copy must be offered for inspection by the consular officer who may return it to the alien.

(4) A "certified copy" of an alien's record of birth is a certificate issued by the official custodian of birth records in the country in which the applicant was born, showing the date and place of birth and the parentage of the alien, based upon the original registration of birth.

3. Section 42.124(b) is amended to read as follows:

§ 42.124 Procedure in issuing visas.

(b) *Documents comprising visa.* Form FS-511, and Form FS-510, when properly executed, together with one copy of each document required by the consular officer in accordance with § 42.111 shall constitute an immigrant visa.

*Effective date.* The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

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

MICHEL CIEPLINSKI,  
Acting Administrator, Bureau  
of Security and Consular Affairs.

APRIL 10, 1962.

[F.R. Doc. 62-3683; Filed, Apr. 16, 1962;  
8:45 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 6596]

#### PART 17—TEMPORARY REGULATIONS UNDER SECTION 456 OF THE INTERNAL REVENUE CODE OF 1954

##### Elections and Operation of Special Transitional Rule

The following regulations, prescribed under section 456 of the Internal Revenue Code of 1954, as added by the Act of July 26, 1961 (Public Law 87-109, 75 Stat. 222), relate to certain elections and other matters under such section.

The regulations set forth herein are temporary and are designed to inform taxpayers as to how to make the elections permitted by section 456, the scope of the elections, and the operation of the special transitional rule contained in the section. More comprehensive rules with respect to these and other provisions of the section will be issued subsequently.

In order to prescribe temporary regulations relating to certain provisions of section 456 of the Internal Revenue Code of 1954, the following regulations are hereby adopted:

Sec.

17.1 Statutory provisions; prepaid dues income of certain membership organizations.

17.1-1 Prepaid dues income of certain membership organizations.

AUTHORITY: §§ 17.1 and 17.1-1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 17.1 Statutory provisions; prepaid dues income of certain membership organizations.

SEC. 456. *Prepaid dues income of certain membership organizations—*(a) *Year in which included.* Prepaid dues income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (e) (2) exists.

(b) *Where taxpayer's liability ceases.* In the case of any prepaid dues income to which this section applies—

(1) If the liability described in subsection (e) (2) ends, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer ceases to exist, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such cessation of existence occurs.

(c) *Prepaid dues income to which this section applies—*

(1) *Election of benefits.* This section shall apply to prepaid dues income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all prepaid dues income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid dues income if the liability from which it arose is to end within 12 months after the date of receipt. Except as provided in subsection (d), an election made under this section shall not apply to any prepaid dues income received before the first taxable year for which the election is made.

(3) *When election may be made—*(A) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(B) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for its first taxable year (1) which begins after December 31, 1960, and (ii) in which it receives prepaid dues income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

(4) *Period to which election applies.* An election under this section shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary or his delegate to the revocation of such election. For purposes of this title, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) *Transitional rule—(1) Amount includible in gross income for election years.* If a taxpayer makes an election under this section with respect to prepaid dues income, such taxpayer shall include in gross income, for each taxable year to which such election applies, not only that portion of prepaid dues income received in such year otherwise includible in gross income for such year under this section, but shall also include in gross income for such year an additional amount equal to the amount of prepaid dues income received in the 3 taxable years preceding the first taxable year to which such election applies which would have been included in gross income in the taxable year had the election been effective 3 years earlier.

(2) *Deductions of amounts included in income more than once.* A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under paragraph (1), shall be permitted to deduct, for such taxable year and for each of the 4 succeeding taxable years, an amount equal to one-fifth of such additional amount, but only to the extent that such additional amount was also included in the taxpayer's gross income during any of the 3 taxable years preceding the first taxable year to which such election applies.

(e) *Definitions.* For purposes of this section—

(1) *Prepaid dues income.* The term "prepaid dues income" means any amount (includible in gross income) which is received by a membership organization in connection with, and is directly attributable to, a liability to render services or make available membership privileges over a period of time which extends beyond the close of the taxable year in which such amount is received.

(2) *Liability.* The term "liability" means a liability to render services or make available membership privileges over a period of time which does not exceed 36 months, which liability shall be deemed to exist ratably over the period of time that such services are required to be rendered, or that such membership privileges are required to be made available.

(3) *Membership organization.* The term "membership organization" means a corporation, association, federation, or other organization—

(A) Organized without capital stock of any kind, and

(B) No part of the net earnings of which is distributable to any member.

(4) *Receipt of prepaid dues income.* Prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

(Sec. 456 as added by the Act of July 26, 1961 (Public Law 87-109, 75 Stat. 222))

### § 17.1-1 Prepaid dues income of certain membership organizations.

(a) *In general.* Section 456 permits certain membership organizations to elect, in such manner as the Secretary or his delegate may by regulations prescribe, to include prepaid dues income in gross income for the taxable years during which the liability of the taxpayer exists to render services or to make available membership privileges. The election applies only to prepaid dues income relating to a liability existing over a period of time which extends beyond the close of the taxable year of receipt, and which does not exceed 36 months. The liability shall be deemed to exist ratably over the period the services are to be rendered or the membership privileges made available. No election may be made under section 456 with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business. However, if the taxpayer is on a "combination" method of accounting under section 446(c) (4) and the regulations thereunder, it may elect the benefits of section 456 if it uses an accrual method of accounting for prepaid dues income. Except to the extent provided in paragraph (f) of this section, relating to the transitional rule, an election shall not apply to any prepaid dues income received before the first taxable year to which the election is applicable. If the membership organization is engaged in two or more trades or businesses in which it receives prepaid dues income, it may make a separate election under section 456 with respect to each trade or business. An election shall apply to all prepaid dues income received in connection with the trade or business with respect to which the election is made, except that the taxpayer may elect (in accordance with the provisions of paragraph (c) of this section) to include in gross income for the taxable year of receipt the entire amount of any prepaid dues income if the liability from which it arose is to end within 12 months after the date of receipt (hereinafter sometimes referred to as the "within 12 months" election). A membership organization, within the meaning of section 456, is a corporation, association, federation or other organization (1) which is organized without capital stock of any kind, and (2) no part of the net earnings of which is under its charter, by-laws, or other document of organization or association distributable, directly or indirectly, to any member.

(b) *Manner of making election not requiring consent.* A taxpayer may make an election under section 456 without the consent of the Commissioner for the first taxable year beginning after December 31, 1960, in which it receives prepaid dues income in the trade or business for which such election is made. The election must be made not later than the time prescribed by law for filing the income tax return for such year (including extensions thereof). The election shall be made by means of a statement attached to such return. In addition, a

taxpayer should attach a copy of a typical membership contract used by the organization and a copy of its charter, by-laws or other document of organization or association. The statement shall indicate that the taxpayer is electing to apply the provisions of section 456 to the trade or business, and shall contain the following information:

(1) The name and a description of the taxpayer's trade or business to which the election is to apply.

(2) The method of accounting used for prepaid dues income in the trade or business during the first taxable year for which the election is to be effective and during each of the three preceding taxable years, and if there was a change in the method of accounting for prepaid dues income during such three-year period, a detailed explanation of such change including the adjustments necessary to prevent duplications or omissions of income.

(3) Indicate if any type of deferral method for prepaid dues income has been used during any of the three taxable years preceding the first taxable year for which the election is effective. Where any type of such deferral method has been used during this period, set forth an explanation of the method and a schedule showing the amounts received in each such year and the amounts deferred to each succeeding year.

(4) A schedule with appropriate explanations showing:

(i) The total amount of prepaid dues income received in the trade or business in the first taxable year for which the election is effective and the amount of such income to be included in each taxable year in accordance with the election,

(ii) The total amount, if any, of prepaid dues income received in the first taxable year for which the election is effective which is directly attributable to a liability of the taxpayer to render services or make available membership privileges over a period of time in excess of 36 months, and

(iii) The total amount, if any, of prepaid dues income received in the trade or business in—

(a) The taxable year preceding the first taxable year for which the election is effective if all memberships sold by the taxpayer are for periods of one year or less,

(b) Each of the two taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of one year but none are sold for periods in excess of two years, or

(c) Each of the three taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of two years.

In each respective case set forth the amount of such income which would have been includible in each taxable year had the election been effective for the years for which the information is required.

In any case in which prepaid dues income is received from more than one trade or business, the statement shall

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set forth separately the required information with respect to each trade or business for which the election is made. See paragraph (c) of this section for additional information required to be submitted with the statement if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid dues income attributable to a liability which is to end within 12 months after the date of receipt.

(c) *Liability ending within 12 months.*

A taxpayer who makes an election under paragraph (b) of this section with respect to a trade or business may also elect to include in gross income for the taxable year of receipt (as distinguished from the period over which the liability exists) the entire amount of any prepaid dues income from such trade or business if the liability from which it arose is to end within 12 months after the date of receipt. The taxable year of receipt is the taxable year for which the prepaid dues income is includible in gross income under section 451 (without regard to section 456). The "within 12 months" election shall be made by including in the statement required by paragraph (b) of this section, a declaration that the taxpayer elects to include such income in gross income for the taxable year of receipt, and the amount of such income for the first year to which the election is to apply. If the taxpayer is engaged in more than one trade or business for which the election under section 456 is made, it must include in such statement a declaration for each trade or business for which it makes the "within 12 months" election. If the taxpayer does not make the "within 12 months" election at the time it makes the election under paragraph (b) of this section, but later wishes to make such election, it must apply for permission from the Commissioner.

(d) *Effect of election.* An election made under either paragraph (b) or (c) of this section shall be binding for the taxable year for which such election is made and for all subsequent taxable years, unless consent to revoke the election is obtained from the Commissioner. An application for consent to revoke an election under section 456 will not be accepted before the date of publication in the FEDERAL REGISTER of the Income Tax Regulations (Part 1 of this chapter) under section 456. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to make an application for consent to revoke an election in the case of taxable years which begin after December 31, 1960, and end before the date of such publication.

(e) *Consent to make an election at any time.* The computation of taxable income under an election provided by section 456 constitutes a method of accounting and, except as provided in paragraph (b) or (c) of this section, a taxpayer may make an election provided in section 456 only with the consent of the Commissioner. An application for consent to make an election under section 456(c)(3)(A) will not be accepted

before the date of publication in the FEDERAL REGISTER of the Income Tax Regulations (Part 1 of this chapter) under section 456. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to make such an application in the case of taxable years which begin after December 31, 1960, and end before the date of such publication.

(f) *Transitional rule.* (1) Under section 456(d)(1), a taxpayer making an election under section 456 shall include in its gross income for the first taxable year to which the election applies and for each of the two succeeding taxable years not only that portion of prepaid dues income which is includible in gross income for each such taxable year under section 456(a), but also an additional amount equal to that portion of the total prepaid dues income received in each of the three taxable years preceding the first taxable year to which the election applies which would have been includible in gross income for such first taxable year and such two succeeding taxable years had the election under section 456 been effective during such three preceding taxable years. In computing such additional amounts,

(i) Prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to section 456),

(ii) In the case of taxpayers who did not include in gross income for the taxable year preceding the first taxable year for which the election is effective, that portion of the prepaid dues income received in such year attributable to a liability which is to end within 12 months after the date of receipt, no effect shall be given to a "within 12 months" election made under paragraph (c) of this section, and

(iii) There shall be taken into account only prepaid dues income arising from a

trade or business with respect to which an election is made under paragraph (b) of this section.

Section 481 and the regulations thereunder shall have no application to the additional amounts includible in gross income under this paragraph.

(2) A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under section 456(d)(1) and subparagraph (1) of this paragraph, shall be permitted under section 456(d)(2) to deduct for such taxable year and for each of the four succeeding taxable years, an amount equal to one-fifth of such additional amount, but only to the extent such additional amount was also included in the taxpayer's gross income for any of the three taxable years preceding the first taxable year to which such election applies. The taxpayer shall maintain books and records in sufficient detail to enable the district director to determine upon audit that the additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year.

(3) The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following example:

*Example.* (1) Assume that X Corporation, a membership organization qualified to make the election under section 456, elects to report its prepaid dues income in accordance with the provisions of section 456 for its taxable year ending December 31, 1961. Assume further that X Corporation receives in the middle of each taxable year \$3,000 of prepaid dues income in connection with a liability to render services over a three-year period beginning with the date of receipt. Under section 456(a), X Corporation will report income received in 1961 and subsequent years as follows:

Year of receipt	Total receipts	1961	1962	1963	1964	1965	1966	1967	1968
1961.....	\$3,000	\$500	\$1,000	\$1,000	\$500	-----	-----	-----	-----
1962.....	3,000	-----	500	1,000	1,000	\$500	-----	-----	-----
1963.....	3,000	-----	-----	500	1,000	1,000	\$500	-----	-----
1964.....	3,000	-----	-----	-----	500	1,000	1,000	\$500	-----
1965.....	3,000	-----	-----	-----	-----	500	1,000	1,000	\$500
1966.....	3,000	-----	-----	-----	-----	-----	500	1,000	1,000
1967.....	3,000	-----	-----	-----	-----	-----	-----	500	1,000
1968.....	3,000	-----	-----	-----	-----	-----	-----	-----	500
Total reportable under section 456(a)....		500	1,500	2,500	3,000	3,000	3,000	3,000	3,000

(ii) Under section 456(d)(1), X Corporation must include in its gross income for the first taxable year to which the election applies and for each of the two succeeding taxable years, the amounts which would have been included in those years had the election been effective three years earlier. If the election had been effective in 1958, the following amounts received in 1958, 1959, and 1960 would have been reported in 1961 and subsequent years:

Year of receipt	Amount received	Years of including additional amounts		
		1961	1962	1963
1958.....	\$3,000	\$500	-----	-----
1959.....	3,000	1,000	\$500	-----
1960.....	3,000	1,000	1,000	\$500
Total additional amounts to be included under section 456(d)(1).....		2,500	1,500	500



(iii) Having included the additional amounts as required by section 456(d)(1), and assuming such amounts were actually included in gross income in the three taxable years preceding the first taxable year for which the election is effective, X Corporation is entitled to deduct under section 456(d)(2) in the year of inclusion and in each of the succeeding four years an amount equal to one-fifth of the amounts included, as follows:

Year of inclusion	Amount	Years of deduction						
		1961	1962	1963	1964	1965	1966	1967
1961.....	\$2,500	\$500	\$500	\$500	\$500	\$500		
1962.....	1,500		300	300	300	300	\$300	
1963.....	500			100	100	100	100	\$100
Total amount deductible under section 456(d)(2).....		500	800	900	900	900	400	100

(iv) The net result of the inclusions under section 456(d)(1) and the deductions under section 456(d)(2) may be summarized as follows:

	Year							
	1961	1962	1963	1964	1965	1966	1967	1968
Amount includible under section 456(a).....	\$500	\$1,500	\$2,500	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Amount includible under section 456(d)(1).....	2,500	1,500	500					
Total.....	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Amount deductible under section 456(d)(2).....	500	800	900	900	900	400	100	
Net amount reportable under section 456.....	2,500	2,200	2,100	2,100	2,100	2,600	2,900	3,000

Because this Treasury decision merely provides temporary regulations designed to inform those taxpayers who intend to make the election under section 456 as to how, when, and where to perform certain acts required under that section, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] MORTIMER M. CAPLIN,  
Commissioner of Internal Revenue.

Approved: April 12, 1962.

STANLEY S. SURREY,  
Assistant Secretary of the Treasury.

[F.R. Doc. 62-3706; Filed, Apr. 16, 1962; 8:49 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

#### Miscellaneous Amendments

1. In § 13.51(b)(1), subdivision (ii) is amended to read as follows:

§ 13.51 Authority of Chief Attorney in commitment and restoration proceedings.

(b) Authority to institute commitment or restoration proceedings—(1) Commitment. \* \* \*

(ii) If timely action cannot be taken under subdivision (i) of this subparagraph, the Clinic Director or his designees, or, if already hospitalized in a Veterans Administration hospital, the Hospital Director or Chief of Staff, or their designees, may sign the petition if

permissible under State law, and the Chief Attorney will then take any action necessary to bring the matter before the appropriate court.

2. In § 13.52(b), subparagraph (2) is amended to read as follows:

§ 13.52 Medical testimony in commitment or restoration proceedings.

(b) Restoration. \* \* \*

(2) The Director of the Veterans Administration hospital at which any veteran committed to the Veterans Administration was hospitalized may upon discharge of the veteran furnish a certificate of sanity or such similar certificate to the proper civil authorities or the Chief Attorney as may be contemplated by the law of the jurisdiction concerned.

3. Section 13.54 is revised to read as follows:

§ 13.54 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel upon request of the Chief Attorney.

4. In § 13.58(b), subparagraph (1) is amended and subparagraph (3) is deleted so that paragraph (b) reads as follows:

§ 13.58 Legal custodian.

(b) Payment to. Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

(1) The beneficiary is not under a guardianship of the person and estate or of the estate and it would be for the best interest of the beneficiary to recognize a legal custodian.

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benefits paid for the sole use of the beneficiary,

(ii) Disburse the benefits paid only as authorized by the Chief Attorney,

(iii) Invest surplus funds as provided by Veterans Administration regulations,

(iv) Provide adequate safeguards for the estate, and

(v) Account for the Veterans Administration benefits received.

5. Section 13.64 is revised to read as follows:

§ 13.64 Natural guardians.

Chief Attorneys may authorize the payment of Veterans Administration benefits payable in behalf of minors to natural guardians when such persons are constituted guardians of the person and estate of the minor in the Commonwealth of Puerto Rico, Territory or insular possession of the United States, or foreign country in which they reside.

6. Section 13.67 is revised to read as follows:

§ 13.67 Authorization of transportation of a veteran beneficiary for appointment of a guardian.

When the appointment of a guardian is required for an incompetent veteran hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Hospital Director may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel, upon request of the Chief Attorney.

7. In § 13.70(a), subparagraph (2) is amended to read as follows:

§ 13.70 Apportionment of benefits to dependents.

(a) Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof. \* \* \*

(2) When payment of compensation, pension or emergency officers' retirement pay, in behalf of a veteran who is rated incompetent by the Veterans Administration by reason of mental illness has no wife or child and is being furnished

hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his estate equals or exceeds \$1,500, the Chief Attorney may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of dependent parent or parents.

8. In § 13.73, paragraph (a) is amended to read as follows:

**§ 13.73 Transfer of funds from Funds Due Incompetent Beneficiaries.**

(a) *Authorization.* Chief Attorneys may recommend the transfer of amounts credited to individual veterans from Funds Due Incompetent Beneficiaries to Personal Funds of Patients at Veterans Administration hospitals, regional offices and centers. Chief Attorneys may recommend the transfer of such funds from Funds Due Incompetent Beneficiaries to directors, superintendents or medical officers in charge of non-Veterans Administration institutions maintained by the United States or a political subdivision thereof for the account of the institutionalized veteran.

9. In § 13.74, paragraph (b) is amended to read as follows:

**§ 13.74 Recommendation for payment.**

(b) *Needy dependent parent.* If the veteran's estate is \$4,000 or more, the Chief Attorney may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof. If the estate is \$2,500 or more but less than \$4,000, the Chief Attorney may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than \$2,500, the Chief Attorney may recommend an apportionment to the dependent parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

10. In § 13.102, former paragraph (b) is deleted and former paragraph (c) is redesignated (b) and amended to read as follows:

**§ 13.102 Annual report of custodian.**

(b) Annual accounts will not be required, in the discretion of the Chief Attorney, (1) when the custodian and beneficiary permanently reside in a jurisdiction other than a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Republic of the Philippines, or (2) when the total estate is less than \$200 and monthly payments do not exceed \$15.

11. In § 13.104, paragraph (d) is revoked.

**§ 13.104 Accounts of guardians.**

(d) [Revoked]

12. In § 13.108, the headnote and paragraph (a) are amended to read as follows:

**§ 13.108 Estate \$1,500; incompetent veteran, without wife or minor or helpless children, is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof.**

(a) Where a veteran, rated incompetent by the Veterans Administration by reason of mental illness, without wife or minor or helpless children, is receiving hospital treatment, domiciliary or institutional care in a public institution other than a Veterans Administration institution or has a fiduciary and is receiving hospital treatment or domiciliary care in a Veterans Administration institution, and his estate equals or exceeds \$1,500, the Chief Attorney shall immediately notify the Adjudication activity so that payments, other than insurance, may be discontinued. In those cases in which the payment has been discontinued, the Chief Attorney shall, when such estate has been reduced to \$500, immediately notify the Adjudication activity of that fact.

13. Section 13.400 is revised to read as follows:

**§ 13.400 Legal services (other than guardianship) by Chief Attorneys.**

The Chief Attorney, as an employee of the Department of Veterans Benefits, is the legal adviser to the Manager of the office to which assigned and may render other legal services as prescribed by Veterans Administration regulations. He is further authorized to render legal advice, oral or written, and formal legal opinions to Managers of regional offices, Directors of centers, hospitals, domiciliaries, or Managers of Insurance Centers within the territory allocated to the regional office, on matters as to which there is a governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor. If no applicable governing Veterans Administration issue or opinion of the General Counsel, or of a predecessor, be available, the Chief Attorney may prepare a tentative opinion or submit the question, through channels, for consideration of the General Counsel. (See §§ 13.401 and 13.402.)

14. Section 13.401 is revised to read as follows:

**§ 13.401 Legal advice or assistance on general law, State law, real and personal property law, guaranty or insurance of loans, personnel, fiscal matters, etc.**

Written or oral requests for legal advice or assistance from the appropriate Chief Attorney are authorized to be made by Directors of hospitals, domiciliaries, Managers of Insurance Centers or regional offices, and by chiefs of divisions, provided, however, the inquiry shall be

in writing, if the Chief Attorney so requests. Except as to questions of State law, the Chief Attorney will confine his advice and opinions to matters covered by Veterans Administration precedents and opinions of the General Counsel, or his predecessors; will be governed thereby; and will not go beyond the scope thereof. Subject to the stated exceptions, if no applicable opinion or precedent is found, a Chief Attorney may prepare a tentative opinion and forward a copy thereof, through the Manager or Director of the station requesting advice, to the Chief Benefits Director, the Chief Insurance Director, or the Chief Medical Director, as may be appropriate, which official will be responsible for forwarding it to the General Counsel for review. If approved by the General Counsel, the opinion will be returned through the same channels and may be released; otherwise, appropriate opinion will be prepared by the General Counsel, addressed to the staff officer concerned or to the Administrator if requiring his consideration. No such tentative opinion will be released or acted upon unless approved by the General Counsel. In lieu of preparing such tentative opinion, the Chief Attorney, in his discretion, is authorized to submit the question, through the same channels, for consideration of the General Counsel, with appropriate comments and citations of statutes or cases readily accessible to the Chief Attorney. The above does not apply to advice and opinions involving litigation, tort claims or emergency situations in which direct contact with the General Counsel's office is necessary.

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

These regulations are effective April 17, 1962.

[SEAL]

W. J. DRIVER,  
Deputy Administrator.

[F.R. Doc. 62-3719; Filed, Apr. 16, 1962; 8:49 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

#### Mattamuskeet National Wildlife Refuge, North Carolina; Yazoo National Wildlife Refuge, Mississippi

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

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

##### NORTH CAROLINA

##### MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 80

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

(a) Species permitted to be taken: Black bass, white perch, pan fish (crappies, yellow perch, pickerel and sunfish) and other minor species permitted by State regulations.

(b) Open season: April 15 through the day before opening of the waterfowl hunting season.

(c) Daily creel limits: Black bass—8; White perch—No limit; Panfish—25 (in aggregate); Other species as prescribed by State regulations.

(d) Methods of fishing:

1. Rod and reel, pole and line, artificial and live bait permitted.

2. Boats and motors, without size limitations, permitted.

3. Guide services are available.

(e) Other provisions:

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

(2) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

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

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

#### MISSISSIPPI

##### YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Mississippi is suspended for the 1962 season.

The fishing area is undergoing renovation and after completion will be restocked; consequently, no fishing will be permitted this year.

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

[F.R. Doc. 62-3680; Filed, Apr. 16, 1962;  
8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 120 ]

### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, FMC Corporation, Middleport, N.Y., proposing the establishment of tolerances for residues of the insecticide 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide in or on broccoli and cabbage at 2 parts per million.

The analytical method proposed in the petition for determining residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide are the methods published in the FEDERAL REGISTER of March 18, 1960 (25 F.R. 2269), and a modification of the gas chromatographic micro-coulometric procedure of Coulson et al., published in the Journal of Agricultural and Food Chemistry, Volume 8, page 399 (1960).

Dated: April 6, 1962.

ROBERT S. ROE,  
Director, Bureau of  
Biological and Physical Sciences.

[F.R. Doc. 62-3689; Filed, Apr. 16, 1962;  
8:47 a.m.]

[ 21 CFR Part 120 ]

### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Mo., proposing the establishment of tolerances for residues of the insecticide O,O-dimethyl S-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on alfalfa hay and clover hay at 5 parts per million; blackberries, boysenberries, loganberries, and raspberries at 2 parts per million; and green alfalfa and green clover at 1 part per million.

The analytical method proposed in the petition for determining residues of O,O-

dimethyl S-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate is that published in Agricultural and Food Chemistry, Volume 8, Page 282 (1960), with slight modification.

Dated: April 11, 1962.

ROBERT S. ROE,  
Director, Bureau of  
Biological and Physical Sciences.

[F.R. Doc. 62-3690; Filed, Apr. 16, 1962;  
8:47 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 722) has been filed by Stein, Hall and Company, Inc., 285 Madison Avenue, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of natural rubber latex and other adjuncts as a coating on food-packaging materials.

Dated: April 9, 1962.

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

[F.R. Doc. 62-3691; Filed, Apr. 16, 1962;  
8:47 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 685) has been filed by Zonolite Company, 135 South La Salle Street, Chicago 3, Ill., proposing the amendment of § 121.222 of the food additive regulations to provide for the safe use of exfoliated hydrobiotite as a nonnutritive bulking agent, nutrient carrier, and/or blending agent in dog food and ruminant and swine feed.

Dated: April 10, 1962.

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

[F.R. Doc. 62-3692; Filed, Apr. 16, 1962;  
8:47 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C.

348(b)(5)), notice is given that a petition (FAP 765) has been filed by Charles Pfizer and Company Inc., 235 East Forty-second Street, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of up to and including 2,000 grams of oxytetracycline per ton of medicated poultry feed concentrate for fowl cholera, coccidiosis, blue comb (non-specific infectious enteritis), chronic respiratory disease, infectious synovitis, hexamitiasis, early chick mortality, and stress.

Dated: April 10, 1962.

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

[F.R. Doc. 62-3693; Filed, Apr. 16, 1962;  
8:47 a.m.]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 510 ]

[Docket No. 973]

[General Order 4, Amdt. 1]

### PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEANGOING COMMON CARRIERS

#### Notice of Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments in respect to the proposed rules in this proceeding is hereby extended to and including April 20, 1962.

By the Commission, April 12, 1962.

THOMAS LIST,  
Secretary.

[F.R. Doc. 62-3718; Filed, Apr. 16, 1962;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 1120 ]

[Docket No. AO 328]

### MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

#### Notice of Extension of Time for Filing Exceptions to 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 Lubbock-Plainview, Tex., marketing area, which was issued by the Acting Secretary on March 13, 1962 (27 F.R. 2512), and was extended on March 29, 1962 (27 F.R. 3168), is hereby further extended to April 17, 1962.

Dated: April 11, 1962, Washington, D.C.

JOHN P. DUNCAN, Jr.,  
Assistant Secretary.

[F.R. Doc. 62-3711; Filed, Apr. 16, 1962; 8:49 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 601 ]

[ Airspace Docket No. 62-CE-20 ]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Designation

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

The Federal Aviation Agency has under consideration a request by the State of Minnesota for the designation of controlled airspace at International Falls, Minn. This controlled airspace would consist of a control zone and a transition area. The control zone would be designated within a 5-mile radius of the International Falls Airport (latitude 48°33'58" N., longitude 93°24'07" W.), and within 2 miles either side of the International Falls VOR 133° True radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the portion outside of the United States. The transition area

would be designated as that airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of the International Falls Airport, within 8 miles northeast and 5 miles southwest of the International Falls VOR 133° True radial extending from the 8-mile radius area to 14 miles southeast of the VOR, and within 8 miles southwest of the International Falls VOR 317° True radial extending from the 8-mile radius area to the United States/Canadian border.

The International Falls control zone and transition area would provide protection for aircraft executing proposed instrument approach and departure procedures, and for holding at the International Falls VOR. This VOR has been certified by the Federal Aviation Agency for public use. The proposed instrument approach procedures will be prescribed concurrently with the designation of the controlled airspace. Air traffic control service for this area will be provided by the Minneapolis, Minn., Air Route Traffic Control Center remotely via land-line voice circuit between the Minneapolis Flight Service Station and the International Falls VOR. Weather service is provided on a 24 hours, daily, basis by the United States Weather Bureau at International Falls. Coordination with the Canadian Department of Transport is being conducted regarding the designation of a portion of the control zone and the designation of control area within Canada comparable to the actions proposed herein. In addition, a low altitude VOR Federal airway is being proposed in a separate airspace action for the route between International Falls and Duluth, Minn.

Although it was stated in the preamble of Regulatory Docket No. 1000 (Draft Release 62-8, 27 F.R. 2183), that, pending resolution of that proposal to re-define controlled airspace, processing of terminal airspace cases has been halted, the proposal contained herein is being issued at this time to permit fulfillment of the urgent airspace requirements at

International Falls at the earliest practicable date. It is not anticipated that any revision of this proposal will be required attendant to the proposed change in the definition of controlled airspace. However, if such requirement should occur, appropriate separate airspace action will be taken.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on April 10, 1962.

CLIFFORD P. BURTON,  
Acting Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-3678; Filed, Apr. 16, 1962; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

### ORDER OF SUCCESSION OF OFFICIALS AND PERFORMANCE OF CERTAIN FUNCTIONS

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in the order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Assistant Commissioner.
2. Deputy Commissioner.
3. Deputy Commissioner, Chicago Office.
4. Technical Assistant to the Commissioner.
5. Chief, Counsel of the Bureau.
6. Chief, Division of Loans and Currency.
7. Chief, Division of Retired Securities.
8. Chief, Division of Public Debt Accounts and Audit.
9. Assistant Deputy Commissioner, Chicago Office.
10. Director, Parkersburg Office.
11. Assistant Director, Parkersburg Office.

2. If, in the event of an enemy attack on the continental United States, neither the Commissioner nor any officer authorized to act in his stead (paragraph 1) is present at the site of the Bureau's operations, the officer acting as District Director, Internal Revenue Service, at the city at which the Bureau's operations are reestablished shall act as Commissioner of the Public Debt so long as necessary hereunder. For this purpose and in such event the functions of the Commissioner of the Public Debt shall be deemed to have been transferred to such officer acting as District Director.

3. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Deputy Commissioners and the Director of the Parkersburg Office are hereby authorized to perform any functions of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

4. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Treasury Department Order No. 129, Revision No. 2, dated

April 22, 1955, F.R. Doc. 55-3479; April 28, 1955. This order of succession supersedes the previous order of this Bureau dated September 8, 1958, F.R. Doc. 58-7475; September 13, 1958.

[SEAL] D. M. MERRITT,  
Commissioner of the Public Debt.

APRIL 9, 1962.

[F.R. Doc. 62-3707; Filed, Apr. 16, 1962;  
8:49 a.m.]

### Coast Guard

[CGFR 62-6]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

#### Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from January 9, 1962, through January 30, 1962. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-39, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

#### PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

##### LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/15/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Wash., effective January 30, 1962. (It is an extension of Approval No. 160.003/15/0 dated January 30, 1957.)

Approval No. 160.003/16/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Sunde & D'Evers Co., Colman Ferry Terminal, Seattle, Wash., effective January 30, 1962. (It is an extension of Approval No. 160.003/16/0 dated January 30, 1957.)

Approval No. 160.003/17/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/17/0 dated January 30, 1957.)

Approval No. 160.003/18/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South

Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/18/0 dated January 30, 1957.)

Approval No. 160.003/19/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.003/19/0 dated January 30, 1957.)

Approval No. 160.003/20/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.003/20/0 dated January 30, 1957.)

Approval No. 160.003/21/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/21/0 dated January 30, 1957.)

Approval No. 160.003/22/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.003/22/0 dated January 30, 1957.)

Approval No. 160.003/23/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.003/23/0 dated January 30, 1957.)

Approval No. 160.003/24/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.003/24/0 dated January 30, 1957.)

LIFE PRESERVERS, Balsa Wood (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/11/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.004/11/0 dated January 30, 1957.)

Approval No. 160.004/12/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.004/12/0 dated January 30, 1957.)

Approval No. 160.004/13/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.004/13/0 dated January 30, 1957.)

Approval No. 160.004/14/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark., effective January 30, 1962. (It is an extension of Approval No. 160.004/14/0 dated January 30, 1957.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/33/0, Model E-1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, drawing No. LC-104-3, Rev. 3 dated July 15, 1958, approval limited to ladders 65 feet or less in length, manufactured by Robertson and Schwartz, Inc., 163 Main Street, San Francisco 5, Calif., effective January 29, 1962.

Approval No. 160.017/34/0, Model P-1006-A, Type I embarkation-debarkation ladder, rope suspension, steel ears, drawing LC-106, Rev. 3 dated September 12, 1957, manufactured by Robertson and Schwartz, Inc., 163 Main Street, San Francisco 5, Calif., effective January 29, 1962.

DAVITS

Approval No. 160.032/112/1, gravity davit, Type 36.5-150, approved for maximum working load of 33,500 pounds per set (16,750 pounds per arm), using 2-part falls, identified by general arrangement drawing No. DG-451-55 dated November 18, 1955, and revised June 13, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.032/112/1 dated January 30, 1957.)

Approval No. 160.032/153/0, gravity davit, Type G-65-S-89, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2-part falls, identified by arrangement drawing No. 3644 dated July 9, 1956, and revised October 26, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.032/153/0 dated January 30, 1957.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/52/0, Type B-1, Rottmer type releasing gear, approved for maximum working load of 14,000 pounds per set (7,000 pounds per hook), identified by assembly drawing No. M-125-13 dated January 11, 1955, and revised January 22, 1957, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of

Approval No. 160.033/52/0 dated January 30, 1957.)

LIFEBOATS

Approval No. 160.035/12/3, 18.0' x 5.7' x 2.5' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement drawing No. G-1815 dated July 25, 1951, and revised October 9, 1961, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective January 9, 1962. (It supersedes Approval No. 160.035/12/2 dated November 1, 1957.)

Approval No. 160.035/87/2, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by general arrangement and construction drawing No. 49R-1412 dated August 20, 1950, revised May 7, 1956; approved for use on vessels in Great Lakes, Bays, Sounds and Lakes, and River service, as well as for use on certain coastwise tank barges (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant); manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y., effective January 9, 1962. (It supersedes Approval No. 160.035/87/1 dated October 11, 1961.)

Approval No. 160.035/243/1, 36.5' x 12.5' x 5.33' aluminum, motor-propelled lifeboat with radio cabin (Class A), 140-person capacity, drawing No. 36-8 dated December 2, 1948, and revised October 23, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/243/1 dated January 30, 1957.)

Approval No. 160.035/258/2, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement drawing No. 20-3 dated August 19, 1949, and revised December 4, 1956 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant), manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/258/2 dated January 30, 1957.)

Approval No. 160.035/274/1, 22.0' x 6.75' x 2.92' aluminum, car-propelled lifeboat, 25-person capacity, identified by construction and arrangement drawing No. 22-1C dated November 22, 1950, and revised August 31, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 30, 1962. (It is an extension of Approval No. 160.035/274/1 dated January 30, 1957.)

Approval No. 160.035/295/0, 31.0' x 11.25' x 4.5' steel, motor-propelled lifeboat, without radio cabin (Class B), 86-person capacity, identified by general arrangement drawing No. G-3186 dated March 24, 1952, and revised August 14, 1956, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., effective January 30, 1962. (It is an extension of Approval No. 160.035/295/0 dated January 30, 1957.)

Approval No. 160.035/358/0, 26.0' x 7.88' x 3.54' steel, oar-propelled lifeboat,

42-person capacity, identified by construction and arrangement drawing No. 26-11B dated October 15, 1956, and revised November 9, 1961, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, N.J., effective January 9, 1962.

**BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD**

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/535/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

Approval No. 160.047/536/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

Approval No. 160.047/537/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

**BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS**

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/80/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.048/80/0 dated January 30, 1957.)

Approval No. 160.048/81/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Howard Zink Corp., Fremont, Ohio, effective January 30, 1962. (It is an extension of Approval No. 160.048/81/0 dated January 30, 1957.)

Approval No. 160.048/82/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Robey Manufacturing Co., Newaygo, Mich., effective January 30, 1962. (It

is an extension of Approval No. 160.048/82/0 dated January 30, 1957.)

Approval No. 160.048/83/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill., effective January 30, 1962. (It is an extension of Approval No. 160.048/83/0 dated January 30, 1957.)

Approval No. 160.048/217/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for The Bowman Products Co., 850 East 72d Street, Cleveland 3, Ohio, effective January 10, 1962.

**BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM**

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.049/44/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by The Comfort Cushion Co., 5062-84 Loraine, Detroit 8, Mich., effective January 9, 1962.

**TELEPHONE SYSTEMS, SOUND POWERED**

Approval No. 161.005/47/0, sound powered telephone signal relay, non-locking, for operation with hand generator, drawing No. B-173, Alt. 0, for connecting in parallel with hand generator bell on sound powered telephone stations to operate separately powered 115 volts A.C. audible signal, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass., effective January 30, 1962. (It is an extension of Approval No. 161.005/47/0 dated January 30, 1957.)

**FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)**

Approval No. 162.015/54/0, Model 2-26-10 backfire flame arrester for carburetors, Drawing No. F-1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

Approval No. 162.015/55/0, Model 4-4-125-5 backfire flame arrester for carburetors, Drawing No. F-1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

Approval No. 162.015/56/0, Model 4-5-125-6 backfire flame arrester for carburetors, Drawing No. F-1124, flame arrester, marine, dated 9/13/61, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Mich., effective January 29, 1962.

**SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS**

Approval No. 162.018/42/0, Type 1905-30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 150 p.s.i. primary service pressure rating, Drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/42/0 dated January 30, 1957.)

Approval No. 162.018/43/0, Type 1906-30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 300 p.s.i. primary service pressure rating, Drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/43/0 dated January 30, 1957.)

Approval No. 162.018/44/0, Type 1910-30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 300 p.s.i. primary service pressure rating, drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/44/0 dated January 30, 1957.)

Approval No. 162.018/45/0, Type 1912-30, safety relief valve for liquefied compressed gas service (noncorrosive), full nozzle type metal-to-metal seat, bellows type, 600 p.s.i. primary service pressure rating, drawing No. 401401 dated Oct. 1, 1956, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 250 p.s.i.g., manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective January 30, 1962. (It is an extension of Approval No. 162.018/45/0 dated January 30, 1957.)

**DECK COVERINGS**

Approval No. 164.006/47/0, "FORANAFT #1" complete mastic and magnesite type deck covering, identical to that described in National Bureau of Standards' Test Report No. TG10210-2083 : FR 3603 dated December 18, 1961, approved for use without other insulating material as meeting Class A-15 requirements in the thickness of 1/4-inch "FORANAFT #1" under 3/8-inch magnesite, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia 43, Pa., effective January 9, 1962.

**STRUCTURAL INSULATIONS**

Approval No. 164.007/34/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards' Test Report No. TG10210-2075: FR 3592 dated July 24, 1961, and Underwriters' Laboratories, Inc., Reports Re-



tardant 4374 dated February 25, 1960, 4374-2 dated June 20, 1960, and 4374-3 dated October 10, 1960, approved for use without other insulating material as meeting Class A-60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by California Zonolite Co., 5440 San Fernando Road West, Los Angeles 39, Calif., effective January 29, 1962.

Approval No. 164.007/35/0, "Mono-Kote" sprayed vermiculite type structural insulation identical to that described in National Bureau of Standards' Test Report No. TG10210-2075: FR3592 dated July 24, 1961, and Underwriters' Laboratories, Inc., Reports Retardant 4374 dated February 25, 1960, 4374-2 dated June 20, 1960, and 4374-3 dated October 10, 1960, approved for use without other insulating material as meeting Class A-60 requirements in a 2-inch thickness and 18 to 22 pounds per cubic foot density, manufactured by Vermiculite-Northwest, Inc., 2107 North 34th Street, Seattle 3, Wash., effective January 29, 1962.

**INCOMBUSTIBLE MATERIALS**

Approval No. 164.009/41/0, "Micro-tek-32-308," glass fiber insulation type incombustible material in 3/4-pound per cubic foot density, identical to that referred to in National Bureau of Standards' Test Report No. TG10210-1987: FP3382 dated October 8, 1956 (formerly approved under name of L.O.F. Glass Fibers Co., 1810 Madison Avenue, Toledo 1, Ohio), manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y., effective January 30, 1962. (It is an extension of Approval No. 164.009/41/0 dated January 30, 1957.)

Dated: April 10, 1962.

[SEAL] E. J. ROLAND,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 62-3704; Filed, Apr. 16, 1962;  
8:49 a.m.]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management  
NEVADA**

**Notice of Proposed Withdrawal and  
Reservation of Lands**

APRIL 9, 1962.

The Forest Service has filed an application, Serial Number Nevada 058297, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws.

The applicant desires to protect an extensive underground cavern of significant geological and scenic value.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 1551, Reno, Nevada.

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:

**MOUNT DIABLO MERIDIAN, NEVADA**

T. 19 S., R. 57 E.,  
Sec. 7, S 1/2 of lot 11, lot 12;  
Sec. 8, N 1/2 and SE 1/4 of lot 5, S 1/2 of lot 6,  
lot 11, S 1/2 and NE 1/4 of lot 12, lots 13  
and 14.

The area described contains approximately 253.13 acres.

R. M. ZUNDEL,  
Acting Manager, Land Office.

[F.R. Doc. 62-3699; Filed, Apr. 16, 1962;  
8:48 a.m.]

**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

[Dept. Order 117 (Revised)]

**MARITIME ADMINISTRATION**

**Organization and Functions**

APRIL 9, 1962.

The following order was issued by the Acting Secretary of Commerce on April 9, 1962. The material appearing in 26 F.R. 7713-7716 of August 17, 1961; 27 F.R. 701 of January 24, 1962; and 27 F.R. 2168 of March 6, 1962, is superseded as follows:

**SECTION 1. Purpose.** The purpose of this order is to describe the organization and define the functions of the Maritime Administration.

**SEC. 2. Establishment and organization.—.01 Maritime Administration.** The Maritime Administration established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary organization unit in the Department of Commerce. The Maritime Administration is headed by the Maritime Administrator appointed by the President, by and with the advice and consent of the Senate. He reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation, and performs such duties as the Secretary of Commerce shall prescribe. The Maritime Administrator is also vested with the residual powers and authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce under Executive Order 10219, and is designated Commandant of the United States Maritime Service.

**.02 Maritime Subsidy Board.** There is hereby established within the Maritime Administration a Maritime Subsidy Board which performs the functions described in Sections 4 and 6 hereof. The Board is composed of the Maritime Administrator, the Deputy Maritime Ad-

ministrator and the Comptroller of the Maritime Administration, and in the case of a vacancy in the Board or the absence or disability of one of its members the Chief, Office of Planning and Special Studies shall act as a member of the Maritime Subsidy Board, each of whom while serving as a member of the Maritime Subsidy Board acts pursuant to direct authority from the Secretary of Commerce and exercises judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Maritime Subsidy Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

**.03 The Maritime Administration shall consist of the following organization units.** 1. Office of the Maritime Administrator Deputy Maritime Administrator;

2. Maritime Subsidy Board;
3. Office of Planning and Special Studies;
4. Office of Budget and Management;
5. Office of Personnel Management;
6. Office of Statistics;
7. Office of Public Information;
8. Office of the General Counsel;
9. Office of the Comptroller;
10. Office of Property and Supply;
11. Office of Ship Construction;
12. Office of Research and Development;
13. Office of Ship Operations;
14. Office of Government Aid;
15. Offices of the Coast Directors; and
16. United States Merchant Marine Academy.

**SEC. 3. Delegations of authority to the Maritime Administrator.** .01 Subject to such conditions and limitations as the Secretary of Commerce may impose, the Maritime Administrator is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by:

1. Reorganization Plan No. 21 of 1950 and section 202 of Reorganization Plan No. 7 of 1961, except those functions, powers and authorities delegated to the Maritime Subsidy Board by section 4 hereof;
2. Executive Orders 10480 and 10219, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping, and ports and port facilities, including the use thereof; and
3. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the American merchant marine, except those relating to the functions, powers and authorities delegated by Section 4 hereof;
4. Any existing or subsequent legislation providing for the transfer, or otherwise making available, of vessels under the jurisdiction of the Department to another Federal agency.

**.02** The authority granted by section 3.01 2 above shall not be deemed to include authority to grant exceptions from, or amend, modify or revise the provisions

of Transportation Orders T-1 and T-2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce on the authority delegated in section 3.01 above and which requires public notice under the provisions of section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority.

**SEC. 4. Delegations of authority to the Maritime Subsidy Board.** .01 The Maritime Subsidy Board is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce as follows:

1. All functions heretofore vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1101, et seq.), herein called the "Act;"

2. All functions transferred to the Secretary of Commerce by section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in section 4.01 1 above; and

3. All functions vested in the Secretary of Commerce by any other existing or subsequent legislation and Executive Orders relating to the functions described in section 4.01 1 and 2 above.

.02 Any member of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to sections 4, 6.01 2 or 7 hereof. The execution of such contracts or documents may be attested by the Secretary or Assistant Secretary of the Board under the seal of the Maritime Administration.

.03 The Maritime Subsidy Board may, with the approval of the Secretary of Commerce, redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority. Action taken by any redelegatee pursuant to the authority herein contained shall be exempt from the provisions of section 7 of this order.

**SEC. 5. General functions.** .01 The Maritime Administration is responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national defense and of the domestic and

foreign commerce of the United States. The functions of the Maritime Administration include the award of construction-differential and operating-differential subsidies to the American merchant marine, the construction, repair and operation of merchant ships, maintenance of national defense reserve fleets of Government-owned ships, administration of subsidy programs and other Government aids to shipping, maintenance of reserve shipyards for ship construction in national emergencies and the training of merchant marine officers. The functions of the Maritime Administration also include the making of rules and regulations with respect to the foregoing functions.

.02 In carrying out its responsibilities, the Maritime Administration is guided by the broad declaration of policy stated in Title I of the "Act".

.03 Insofar as deemed desirable, the Chairman of the Maritime Subsidy Board makes use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary and Assistant Secretary of the Board.

**SEC. 6. Functions of the Maritime Administration.** .01 Specific functions of the organizational components of the Maritime Administration are as follows:

1. The Office of the Maritime Administrator directs the activities of the Maritime Administration except with respect to those functions which are performed by the Maritime Subsidy Board. Within this office are personnel responsible for liaison and advisory services on maritime training, investigation, security and intelligence functions, secretariat and hearing examining activities.

(1) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator appointed by the Secretary of Commerce, after consultation with the Maritime Administrator, who performs such duties as the Maritime Administrator shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board referred to in section 2.02 hereof. In addition, he is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator; and executes for the Maritime Administrator his residual powers as Director, National Shipping Authority including all National Shipping Authority orders and amendments thereof.

2. The Maritime Subsidy Board is responsible for and performs the following functions:

(1) The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of

national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

(2) The functions with respect to: (a) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Act; (b) making readjustments in determinations as to operating cost differentials under section 606 of the Act; and (c) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act.

(3) The functions with respect to investigating and determining (a) the relative cost of construction of comparable vessels in the United States and foreign countries, (b) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (c) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

(4) So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subdivisions (1) through (3) above; and

(5) So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

3. The Office of Planning and Special Studies develops and recommends long-range merchant marine policies and programs; coordinates national defense planning activities; maintains liaison with the Department of State and international organizations on shipping matters; formulates and conducts programs for the development and promotion of ports and port facilities, and emergency planning for operation of United States seaports under mobilization conditions; supervises training in maritime fields for grantees of the Agency for International Development and others; and conducts special economic and shipping studies;

4. The Office of Budget and Management formulates, recommends, and interprets budgetary policies and programs; collaborates with operating officials in the development of work programs and fiscal plans; develops and presents budget requests and justifications, and apportionments; arranges for transfers of funds; maintains budgetary control of funds available; conducts analyses of status of all budgetary availabilities; reviews program performance in relation to agency's fiscal plans; conducts studies of management practices, organization, functions, authorities, procedures, work methods, and automatic data processing equipment applications for the purpose of recommending meas-

ures for the improvement of operations; maintains a system for the issuance of the manual of orders and other directives; maintains programs for the control of forms, reporting requirements, graphic presentations, and committee activities; facilitates the production of publications and procurement of printing services; coordinates the management improvement program; conducts internal audits of financial activities and records; and prepares periodic activity reports to the Department of Commerce and to the Congress. The Office of Budget and Management has the following divisions: Division of Budget, Division of Management, and Division of Internal Audits;

5. The Office of Personnel Management plans and administers personnel activities relating to recruitment, placement, compensation, promotion, training, separation, performance evaluation, incentive awards, employee relations and services, employee utilization, National Defense Executive Reserve, position classification and wage rate compensation programs. The Office of Personnel Management has the following divisions: Division of Classification and Wage Administration and the Division of Employment;

6. The Office of Statistics collects, maintains, and disseminates statistical data relating to cargoes and passengers carried in the domestic and foreign trades of the United States, composition and characteristics of the world's merchant fleets, seafaring, longshore and shipyard labor; conducts cargo data analyses reflecting competitive factors for use in calculation of operating-differential subsidy rates. The Office of Statistics has the following divisions: Division of Ship Data, Division of Labor Data, and Division of Cargo Data;

7. The Office of Public Information, subject to policy guidance and direction of the Director, Office of Public Affairs, issues or clears for issuance all information for the general public on shipping and on decisions and activities of the Administration, and prepares periodic and special reports, as assigned;

8. The Office of the General Counsel, under the overall supervision of the General Counsel, Department of Commerce, serves as the law office of the Administration; reviews, and gives legal clearance to, applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepares, and approves as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; renders legal opinions as to the interpretation of such documents and the statutes; prepares drafts of proposed legislation and Executive Orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiates and settles, or recommends settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assists the Department of Justice in the trial, appeal and settlement of litigation; represents the Administration in public proceedings involving subsidy, charter and re-

lated matters, before administrative agencies of the Government, and in State and Federal courts; and handles court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration. The Office of the General Counsel has the following divisions: Division of Construction Contracts, Division of Operating Subsidy Contracts, Division of Legislation, Division of Litigation, and Division of Mortgage and Marine Insurance;

9. The Office of the Comptroller renders financial advice and opinions; performs accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribes a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; performs required external audits of contractor's accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintains control records of statutory and contractual reserve funds; administers the marine and marine war-risk insurance programs; takes necessary action to effect collection of amounts due; negotiates and settles, or recommends settlement of, marine and marine war-risk insurance claims, and general claims; and analyzes financial statements and other data submitted by existing and prospective contractors to determine financial qualifications and limitations. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

10. The Office of Property and Supply is responsible for the procurement of supplies, materials, equipment and services; conducts domestic freight and passenger traffic activities, and settles loss or damage claims arising from shipments on Government bills of lading; conducts material control and disposal activities, ship and other inventories, sales of ships, and supervises compliance with ship sales agreements and mortgages; secures allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; conducts facilities management activities, including acquisition, lease and disposal of marine terminals, warehouses, reserve shipyards, reserve training stations, and other real estate, settlement of claims, maintenance, custody and protection of real property and facilities; is responsible for maintenance and operation of warehouses; renders office services to all components of the agency including communications, records management, library, duplicating, tabulating and property maintenance services; and issues merchant marine decorations and awards. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Facilities Management, and Division of Office Services;

11. The Office of Ship Construction collects and analyzes data on relative

costs of shipbuilding in the United States and foreign countries; calculates and recommends amount of construction-differential subsidy; develops preliminary designs establishing the basic characteristics of proposed ships; reviews and approves ship designs submitted by applicants for Government aid; recommends and, upon request, conducts research and development projects in ship design and construction; develops or approves contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; reviews, obtains approval and certification of national defense features by the Department of the Navy; prepares cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspects ships during the course of work to assure conformance with approved plans and specifications; upon the direction of the Maritime Administrator or upon request of the Office of Research and Development, provides technical services and advice in connection with the development of basic characteristics, preliminary design, and the review of contract plans and specifications of the hull and conventional machinery of experimental ships; conducts activities relating to the design and construction of developed ships, including developed nuclear ships; performs expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintains current records of commercial shipyard ways in the United States and schedules of work progress on such ways; operates the Defense Materials System for ship construction; develops requirements for mobilization ship construction programs; makes recommendations for the allocation of ship construction contracts under Public Law 805, 84th Congress; and conducts trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Nuclear Activities, Division of Production, and contains the Trial and Guarantee Survey Boards;

12. The Office of Research and Development plans, initiates, and carries out research and development activities, including basic and applied research, as needed to assure that the United States merchant marine shall be composed of the best-equipped, safest and most suitable types of ships and capable of competing favorably with ships of other maritime nations; develops, recommends approval of, and directs all approved research and development projects in the maritime field, including cargo handling, ship design, marine transportation systems, advanced propulsion concepts and ship management, relying primarily on outside contractors for the conduct of advanced studies, engineering design, fabrication, construction and test operation of special components and systems, and prototype components, power plants, and ships; is responsible for planning and organizing all research and development projects, establishing fund require-

ments, maintaining control of allotted funds, negotiating and administering contracts, reviewing, analyzing and approving contractor performance, and performing expediting and scheduling activities to assure satisfactory delivery of services and materials; keeps abreast of research and development programs in maritime fields of other nations, Government agencies, and industry; participates with other Government agencies, such as Atomic Energy Commission, Office of Naval Research, etc., in the conduct of research and development of joint interest; and collaborates with other offices of the Maritime Administration to obtain optimum utilization of their knowledges and special skills in carrying out all of the above responsibilities. The Office of Research and Development has the following divisions: Division of Planning and Development, Division of Nuclear Projects, Division of Ship Mechanization, and Division of Operational Control;

13. The Office of Ship Operations provides safety engineering services to all components of the agency; approves transfers of ships to foreign ownership, registry or flag; recommends rates for the transportation of Government-financed cargoes and for services of ships operated by, or for the Maritime Administration; determines program requirements for, and allocates Government-owned oceangoing merchant shipping; recommends the reactivation, purchase, chartering or requisition of merchant ships for Government use; directs the operation of Maritime Administration-owned or acquired merchant ships; is responsible for activities relating to the charter of such ships; recommends terms of and administers General Agency, Charter and Berth Agency agreements and contracts, and related orders; reviews and makes recommendations, from an operating standpoint, on applications for new ship construction; recommends and, upon request, conducts research and development projects in ship operation fields; develops plans for the manning of new or experimental type ships; directs the conduct of condition surveys of ships; recommends terms of, and administers contracts for ship repairs for the account of the Maritime Administration; and directs the maintenance of the national defense reserve fleets, including the ship preservation programs. The Office of Ship Operations has the following divisions: Division of Operating Agreements and Traffic, Division of Operations, Division of Ship Repair and Maintenance, and Division of Ship Custody;

14. The Office of Government Aid processes applications for construction-differential and operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conducts negotiations with applicants, obtains comments of other offices, and prepares reports and recommendations for the award of Government aid contracts; administers all forms of Government aid contracts after their execution; coordinates the work of other organizational components in connection with such contracts; administers Construc-

tion Reserve Funds; collaborates with the Office of the Comptroller in preparing recommendations relating to the administration of Special and Capital Reserve Funds of subsidized operators; collects, analyzes, and evaluates costs of operating ships under United States and foreign registry; calculates and recommends operating-differential subsidy rates; conducts studies to evaluate the efficiency and economy of operations of subsidized operators; analyzes and makes recommendations on the trade route structure and requirements of the ocean-borne commerce of the United States; and examines, approves or modifies sailing schedules of subsidized operators. Within this office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, Division of Trade Routes, and Division of Subsidy Operations Examining;

15. The Offices of the Atlantic, Gulf and Pacific Coast Directors are responsible for all field offices and programs of the Maritime Administration within their respective coast areas, subject to national policies and program determinations, standard procedures, and technical direction of the appropriate office chief in Washington, D.C.;

16. The United States Merchant Marine Academy, Kings Point, New York, develops and maintains programs for the training of American citizens to become officers in the United States merchant marine.

**SEC. 7. Review and finality of actions by Maritime Subsidy Board.** .01 The Secretary of Commerce may, on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record (which phrase includes the Board). Petitions for review under this section 7.01 may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Secretary, prior to expiration

of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 The Secretary of Commerce may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in section 7.01 hereof by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this section 7.02 shall have the privilege of submitting to the Secretary, within ten (10) days after the date of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary. Any other person having an interest in such matter shall have the privilege of submitting, within fifteen (15) days after the date of the Board's action, a written request that the Secretary not exercise such review. Copies of requests that the Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final within ten (10) days after expiration of the time prescribed for submission of a request that review not be exercised unless the Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final within twenty (20) days after the date of such action unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served upon the Board, and upon all persons filing requests as herein described.

.03 If a timely petition for reconsideration is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Secretary of Commerce under section 7.01 or section 7.02, respectively, or the

entry of an order by the Secretary on his own motion electing to review an action of the Board under section 7.01 or section 7.02, shall, in the case of actions under section 7.01, run from the date of service of the Board's action and, in the case of actions under section 7.02, run from the date of the Board's action, finally disposing of the issues presented by the petition for reconsideration.

.04 In computing any period of time under this section 7, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Secretary of Commerce in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Secretary of Commerce shall not be filed:

1. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reconsideration) before the Maritime Subsidy Board; nor

2. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in sections 7.01 and 7.02 above.

.06 The Secretary of Commerce may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section 7 by written order.

**SEC. 8. Saving and transfer provisions.**

.01 All orders, determinations, rules, regulations, permissions, delegations, approvals, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, National Shipping Authority and their predecessor agencies, and in effect on the effective date of this order shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

.02 All actions, proceedings, hearings, or investigations pending on the effective date of this order before the Maritime Subsidy Board or the Maritime Administration in respect to the functions referred to herein shall be continued before the Maritime Subsidy Board or the Maritime Administration, as the case may be, in accordance with the delegations made pursuant to this order.

JOHN PRINCE,  
Deputy Assistant Secretary  
for Administration.

APPENDIX A (REVISED)

MARITIME ADMINISTRATION FIELD ORGANIZATIONS

Field Organization and Location

Atlantic Coast District (Headquarters), New York, N.Y.  
Area Representatives: Baltimore, Md., Norfolk, Va.

Gulf Coast District (Headquarters), New Orleans, La.

Area Representatives: Mobile, Ala., Galveston, Tex.

Pacific Coast District (Headquarters), San Francisco, Calif.

Area Representatives: Los Angeles (San Pedro), Calif., Portland, Oreg., Seattle, Wash.

[F.R. Doc. 62-3701; Filed, Apr. 16, 1962; 8:48 a.m.]

**ATOMIC ENERGY COMMISSION**

[Byproduct Material License No. 31-4285-1]

**NUCLEAR ADVISORS, INC.**

**Notice of Order To Show Cause**

Please take notice that the Division of Licensing and Regulation, Atomic Energy Commission, has issued an "Order to Show Cause," to Nuclear Advisors, Inc., 33-61 Crescent Street, Long Island City, N.Y., alleging certain violations of the Commission's regulations and conditions of Byproduct Material License No. 31-4285-1. The order provides that the license will be suspended for a period of sixty (60) days, beginning thirty (30) days after the date of the order, unless the licensee, within twenty (20) days from the date of the order, demands a hearing as provided by the Commission's Rules of Practice, 10 CFR Part 2. A copy of the "Order to Show Cause," dated April 6, 1962, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. A copy of the "Order to Show Cause," may be obtained upon request addressed to the Commission's Public Document Room or to the Public Filings and Proceedings Branch, Office of the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Dated at Germantown, Md., this 6th day of April 1962.

ROBERT LOWENSTEIN,  
Director, Division of  
Licensing and Regulation.

[F.R. Doc. 62-3677; Filed, Apr. 16, 1962; 8:45 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket Nos. 14336-14340; FCC 62M-535]

**ANTENNAVISION SERVICE CO., INC.**

**Order Continuing Hearing**

In re applications of Antennavision Service Company, Inc., Docket No. 14336, File No. 657-C1-R-61, for renewal of the license for station KPH82, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Wildcat Peak, Arizona; Docket No. 14337, File No. 658-C1-R-61, for renewal of the license for station KPH83, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Jack's Peak, Arizona; Docket No. 14338, File No. 2326-C1-R-61, for renewal of the license for station KOU61,

a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14339, File No. 2525-C1-ML-61, for a modification of license to cover a construction permit for additional facilities for station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona; Docket No. 14340, File No. 3699-C1-P-61, for a construction permit to increase power and change antenna at existing licensed station KOU61 in the Domestic Public Point-to-Point Microwave Radio Service at Hutch Mountain, Arizona.

The Hearing Examiner having under consideration a motion for continuance filed by Antennavision Service Company, Inc. (Antennavision) on April 9, 1962, wherein it is requested that further proceedings herein be postponed for a 2-week period in order to afford Antennavision an opportunity to file a petition for leave to amend its application to reflect change of ownership and control of its customer CATV systems;

It appearing, that it is alleged in the motion that on April 1, 1962, Mr. Bruce Merrill, the sole owner of Antennavision, consummated the sale of all community antenna systems which presently receive service via the facilities at issue herein;

It further appearing, that, according to Antennavision, an appropriate petition requesting leave to amend in order to reflect this change of ownership and control will be filed within 14 days;

It further appearing, that it is alleged that the Commission's Common Carrier Bureau, the only other party to the proceeding, has no objection to a grant of the requested continuance and, further, has no objection to the request for a waiver of the provisions of 47 CFR 1.43 relating to the deferral of action for a 4-day period;

It further appearing, that good cause has been shown for the postponement of the procedural dates heretofore specified as well as the hearing herein for a further period of 2 weeks;

It further appearing, that, since this is the second time that postponement has been requested on grounds of the above-described sale and the second time that postponement has been granted to afford Antennavision the time it appeared necessary to perfect its case, Antennavision is put on notice that unless other conditions not now foreseen arise further applications or motions for postponement will not be entertained;

It is ordered, This 10th day of April 1962, that the procedural dates originally specified in the order of the Examiner released February 1, 1962 (FCC 62M-146) and modified in the order of the Examiner released February 27, 1962 (FCC 62M-292) are further modified as follows:

(1) All matters heretofore required to be accomplished no later than April 9, 1962, shall be accomplished no later than April 23, 1962; and

(2) All matters required to be accomplished no later than April 23, 1962, shall be accomplished no later than May 7, 1962; and

It is further ordered, That the hearing heretofore scheduled to commence

on April 30, 1962, is hereby rescheduled to commence on May 14, 1962, at 10 a.m., at the Offices of the Commission in Washington, D.C.

Released: April 11, 1962.

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

[F.R. Doc. 62-3712; Filed, Apr. 16, 1962;  
8:49 a.m.]

[Docket No. 14085 etc.; FCC 62M-532]

### COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

#### Order Scheduling Hearing

In re applications of Community Service Broadcasters, Incorporated, Ypsilanti, Michigan, Docket No. 14085, File No. BP-13846; Elfrieda Mercier, Thomas P. Moore, Orville J. Sather, d/b as Crawford County Broadcasting Company, Bucyrus, Ohio, Docket No. 14300, File No. BP-14532; Airon, Incorporated, Decatur, Indiana, Docket No. 14304, File No. BP-14740; et al., Docket Nos. 14288, 14290, 14291, 14294, 14295, 14298, 14299, 14303, 14305; for construction permits.

The Hearing Examiner having under consideration petition for severance filed on March 29, 1962 by Elfrieda<sup>1</sup> Mercier, et al., d/b as Crawford County Broadcasting Company, and Airon, Incorporated, requesting that the Hearing Examiner sever their applications from the other applications consolidated for hearing in this case and hold an early hearing thereon;

It appearing, that the time for filing oppositions to the petition has expired; that no opposition has been filed to a grant of the petition; and that good cause has been shown for a grant;

*It is ordered*, This 10th day of April 1962, that the petition is granted; the applications of Elfrieda Mercier, et al., d/b as Crawford County Broadcasting Company, and Airon, Incorporated, are severed from the other applications consolidated for hearing in this proceeding; and hearing on the two severed applications is scheduled for April 23, 1962, at 10 a.m.

Released: April 11, 1962.

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

[F.R. Doc. 62-3713; Filed, Apr. 16, 1962;  
8:49 a.m.]

[Docket No. 14166 etc.; FCC 62M-525]

### EASTERN BROADCASTING SYSTEM, INC., ET AL.

#### Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford,

<sup>1</sup> Petition contains errors in spelling of name and in information given in caption.

Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, A Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

The Hearing Examiner having under consideration the informal request of the applicants herein for a continuance of hearing filed on April 6, 1962;

It appearing, that counsel for the Commission's Broadcast Bureau has consented to the requested continuance and good cause for a grant thereof is shown in that the parties have entered into negotiations looking toward simplification and a more timely disposition of the proceeding;

*It is ordered*, This 6th day of April 1962 that the said request is granted and the hearing presently scheduled to resume on April 10, 1962 is continued without date;

*It is further ordered*, That the Hearing Examiner be notified on or before the date of April 20, 1962 of the progress of the said negotiations.

Released: April 10, 1962.

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

[F.R. Doc. 62-3714; Filed, Apr. 16, 1962;  
8:49 a.m.]

[Docket Nos. 14269, 14270; FCC 62M-527]

### HERSHEY BROADCASTING CO., INC., AND READING RADIO CORP.

#### Order Cancelling Prehearing Conference

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH-3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH-3322; for construction permits.

As a result of agreements reached on the record of a hearing held this date in the above-entitled matter: *It is ordered*, This 9th day of April 1962, that a further hearing on the engineering aspects of the case will be held commencing at 10 a.m., April 20, 1962, in the Commission's offices in Washington, D.C., and

*It is further ordered*, That a prehearing conference on the other aspects of the case will be held at 10 a.m., May 29, 1962, in the Commission's offices in Washington, D.C., and

*It is further ordered*, That the prehearing conference now scheduled to commence at 10 a.m., May 7, 1962, be and it hereby is cancelled.

Released: April 10, 1962.

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

[F.R. Doc. 62-3715; Filed, Apr. 16, 1962;  
8:49 a.m.]

[Docket Nos. 14537-14545; FCC 62M-534]

### W.W.I.Z., INC., ET AL.

#### Order Scheduling Prehearing Conference

In re applications of W.W.I.Z., Inc., Lorain, Ohio, Docket No. 14537, File No. BR-3707; et al., Docket Nos. 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545; for renewal of license of Station WWIZ, Lorain, Ohio.

The Hearing Examiner having under consideration the matters of record raised during a prehearing conference in the above-entitled matter on April 10, 1962;

*It is ordered*, On the Hearing Examiner's own motion, that a further prehearing conference will be held on April 23, 1962, at 9 a.m. in the offices of the Commission at Washington, D.C.

Adopted: April 10, 1962.

Released: April 11, 1962.

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

[F.R. Doc. 62-3716; Filed, Apr. 16, 1962;  
8:49 a.m.]

## FEDERAL MARITIME COMMISSION

### STOCKTON PORT DISTRICT AND STOCKTON ELEVATORS

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8825, between Stockton Port District (Port) and Stockton Elevators (Elevators), provides that Elevators operate a 400,000 bushel rice storage elevator owned by the Port, for the receiving, storing, and delivering to the S.S. *Marine Rice Queen* bulk milled rice destined for Puerto Rico.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 62-3717; Filed, Apr. 16, 1962;  
8:49 a.m.]

**FOREIGN-TRADE ZONES BOARD**

**FOREIGN-TRADE ZONE NO. 3, SAN FRANCISCO, CALIFORNIA**

**Extension of Time for Permanent Relocation**

Mr. Cyril Magnin, President, San Francisco Port Authority, San Francisco, Calif., as representative of the Zone Grantee, on January 15, 1962, advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 3 by the date established in Order No. 46 and by the Memorandum Order, dated December 19, 1960, which extended the time to June 30, 1962.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request for an extension of time from June 30, 1962, to June 30, 1965, be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following Resolution: The Foreign-Trade Zones Board, after consideration of the request from the San Francisco Port Authority, Grantee, Foreign-Trade Zone No. 3, for an extension of time from June 30, 1962, to June 30, 1965, to permanently relocate the zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this Memorandum, the letters from the Assistant Secretary of the Treasury, James A. Reed, dated April 3, 1962, and Colonel Carl H. Bronn, Army Member, Committee of Alternates, dated March 26, 1962, approving the foregoing Resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing Resolution in the FEDERAL REGISTER.

Dated: April 11, 1962.

LUTHER H. HODGES,  
*Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.*

[F.R. Doc. 62-3702; Filed, Apr. 16, 1962; 8:48 a.m.]

**GENERAL SERVICES ADMINISTRATION**

**SILK WASTE HELD IN NATIONAL STOCKPILE**

**Proposed Disposition**

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 961,061 pounds of silk waste now held in the national stockpile.

The Office of Emergency Planning has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling said silk waste. The revised determination was based upon a finding of the

Office of Emergency Planning that said silk waste is obsolescent for use in time of war.

General Services Administration proposes to transfer said silk waste, amounting to approximately 961,061 pounds, to other Government agencies in such quantities as they may require, to offer it for sale on a competitive basis, or to otherwise dispose of it in the best interest of the Government, beginning 6 months after the date of publication of this notice in the FEDERAL REGISTER but not earlier than 60 days following the final full offering of silk waste pursuant to the notice published in the FEDERAL REGISTER on August 24, 1960 (25 F.R. 8114). The quantity offered for initial sale, together with such amount as may not have been disposed of pursuant to said notice published on August 24, 1960, will be between 200,000 to 500,000 pounds (clean basis). At periodic intervals of not less than 60 days following the initial offering, the remaining silk waste will be offered for sale in quantities of not less than 200,000 pounds nor more than 500,000 pounds (clean basis) each.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: April 10, 1962.

BERNARD L. BOUTIN,  
*Administrator.*

[F.R. Doc. 62-3697; Filed, Apr. 16, 1962; 8:48 a.m.]

**SILK NOILS HELD IN THE NATIONAL STOCKPILE**

**Amendment of Notice of Proposed Disposition**

The notice dated August 18, 1960, and published on August 24, 1960, 25 F.R. 8114, of a proposed disposition from the national stockpile of approximately 1,450,000 pounds of silk noils is hereby amended to substitute "440,246 pounds of silk noils" for "1,450,000 pounds of silk noils" throughout the notice.

Dated: April 10, 1962.

BERNARD L. BOUTIN,  
*Administrator.*

[F.R. Doc. 62-3698; Filed, Apr. 16, 1962; 8:48 a.m.]

**HOUSING AND HOME FINANCE AGENCY**

**Office of the Administrator**

**REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI, SAN FRANCISCO**

**Redelegation of Authority With Respect to Loans for Housing for the Elderly**

**Correction**

In F.R. Doc. 62-3657, appearing at page 3575 of the issue for Friday, April

13, 1962, the first word in the paragraph designated "2." presently reading "The" should read "To".

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 811-251]

**ATLAS CORP.**

**Notice of Filing and Order for Hearing on Application for Order Declaring Applicant Has Ceased To Be an Investment Company**

APRIL 9, 1962.

Notice is hereby given that Atlas Corporation ("Atlas") (New York, N.Y.), a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to Section 8(f) of the Act for an order declaring that Atlas has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

According to the application, Atlas was originally conceived and held itself out as being principally engaged in the business of investing and reinvesting in "special situations" in order to realize capital profits. The application states that for the past decade, however, majority-owned subsidiaries have constituted an increasing percentage of the assets of Atlas while investment securities, as defined in the Act, have not constituted 40 percent or more of the value of Atlas' total assets since 1953. It is alleged that at present Atlas is principally engaged, through majority-owned subsidiaries and controlled companies, in manufacturing, aviation and natural resource activities. The application states that as of June 30, 1961, \$67,080,000 out of Atlas' total assets of \$70,717,521 was represented by its investments in the following majority-owned subsidiaries, which have been held directly or through predecessor corporations for a number of years:

Name	Percentage of ownership of common stock
The Hidden Splendor Mining Co.....	92
Northeast Airlines, Inc.....	56
Titeflex, Inc.....	96
Petro-Atlas, Inc.....	100
International Air, Inc.....	100

All other investments, which have also been held for a number of years, had an aggregate value, as of June 30, 1961, of \$2,262,001.

Atlas states that since January 1, 1958, the largest part of its income has been derived from its majority-owned subsidiaries. It further states that during this same period most of the officers of Atlas have spent practically all of their time on the affairs of such subsidiaries. It is the present intention of the management, if the instant application is granted, to combine Atlas with its majority-owned subsidiaries by merger, liquidation or other means of reorganization so that Atlas will own directly the assets of such subsidiaries (except North-

east Airlines, Inc., where Atlas' interest is presently under contract of sale). Atlas proposes to submit to its stockholders at its forthcoming annual meeting the question of the change in the nature of its business.

Section 3(a) of the Act, in pertinent part, defines an investment company as any issuer which is engaged primarily or proposes to engage primarily in the business of investing, reinvesting, or trading in securities or an issuer which owns or proposes to acquire investment securities valued at more than 40 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries which are not investment companies. Section 8(f) of the Act provides, generally speaking, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

*It is ordered*, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 8th day of May 1962 at 10:00 a.m. in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request.

*It is further ordered*, That Robert N. Hislop, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Atlas has ceased to be an investment company;

(2) Whether it is necessary for the protection of investors to impose appropriate conditions in connection with the entry of any such order.

*It is further ordered*, That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Atlas Corporation, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

*It is further ordered*, That Atlas Corporation shall mail a copy of this notice and order to all its stockholders at their last known addresses at least 21 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-3681; Filed, Apr. 16, 1962;  
8:45 a.m.]

[File No. 70-4032]

### MONONGAHELA POWER CO. ET AL.

#### Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock by Subsidiary Company, Issuance and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

APRIL 6, 1962.

In the matter of Monongahela Power Company, Box 1392, Fairmont, West Virginia; the West Maryland Power Company, the Marietta Electric Company, Monterey Utilities Corporation; File No. 70-4032.

Notice is hereby given that Monongahela Power Company ("Monongahela") an electric utility company, a registered holding company and a subsidiary company of Allegheny Power System, Inc., a registered holding company and Monongahela's electric utility subsidiary companies The West Maryland Power Company ("West Maryland"), Oakland, Maryland, The Marietta Electric Company ("Marietta"), Marietta, Ohio, and Monterey Utilities Corporation ("Monterey"), Monterey, Virginia, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the

Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

West Maryland proposes to amend its charter to increase its authorized capital stock from 4,500 to 10,000 shares, par value \$100 per share.

West Maryland, Marietta, and Monterey propose to issue and sell to Monongahela, from time to time as necessary prior to December 31, 1962, shares of their authorized and unissued capital stock for a cash consideration equal to the aggregate par value thereof as follows:

Subsidiary	Par value per share	Presently outstanding	Proposed to be issued	Cash consideration
West Maryland..	\$100	Shares 4,500	Shares 2,500	\$250,000
Marietta.....	100	27,500	5,000	500,000
Monterey.....	100	2,000	1,000	100,000

Monongahela, the owner of all of the presently outstanding common stock of the three companies, proposes to acquire the shares and upon acquisition thereof will pledge the shares pursuant to the provisions of an Indenture dated as of August 1, 1945, to the First National City Trust Company.

The proceeds of the sale will be used by the subsidiary companies to provide for necessary property additions and improvements or to pay open account advances from Monongahela pursuant to Rule 45(b)(4).

It is stated that the Public Service Commission of Maryland has jurisdiction over the issuance and acquisition of the stock of West Maryland; the Ohio Public Utility Commission has jurisdiction over the issuance of the stock of Marietta; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of Monterey; and the Public Service Commission of West Virginia has jurisdiction over the acquisition of the stock of the subsidiaries. A copy of the orders of each commission will be supplied by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The expenses incident to the proposed transactions are estimated not to exceed \$1,085.

Notice is further given that any interested person may, not later than April 30, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Wash-



ington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as it will be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 62-3682; Filed, Apr. 16, 1962;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37669; *Iron or steel articles from Ashland, Ky.* Filed by O. W. South, Jr., Agent (No. A417B), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from Ashland, Ky., to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 35 to Southern Freight Association tariff I.C.C. S-163.

FSA No. 37670; *Packing cushions or pads from Atlanta, Ga.* Filed by O. W. South, Jr., Agent (No. A4181), for interested rail carriers. Rates on packing cushions or packing pads, as described in the application, in carloads, from Atlanta, Ga., to points in southern territory, also Ohio and Mississippi River crossings, points in Virginia and Washington, D.C.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 25 to Southern Freight Association tariff I.C.C. S-215.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-3656; Filed, Apr. 13, 1962;  
8:47 a.m.]

No. 74—4

### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37658; *Tin or terne plate to Florida points.* Filed by O. W. South, Jr., Agent (No. A4179), for interested rail carriers. Rates on tin or terne plate, and tin mill black plate, as described in the application, in carloads, from St. Louis, Mo., and East St. Louis, Ill., to Tampa, Dade City and Plymouth, Fla.

Grounds for relief: Barge competition.

FSA No. 37659; *Glass containers from and to points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2608), for interested rail carriers. Rates on glass containers and parts thereof, as described in the application, in carloads, between points in official-southern border territory; also between points in official-southern border territory, on the one hand, and points in official (including Illinois) territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C-290.

FSA No. 37660; *Bituminous coal to Olin, Ind.* Filed by Illinois Freight Association, Agent (No. 166), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, in carloads, from mine origins in Illinois and western Kentucky to Olin, Ind.

Grounds for relief: Truck and intrastate competition.

Tariffs: Supplement 133 to Southern Freight Association tariff I.C.C. 1603, and other schedules named in the application.

FSA No. 37661; *Joint motor-rail rates between points in the south and southwest.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 73), for interested carriers. Rates on commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroad between points in southern territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 20 to Southern Motor Carriers Rate Conference tariff MF-I.C.C. 1152, and other schedules named in the application.

FSA No. 37662; *Asphalt from Montana and Wyoming to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2235), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from Billings, East Billings and Laurel, Mont., also Sinclair,

Wyo., to points in western trunk line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariffs: Supplement 85 to Chicago, Burlington & Quincy Railroad Company tariff I.C.C. 20489 and supplement 200 to Union Pacific Railroad Company tariff I.C.C. 5356.

FSA No. 37663; *Petroleum products from and to points in Colorado, Utah, and Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2228), for interested rail carriers. Rates on petroleum products, as described in the application, in carloads, between points in Colorado, Utah and Wyoming, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 4 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37664; *Tin or terne plate to Nashville, Tenn.* Filed by O. W. South, Jr., Agent (No. A4180), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, as described in the application, in carloads, from Ashland, Ky., Ironton, New Boston and Portsmouth, Ohio, to Nashville, Tenn.

Grounds for relief: Barge competition.

FSA No. 37665; *T.O.F.C.—Commodity rates between southern and southwestern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-8186), for interested rail carriers. Rates on conduits, sewer pipes, foodstuffs and beverages, insecticides, etc., and facing or flooring tile, etc., loaded in trailers and transported on railroad flat cars, from points in Texas to points in North Carolina and Florida, and on foodstuffs and beverages from Columbus and Jackson, Miss., to points in Arkansas and Missouri.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37666; *T.O.F.C.—Wallboard to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8187), for interested rail carriers. Rates on wallboard, loaded in trailers and transported on railroad flat cars, from Greenville, Laurel and Meridian, Miss., Mobile, Ala., and Pensacola, Fla., to points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4464.

FSA No. 37667; *Petroleum and petroleum products to Colorado, Wyoming, and Utah.* Filed by Southwestern Freight Bureau, Agent (No. B-8185), for interested rail carriers. Rates on petroleum and petroleum products, in packages, in carloads, from points in southwestern territory, also Kansas, Missouri, Baton Rouge and New Orleans, La., to points in Colorado, Utah and Wyoming.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 175 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 37668: *Bituminous coal to Crawfordsville, Frankfort, and Lafayette, Ind.* Filed by Illinois Freight Association, Agent (No. 165), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, in carloads, from mine origins in Illinois and western Kentucky to Crawfordsville, Frankfort and Lafayette, Ind.

Grounds for relief: Truck and intrastate competition.

Tariffs: Supplement 38 to Illinois Freight Association tariff I.C.C. 966, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3605; Filed, Apr. 12, 1962;  
8:47 a.m.]

[Notice 625]

### MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64978. By order of April 11, 1962, the Transfer Board approved the transfer to Nellie Housour, Wakarusa, Ind., of Certificate No. MC 94527 and Corrected Certificate No. MC 94527 Sub 2, issued February 16, 1942, and May 10, 1960, respectively, to A. M. Housour, Wakarusa, Ind., authorizing the transportation of grain, over regular routes, from Wakarusa, Ind., to Chicago, Ill., serving intermediate and offroute points within 25 miles of Wakarusa; fertilizer, over irregular routes, from Calumet City, Ill., to points in Indiana on and north of U.S. Highway 40; feed, including meat scraps and tankage, from Riverdale and Chicago, Ill., to points in Indiana on and north of U.S. Highway 40; oats, from points in Illinois on and east of a line beginning at Chicago, and extending along U.S. Highway 66 to Bloomington, and thence along U.S. Highway 51 to Decatur, and on and north of U.S. Highway 36 from Decatur to the Illinois-Indiana State line, to points in Elkhart, LaGrange, LaPorte, and St. Joseph Counties, Ind., and dry manufactured

fertilizer, in bulk, from the plant site of Michiana Chemical Co., near Niles, Mich., to points in 50 Indiana counties. Wm. L. Carney, 105 East Jennings Avenue, South Bend 14, Ind., representative for applicants.

No. MC-FC 64985. By order of April 11, 1962, the Transfer Board approved the transfer to Mayflower Hotel Garage, Inc., doing business as Mayflower Limousine and Sightseeing Service, Washington, D.C., of Certificate No. MC 96307 issued October 14, 1941, to Clancy Limousine Service, Inc., Washington, D.C., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated, in round-trip sightseeing or pleasure tours, in special operations, over irregular routes, from Washington, D.C., to Annapolis, Md., and Alexandria and Mount Vernon, Va., and points in Arlington County, Va., and return; and passengers and their baggage, restricted to traffic originating at the point indicated in one-way or round-trip charter operations, from Washington, D.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia. Joseph P. Clancy, 745 Washington Building, Washington 5, D.C., attorney for transferor. Mayflower Hotel Garage, Inc., Mayflower Hotel, 1127 Connecticut Avenue NW., Washington 6, D.C. (for transferee).

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3703; Filed, Apr. 16, 1962;  
8:49 a.m.]

[No. 33750]

### FOURTH CLASS MAIL

#### Reformation of Rates and Other Conditions of Mailability

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of April A.D. 1962.

It appearing that on January 2, 1962, the Postmaster General submitted to the Commission for its consent, after investigation, specific proposals for reformations of rates and other conditions of mailability of fourth class mail, under the provisions of 31 U.S.C. 695 and 39 U.S.C. 247 (1958 ed.);

It further appearing that the Commission in a report dated March 19, 1962, after concluding that its function did not properly include the responsibility for determining the scope of the powers of the Postmaster General under the postal laws and that it could not find with certainty that Congress in 1951 had withdrawn the authority to consent to changes in the size and weight limits, stated, in effect, that an order of investigation would be entered as soon as it was advised of the earliest date upon which the Postmaster General would be ready to submit representations and a brief in support of the specific proposals;

And it further appearing that the Postmaster General on April 2, 1962, transmitted a revision of that portion

of his specific proposals to change the rates of postage on parcel post subject to zone rates, and advised that justification for such proposals will be available for the purpose of an investigation not later than April 16, 1962;

*It is ordered*, That an investigation of the merits of the said proposals be, and it is hereby, instituted.

*It is further ordered*, That no oral hearing be held but that the proceeding be conducted upon written representations according to the following schedule:

1. Prior to April 24, 1962, the Postmaster General shall (a) file an original and two copies of verified statements and exhibits in support of his proposals; (b) serve copies thereof only upon those persons or groups he has reason to believe will also file similar documents in the proceeding; and (c) furnish the Commission with a list of such persons or groups upon whom service has been made. Any interested person not so served should promptly notify the Commission and the Postmaster General of his intention to so participate and consideration will be given to having his name added to the service list.

2. Prior to May 11, 1962, the Postmaster General, at a time and place designated by him, will make available for inspection by the Commission's staff and any other interested party the available working papers relating to the underlying ascertainment of revenue and costs upon which the proposals are based.

3. Prior to May 25, 1962, any interested person may file an original and two copies of verified statements and exhibits in opposition to or in support of the said proposals, and serve 6 copies thereof upon the Postmaster General.

4. Prior to June 8, 1962, the Postmaster General may file and serve, as specified in 1 above, verified statements and exhibits in rebuttal.

5. Prior to June 22, 1962, the Postmaster General and any interested party may file briefs (original and 14 copies) with the Commission and furnish copies thereof to the party or parties upon whom their verified statements and exhibits were served.

*It is further ordered*, That this proceeding be reserved for disposition by the entire Commission.

*And it is further ordered*, That notice of this proceeding be given, (1) by posting a copy of the order in the office of the Secretary of the Commission for public inspection, (2) by filing a copy thereof with the Director, Office of the Federal Register, (3) by serving copies thereof on the Postmaster General and Comptroller General of the United States, and (4) by mailing a copy of this order to the other persons shown on the service list attached to the original of this order.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-3696; Filed, Apr. 16, 1962;  
8:47 a.m.]

[Sec. 5a, Application 70]

**WESTERN MOTOR TARIFF BUREAU, INC.**

**Application for Approval of Amendments to Agreement**

APRIL 12, 1962.

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

Filed April 9, 1962 by: W. J. Knoell, P.O. Box 1296, Huntington Park, Calif. Amendments involved: Change the agreement so as to (1) provide that 65 or more members, rather than 15 percent of the membership, shall constitute a quorum at regular or special meetings, and (2) increase the Board of Directors from 9 to 15 members.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

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

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 62-3695; Filed, Apr. 16, 1962; 8:47 a.m.]

**FOURTH SECTION APPLICATION FOR RELIEF**

APRIL 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

**LONG-AND-SHORT HAUL**

FSA No. 37671: Grain and grain products to points in Minnesota and Superior, Wis. Filed by Great Northern Railway Company (No. 1077), for itself and interested rail carriers. Rates on flaxseed, oats, rye, wheat, also direct products of oats, rye, or wheat, as described in the application, in carloads, from specified points in Minnesota, North Dakota, South Dakota, and Wisconsin, on the Great Northern Railway Company, to Duluth, Minn., Minnesota Transfer, St. Paul, Minn., and Superior, Wis., also points taking same rates.

Grounds for relief: Unregulated motor-truck competition.

Tariff: Supplement 7 to Great Northern Railway Company tariff I.C.C. A-9048.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 62-3694; Filed, Apr. 16, 1962; 8:47 a.m.]

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