



# FEDERAL REGISTER

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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

#### PART 472—WOOL

#### Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

This bulletin states the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Agricultural Stabilization and Conservation Service (referred to in this bulletin as ASCS).

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**AUTHORITY:** §§ 472.1101 to 472.1171 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995; sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446.

##### PROGRAM OPERATION

#### § 472.1101 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation Service (referred to in this subpart as ASCS) State and county offices. ASCS State and county offices do not have authority to modify any of the provisions of this subpart or any amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

##### SHORN WOOL

#### § 472.1102 Incentive level and payments.

(a) *General.* Pursuant to the National Wool Act of 1954, as amended, the Department of Agriculture is to announce a price-support level which has been determined to meet the requirements of the act for each of the four marketing years, 1962, 1963, 1964, and 1965. Each marketing year (as defined in § 472.1171) begins April 1 of one calendar year and ends March 31 of the next calendar year, both dates inclusive. The announcement is to be made in accordance with section 703 of the act which states that the Secretary shall, to the extent practicable, announce the support price level for wool sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For each marketing year, price support on shorn wool will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the shorn wool he markets in that marketing year. Payments will not be made on marketings of the pelts of sheep or lambs.

(b) *1962 marketing year.* For the 1962 marketing year, the price-support level was announced on October 6, 1961, as 62 cents per pound of shorn wool, grease basis.

#### § 472.1103 Eligibility for incentive payments.

Before payments under this program can be approved pursuant to any appli-

cation for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in §§ 472.1151 to 472.1155, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 472.1171), of the shorn wool.

(b) The wool must have been shorn in the United States on or after January 1, 1955, and must have been marketed within a specified marketing year as defined in § 472.1171(1). For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings. If wool is shorn from imported sheep or lambs while they are held in quarantine in connection with the importation, such wool is not considered to have been shorn in the United States.

(c) The wool as well as the sheep or lambs from which it was shorn, must have been owned by the producer at the time of shearing, and the sheep or lambs must have been owned by him in the United States for not less than 30 days at any time prior to his filing the application for payment (§ 472.1142), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the animals pursuant to which the applicant, in return for furnishing labor in connection with caretaking, lamb production, or feeding, is entitled either to a share in the ownership of the wool shorn from such animals or a share of the sales proceeds of the wool: *Provided*, That the owner of the animals who joins in the application meets the ownership requirements. Ownership of wool or animals as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If sheep or lambs are imported into the United States the period of 30 days for which the applicant for a payment is required to have owned them shall begin after their importation and if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it without any other person being entitled to the wool or its proceeds and without his having authorized any other person to sell or otherwise dispose of the wool; (2) when the producer has authorized another person to sell or otherwise dispose of the wool, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the wool; or (3) when the producer is

entitled to a share of the wool or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the animals from which the wool was shorn. If the producer has such beneficial interest, the fact that the wool may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

(e) The producer shall report his purchases of unshorn lambs on or after April 1, 1956, pursuant to § 472.1110, or state that he has made no such purchases when such statement is in accordance with the provisions of that section.

(f) Payments will not be made on the marketing of wool shorn from imported sheep or lambs if the permit for the importation of sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

#### § 472.1104 Marketing within a specified marketing year.

(a) The National Wool Act of 1954, as amended, provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1966. Successive payments under this program will be limited to wool marketed during specified marketing years as defined in § 472.1171(1).

(b) Marketing shall be deemed to have taken place in a marketing year if, pursuant to a sale or contract to sell, the last of the following three events in the process of marketing was completed in that marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of wool on consignment to a marketing agency (defined in § 472.1171) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Wool delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency, except that if the marketing agency has guaranteed a minimum sales price, is unable to sell the wool for more, and with the producer's consent takes it over at the minimum sales price, the wool is deemed marketed when it is so taken over by the marketing agency. When a producer transfers to a marketing agency title to his wool and provides that such agency shall market the wool and that the producer shall be entitled to the proceeds

of such marketing, the producer shall be deemed to have consigned the wool.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the wool.

#### § 472.1105 Rate of incentive payment.

Upon expiration of a specified marketing year and after the Department of Agriculture has determined the national average price for wool received by producers in that marketing year, the Department will announce the rate of the incentive payment under this program. The rate of payment will be the percentage of the national average price received by producers in a specified marketing year which is required to bring such national average price up to the incentive price announced for that year. For example, if the reported national average price received by producers for wool sold during a marketing year should be 50 cents and the incentive price for that year was 62 cents, the difference between 50 cents and the incentive price of 62 cents previously announced would be 12 cents, and this figure would constitute 24 percent of the national average price of 50 cents. In such a case, the rate of incentive payment would be 24 percent of the net sales proceeds received by each producer.

#### § 472.1106 Computation of payment.

(a) In order to determine the amount of the incentive payment due to a producer on the wool he marketed during a marketing year, the percentage computed pursuant to § 472.1105 will be applied to the net sales proceeds for the wool determined in accordance with paragraph (b) of this section. The amount so computed may be reduced on account of purchases of unshorn lambs (defined in § 472.1171), in accordance with paragraph (c) of this section. If the producer files more than one application in the same county office or different county offices, all such applications may be considered together for the purpose of determining the amount of the payment based on the sales of shorn wool and the amount of the reduction on account of purchases of unshorn lambs.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading, scouring; or carbonizing. Items, however, listed in § 472.1108(a)(7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 472.1171). For example, if the producer marketed his clip of 500 pounds at 50 cents per pound, he received \$250 as gross proceeds and, if the marketing deductions totaled \$25, his net proceeds of sale (after marketing deductions) amounted to \$225. For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point and to bear the storage expenses until the wool is sold. Consequently, charges made for

furnishing wool bags, storing wool, or transporting wool to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to the marketing of the wool, such as interest on advances or dues owing an association, to be considered marketing charges. As to net sales proceeds in case of a guaranteed minimum sales price, see § 472.1108(a)(6).

(c) If pursuant to § 472.1110, the producer reports, in his application for payment, the purchase on or after April 1, 1956, of any unshorn lambs, his incentive payment computed in accordance with paragraph (a) of this section shall be reduced by an amount resulting from multiplying the reported liveweight of the animals purchased on or after April 1, 1956, as unshorn lambs, by the announced rate per hundredweight to be paid on sales of unshorn lambs during the marketing year for which the producer makes his application. If the amount of the reduction exceeds the payment computed on the shorn wool marketed, the liveweight of lambs which corresponds to the excess amount shall be carried forward and used to reduce payments on shorn wool or unshorn lambs marketed in the current or future years.

#### § 472.1107 Supporting documents.

(a) *General.* The application for payment on account of shorn wool (§ 472.1109) shall be supported by the original sales document (defined in § 472.1171) for the wool sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.1158.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.1108(a)(10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

**§ 472.1108 Contents of sales document.**

The sales documents attached to each application for an incentive payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in §§ 472.1151 to 472.1155, sales documents must cover wool sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.  
 (2) Date of sale: In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the wool that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold: If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 472.1106(b)), except as otherwise provided in this subparagraph: The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: ----- Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch,

or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the wool, is unable to sell the wool for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the wool. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to the marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature: The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a marketing year shall contain a statement that the wool was marketed during that marketing year as required by the regulations issued pursuant to the National Wool Act of 1954, as amended.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for incentive payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller; date of sale; net weight of wool sold; the net amount received by the producer for the wool at his farm, ranch, or local shipping point; any applicable nonmarketing deductions, such as association dues or interest on advances; the name and address of the purchaser; and the signature of the purchaser or his agent.

**§ 472.1109 Preparation of application.**

(a) The application for payment on account of shorn wool shall be prepared on Form CCC 1155, "Application for Incentive Payment—Shorn Wool." The producer may use the applicable section of the form in authorizing a marketing agency to file an application on his behalf with respect to wool he delivers to the marketing agency to be sold for his account. If he paid any marketing charges (§ 472.1108(a)(5)) not shown on the sales document, such as for scouring or carbonizing, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, at his discretion, complete and file the application himself, in which case he should indicate in the appropriate section of the form that he has not designated a marketing agency to file on his behalf. He may, however, give the required information about his production and ownership, sign the applicable certification, forward the application to his marketing agency, and request it to fill out the section showing sales of wool, to sign the certification applicable to its situation, and to file the application with the required attachments on behalf of the applicant in the appropriate ASCS county office in accordance with § 472.1142(a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

**§ 472.1110 Report of purchases of unshorn lambs.**

In making application for payment on the sale of shorn wool, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs, the date of each purchase as well as the number and liveweight of the animals purchased. If purchased lambs which the applicant for a payment is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time they were imported and if they were quarantined in connection with the importation, at the time they were released from quarantine. For the purpose of such reporting, imported lambs whether or not purchased by the applicant shall be treated as if they had been purchased by him.

(a) *Report on actual basis.* (1) If wool removed in the first shearing of animals purchased by the applicant as unshorn lambs on or after April 1, 1956, is included in the application, and the applicant's operations are conducted in such a manner that he is able to identify the lambs from which such wool was shorn, he shall report the date of purchase as well as the number and liveweight of the animals that he purchased as unshorn lambs on or after April 1, 1956, from which such wool was subsequently shorn and included in the application. Among the lambs purchased he shall include those which died after purchase and from which the wool was removed and included in the application.

(2) If the applicant knows that his application does not include any wool which was removed in the first shearing of the animals purchased by him on or after April 1, 1956, as unshorn lambs, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not wool removed in the first shearing from animals purchased by him on or after April 1, 1956, as unshorn lambs is included in the application, or knows that some such wool is included but is unable to report the exact date of purchase of such lambs,

he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of unshorn lambs equal to the number of sheep and lambs from which wool was shorn and included in the application. The reporting of purchased lambs shall be continued in subsequent applications for incentive payment on shorn wool and applications for payment on unshorn lambs until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment for shorn wool or unshorn lambs for the 1956 or a subsequent marketing year. However, he need not report animals purchased on or after April 1, 1956, if for any reason he has not applied for a payment for the 1956 or a subsequent marketing year on the sale of those animals or on the sale of the wool shorn therefrom. If the producer does not have sufficient marketings of wool and unshorn lambs during a specified marketing year to cover all animals purchased by him as unshorn lambs on or after April 1, 1956, that had not been reported in a previous application and consequently does not report all of his purchases of unshorn lambs in applications for the specified marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payments may be made pursuant to the National Wool Act of 1954, as amended.

(2) For example, if the producer's first application for a specified marketing year covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 200 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in a previous application for payment filed for shorn wool or unshorn lambs marketed in the 1956 or a subsequent marketing year. If for example, his second application covers the sale of 300 unshorn lambs, he shall report in that application the same information for the next 300 animals that he purchased on or after April 1, 1956, and that were not reported in a previous application for payment; and as additional applications are filed either on shorn wool or unshorn lambs, he shall report his purchases in chronological order until all purchases up to the date of his application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has reported his total purchases of unshorn lambs on or after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

#### UNSHORN LAMBS (PULLED WOOL)

##### § 472.1121 Rate of payment.

The National Wool Act of 1954, as amended, provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will

maintain normal marketing practices for pulled wool. Payments will be made in accordance with this subpart for wool on live lambs that have never been shorn and are sold or moved to slaughter in a specified marketing year, and will be at a flat rate per hundredweight of live animals. Payments will not be made on the sale of the pelts of sheep or lambs. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool during a specified marketing year and the announced incentive price per pound of shorn wool for that year. The exact rate of payment will be determined after the end of that marketing year. For example, if the reported national average price received by producers for wool sold during a marketing year should be 50 cents and the incentive price for that year should be 62 cents, the rate of payment per hundredweight of live lambs would be 48 cents.

##### § 472.1122 Eligibility for payments on lambs.

Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) *Thirty days' ownership.* If a producer is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States, and if a slaughterer (as defined in § 472.1171) is to qualify for a payment, he must have owned the lambs for 30 days or more in the United States prior to their moving to slaughter, with the following exception: Ownership interest in the lambs for the 30-day period is not required of an applicant for payment who has an agreement with the owner of the lambs pursuant to which the applicant, in return for furnishing labor in connection with caretaking or feeding of the lambs, is entitled either to a portion of the lamb production or to a share in the proceeds from the sale of the lambs: *Provided*, That the owner of the lambs who joins in the application meets the 30-day ownership requirement. Ownership of lambs, as used in this paragraph, does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien. If lambs are imported into the United States the period of 30 days for which the applicant for a payment is required to have owned them shall begin after their importation and if they were quarantined in connection with such importation, the period shall begin after their release from quarantine.

(b) *Never shorn.* The lambs must never have been shorn at the time of sale or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(c) *Sold or moved to slaughter in a specified marketing year.* The lambs must have been sold, that is, title to the lambs must have passed to the buyer, within a specified marketing year or,

in the case of lambs that are owned by a slaughterer for 30 or more days before moving to slaughter. The lambs must have moved to slaughter within the specified marketing year.

(d) *Report of purchased lambs.* The applicant must either report his purchases of unshorn lambs, pursuant to § 472.1126, or state that he has made no such purchases when such statement is in accordance with the provisions of that section.

(e) *Importation for slaughter.* Payments will not be made on the marketing of imported lambs if the permit for the importation of sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

##### § 472.1123 Computation of payment.

(a) In order to determine the amount of the payment due to an applicant, the rate of payment, computed pursuant to § 472.1121, shall be applied to the liveweight (defined in § 472.1171) of the lambs sold or moved to slaughter (§ 472.1122(c)), during the specified marketing year. Such liveweight, however, shall be reduced by the liveweight of any lambs reported in the application for payment, pursuant to § 472.1126, as having been purchased or imported by the applicant as unshorn lambs.

(b) For example, if the applicant sells, during a specified marketing year, 100 unshorn lambs weighing 8,000 pounds which he produced on his farm or ranch, he will be entitled to a payment on a liveweight of 8,000 pounds. On the other hand, if the applicant sells, during a specified marketing year, 100 unshorn lambs weighing 8,000 pounds, having purchased these lambs at a weight of 6,000 pounds, he will be entitled to a payment on a liveweight of 2,000 pounds (i.e., 8,000 pounds minus 6,000 pounds).

(c) If the liveweight reported pursuant to § 472.1126 exceeds the liveweight of the unshorn lambs sold or moved to slaughter during the marketing year for which the application is filed, such excess liveweight shall be carried forward and used to reduce payments on unshorn lambs or shorn wool marketed in the current or future years.

(d) If the producer files more than one application in the same county office or in different county offices, all such applications may be considered together for the purpose of determining the amount of the payment based on the sales of unshorn lambs and the amount of the reduction on account of purchases of unshorn lambs.

##### § 472.1124 Application for payment and supporting documents.

(a) *General.* The application for a payment on account of unshorn lambs shall be made on Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)". The application shall be supported by an original sales document, as set forth in paragraph (a) of § 472.1125 or, in case of application by a slaughterer, by the substitute document as set forth in paragraph (b) of that section, and such other evidence as may show compliance with the program.

(b) *Applicant retains original sales document.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 472.1158.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature in accordance with § 472.1125(a) (6), of the person or the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this section.

#### § 472.1125 Contents of sales documents.

(a) *Sale by producers.* Each sales document supporting the application must cover lambs sold by the applicant, except as provided in §§ 472.1151 to 472.1155; must be issued by the purchaser or the producer's marketing agency; and must show the following:

- (1) Name and address of seller.
- (2) Date of sale.

(3) *Number of unshorn lambs sold:* If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals as "unshorn lambs", this will indicate that the lambs were never shorn, in accordance with the definition in § 472.1171. Likewise, if the document is issued in connection with the sale of unshorn lambs but also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein in some manner the number and the liveweight of unshorn lambs included in the sale.

(4) *Liveweight of unshorn lambs sold:* If the weight is not determined by scales, this weight may be an estimated weight agreed to by the buyer and the seller.

(5) *Name and address of the purchaser or marketing agency issuing the sales document.*

(6) *Signature:* The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally

known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Substitute for sales document in case of slaughter.* If the application is made by a slaughterer who owned the animals in the United States for 30 days or more prior to his moving them to slaughter (§ 472.1122(c)), it shall be supported by a scale ticket instead of a sales document. The scale ticket shall indicate that it covers unshorn lambs which moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

#### § 472.1126 Report of purchases of unshorn lambs.

In making application for payment on the sale of lambs, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs, the date of each purchase as well as the number and liveweight of the animals purchased. If purchased lambs which the applicant for a payment is required to report were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time they were imported and if they were quarantined in connection with the importation, at the time they were released from quarantine. For the purpose of such reporting, imported lambs whether or not purchased by the applicant shall be treated as if they had been purchased by him.

(a) *Report on actual basis.* (1) If the application is based on the sale of lambs purchased by the applicant and the applicant's operations are conducted in such a manner that he is able to identify such lambs, he shall report the date of purchase, the number, and the liveweight of such sold lambs.

(2) If the applicant knows that his application is not based on the sale of any animals which were purchased by him, he will report no purchases of unshorn lambs.

(b) *Report on "first in, first out" basis.*

(1) In the event the applicant does not know whether or not the application is based on the sale of lambs that he purchased, or he knows that some such lambs are included but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of animals purchased by him on or after April 1, 1956, as unshorn lambs, equal to the number of lambs on the sale of which his application is based. This reporting of purchased lambs shall be continued in subsequent applications for payment on unshorn lambs and applications for incentive payment on shorn wool until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in a previous application for payment for shorn wool or unshorn lambs for the 1956 or a subsequent marketing year. However, he need not report animals purchased on or after April

1, 1956, if for any reason he has not applied for a payment for the 1956 or a subsequent marketing year on the sale of these animals or on the sale of the wool shorn therefrom. If the producer does not have sufficient marketings of unshorn lambs and wool during a specified marketing year to cover all animals purchased by him as unshorn lambs on or after April 1, 1956, that had not been reported in a previous application and consequently does not report all of his purchases of unshorn lambs in applications for the specified marketing year, the balance shall be carried forward and reported in succeeding marketing years for which similar payments may be made pursuant to the National Wool Act of 1954, as amended.

(2) For example, if the producer's first application for a specified marketing year covers the sale of 300 lambs, he shall report in that application the date of purchase as well as the number and liveweight of the first 300 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in a previous application for payment filed for unshorn lambs or shorn wool marketed in the 1956 or a subsequent marketing year; if, for example, his second application covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the same information for the next 200 animals that he purchased on or after April 1, 1956, as unshorn lambs and that were not reported in a previous application for payment; and as additional applications are filed either for unshorn lambs or shorn wool, he shall report his purchases on or after April 1, 1956, in chronological order until all purchases up to the date of each application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either unshorn lambs or shorn wool after he has accounted for his total purchases of unshorn lambs on and after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

#### GENERAL PROVISIONS

##### § 472.1141 Sales in good faith.

Payments provided for under this program shall be made on the basis of sales of shorn wool or unshorn lambs executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of wool in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

##### § 472.1142 Filing application for payment.

(a) *Place of filing.* The application for payment on either shorn wool or unshorn lambs shall be filed by the producer entitled thereto with the ASCS county office serving the county where

the headquarters of the applicant's farm, ranch, or feed lot—as the case may be—is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters, except that: (1) If the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of those ASCS county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such animals in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASCS State Office, and applications by producers located in Hawaii shall be filed with the Hawaii ASCS State Office.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the specified marketing year as defined in § 472.1171 (1) have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the specified marketing year to slaughter, and all applications must be filed within 30 days after the end of that marketing year. If the application is not approved by the ASCS county office on the ground that it was filed after the 30 days, the applicant may request the ASC State committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC State committee may waive the delay on applications filed within one year after the end of the marketing year in which the shorn wool or the unshorn lambs were sold or in which the lambs moved to slaughter, as the case may be, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC State committee shall notify the applicant in writing of its action on his request for a waiver.

#### § 472.1143 Signature of applicant.

No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. The ASCS county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

#### § 472.1144 Joint applicants.

(a) *Joint owners.* When the applicants for a shorn wool payment are joint owners of the wool and were also joint owners of the sheep from which the wool

was shorn, all of them must sign any application based on the sale of their wool. When the applicants for a payment on unshorn lambs are joint owners of the lambs, all of them must sign any application based on the sale of their lambs. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(b) *Producers who did not own the animals from which the wool was shorn or did not own the lambs for 30 days.* Each application for a payment on shorn wool prepared by producers some of whom did and some did not own the animals from which the wool was shorn, as described in the exception in § 472.1103

(c), shall be a joint application, irrespective of whether the wool was divided among such producers prior to sale or whether it was sold without division. Similarly, each application for a payment on unshorn lambs prepared by producers some of whom did and some did not own the lambs for 30 days, as described in the exception in § 472.1122(a), shall be prepared as a joint application, irrespective of whether the lambs were divided among such producers prior to sale or whether they were sold without division. All producers who are entitled to a share of the shorn wool or of the unshorn lambs or are entitled to a share of the sales proceeds of the wool or the lambs, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days."

(c) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

#### § 472.1145 Application by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, those who may receive such payment in the order of precedence described in §§ 472.1151 to 472.1154 may apply on Form CCC 1155 in the case of a shorn wool payment and on Form CCC 1156 in the case of an unshorn lamb payment. The applicant shall indicate the capacity in which he applies. Such applicant shall also file Form CCC 1159, "Applica-

tion for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent". Where necessary in accordance with § 472.1144(b), there shall be attached to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days."

(b) If a person who earned a payment under this subpart and filed an application therefor, dies, disappears, or is declared incompetent, either before CCC issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, those who may receive that payment in the order of precedence described in §§ 472.1151 to 472.1154 may apply therefore, using Form CCC 1159.

(c) The application pursuant to paragraph (a) or (b) of this section shall be filed with the ASCS county office serving the county which includes the headquarters of the farm, ranch, or feed lot of the person who died, disappeared, or was declared incompetent.

(d) If a marketing agency, pursuant to authorization by a successor or representative of a producer who died, disappeared, or was declared incompetent, certifies in Form CCC 1155 as to its sale of the wool, or if a marketing agency issued such a certification in some cases on the basis of an authorization given by the producer before he died, disappeared, or was declared incompetent, (1) the statement in the agency's certification that it received wool from the applicant(s) shall be deemed to mean that it received wool from the producer, from his successor or representative, or from both; (2) the statement in the agency's certification that it has not furnished sales documents to any person other than the applicant(s) shall mean that it has not furnished sales documents to any person other than the producer or his successor or representative; and (3) its statement in the certification that, in the capacity as agent for the applicant(s), the marketing agency has complied with the requirements of the program shall mean in the capacity as agent for the producer, for his successor or representative, or for both.

#### § 472.1146 Application on behalf of incompetent Indians.

Applications for payment on shorn wool or unshorn lambs may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

#### § 472.1147 Payment.

After the ASCS county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture, payment will be made. If one

or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than \$3.00 to an applicant, or to joint applicants, will not be made in connection with sales either of shorn wool or unshorn lambs. Likewise, payment of less than \$3.00 will not be made to an assignee in connection with any assignment. If, after making a payment, CCC upon investigation determines that available evidence does not sustain the applicant's right to the payment or any part thereof, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant. If the applicant's right to such amount becomes involved in a lawsuit between the Government and him or his assignee, he, or his assignee, shall have the burden of proving in the lawsuit that he was entitled to the amount. If the ASCS county office determines that for any reason an application for payment on shorn wool or unshorn lambs should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 472.1142(b), or that, after a payment has been made, the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be, and shall retain a copy of such notice.

#### § 472.1148 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions will be announced and deductions will be made from the payment.

#### § 472.1149 Set-off.

(a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASCS county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASCS county office with interest, where applicable, to the date of set-off.

#### § 472.1150 Liens on sheep or wool not applicable to payments.

If a producer grants a lien on his sheep, lambs, or wool, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

#### § 472.1151 Death of person who earned payment.

Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but dies before receiving it, payment may be made, upon proper application pursuant to § 472.1145, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(a) To the administrator or executor of the deceased person's estate.

(b) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (1) prior to application by such administrator or executor for payment or (2) prior to the time when a draft for the payment issued to such administrator or executor is negotiated.

(c) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or, if they are not alive, the share of each such son or daughter shall be divided equally among his or her surviving direct descendants.

(d) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(e) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive and, if they are not alive, the share of each such brother or sister shall be divided equally among his or her surviving direct descendants.

(f) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law.

Legally adopted children shall be entitled to share in any payment in the

same manner and to the same extent as other children. "Brother" and "sister", as used in this section as well as in §§ 472.1152 and 472.1153, includes brothers and sisters of the half blood, who shall be given the same consideration as those of the whole blood. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed, payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds \$1,000, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received, may be made jointly to the persons found to be entitled to such payment or shares thereof under this section, or, pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate draft may be issued to each person entitled to share in such payment.

#### § 472.1152 Disappearance of person who earned payment.

(a) In case a person who has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it, disappears before receiving it, payment may be made upon a proper application pursuant to § 472.1145, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

#### § 472.1153 Incompetency of a person who earned payment.

(a) Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but is adjudged incompetent by a court of competent jurisdiction before payment is received, payment may be made, upon proper application therefor pursuant to § 472.1145, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person.

(b) In case no guardian or committee has been appointed, payment, if not more than \$1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned, for the benefit of the incompetent person:

- (1) The spouse.
- (2) An adult son, daughter, or grandchild.
- (3) The mother or father.
- (4) An adult brother or sister.
- (5) Such person as may be authorized under State law to receive payment for him.

In case payment is more than \$1,000, payment may be made only to such persons as may be authorized under State law to receive payment for the incompetent.

**§ 472.1154 Death, disappearance, or incompetency of person authorized to apply in the order of precedence.**

In case a person entitled to apply for a payment in the order of precedence pursuant to the provisions of §§ 472.1151, 472.1152, 472.1153, or of this section, dies, disappears, or is declared incompetent, as the case may be, after he has applied for such payment but before receiving it, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in §§ 472.1151, 472.1152, and 472.1153, as the case may be.

**§ 472.1155 Other disability.**

In cases of bankruptcy, dissolution, or other disability payments will be made to a representative only in accordance with specific directions issued by CCC.

**§ 472.1156 Appeals.**

(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on either shorn wool or unshorn lambs has been rejected in whole or in part (§ 472.1147) or that any other action has been taken by the ASCS county office which unfavorably affects a payment to the applicant, the latter may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of wool marketed, and the net proceeds, or the number and liveweight of unshorn lambs, involved in the application and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASCS county office is considered erroneous. The ASC county committee shall notify the applicant in writing of its decision promptly after deciding the appeal, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASCS county office.

(b) *To the ASC state committee.* If the applicant is dissatisfied with the decision of the ASC county committee, he may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. Likewise, if the ASC state committee denies a request for

waiver of the final date for filing (§ 472.1142(b)), the applicant may within 15 days after the date of mailing of the notice of denial by the ASC state committee, ask the ASC state committee in writing to reconsider its denial. In this event, the applicant shall, in addition to supplying all the information required in an appeal to the ASC county committee pursuant to § 472.1156(a), state in his request for reconsideration the reason for his delay in filing the application and fully explain the circumstances which he feels constitute a good cause for the delayed filing or will result in undue hardship if the waiver is not granted. When acting on an appeal or request for reconsideration, the ASC state committee shall notify the applicant in writing of its decision as soon as practicable after completing its action, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the applicant is dissatisfied with the decision of the ASC State committee, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after the date of mailing of the notice by the ASC State committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Hearing.* In the case of each appeal or request for reconsideration, the applicant shall be given an opportunity to appear personally or through a representative at a hearing and offer such evidence as he deems advisable. If the applicant does not ask for a hearing, the appeal or request will be decided on the basis of the facts set forth in the record and any other pertinent information available to the committee or official considering the matter.

(e) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

**§ 472.1157 Assignments.**

(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of shorn wool or unshorn lambs during a specified marketing year by filing with the ASCS county office the original and two copies of Form CCC 1157, "Assignment of Payment Under National Wool Act of 1954", duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of an attesting witness who shall not be an employee or agent of, or by consanguinity

or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASCS county committee, the ASCS county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a shorn wool payment may only be given as security for cash advanced or to be advanced on sheep, lambs, or wool by a financing agency (as defined in § 472.1171) or a marketing agency. An assignment of a payment on unshorn lambs may only be given as security for cash advanced or to be advanced by a financing agency on sheep, lambs, or wool. An assignment made to a financing agency shall cover all payments earned by the producer on the sale of shorn wool or unshorn lambs, as the case may be, during the marketing year for which the assignment is given. An assignment made to a marketing agency shall cover all incentive payments earned by the producer in connection with all wool marketed by the agency for the producer's account during the marketing year for which the assignment is given but shall not cover payments earned by the producer in connection with his marketing his wool directly or through other agencies during that marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASCS county office in writing that payment be made to the assignor and not to the assignee.

**§ 472.1158 Records and inspection thereof.**

(a) The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts showing the marketing of wool or lambs, as the case may be, on which an application for payment may be based, and shall maintain those books, records, and accounts for three years following the end of the specified marketing year during which the marketing took place. The applicant shall also maintain books, records, and accounts showing his purchases of lambs on or after April 1, 1956. He shall maintain them for three years following the end of the specified marketing year during which any part of the wool shorn from such lambs has been marketed or during which any such lambs have been marketed, as the case may be. If the applicant is required to report on a "first in, first out" basis pursuant to § 472.1110(b) or § 472.1126(b), he shall maintain such books, records, and accounts of purchased lambs for three years following

the end of the specified marketing year for which the purchased lambs are to be reported in accordance with those sections.

(b) If an application is based on the sale of wool shorn from imported sheep or lambs, or on the sale of imported lambs, or if lambs required to be reported as purchased lambs pursuant to § 472.1110 or § 472.1126 were imported, the applicant is required to maintain books, records, and accounts showing the details of such importation, including the date of arrival of the animals in the United States and the liveweight on such date, and if the animals were quarantined, the date when they were released from quarantine and their liveweight on such date. He shall maintain such books, records, and accounts for the same length of time that he is required to maintain his other books, records, and accounts pursuant to paragraph (a) of this section.

(c) CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified under paragraphs (a) and (b) of this section.

#### § 472.1159 Violation of program.

Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

#### § 472.1160 Forms.

(a) Form CCC 1155, "Application for Incentive Payment—Shorn Wool"; Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)"; Form CCC 1157, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASCS county offices. These forms may be reproduced, provided that any forms reproduced after the issuance of this subpart shall retain the language, format, and size of the official forms issued after January 1, 1962, except that the printer's identification on the official forms must not be reproduced.

(b) Any of the following forms issued or printed before January 1, 1962, may be used as a substitute for those specified in this subpart. Form CCC Wool 55, "Application for Incentive Payment—Shorn Wool"; Form CCC Wool 56, "Ap-

plication for Payment—Unshorn Lambs (Pulled Wool)"; Form CCC Wool 57, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC Wool 59, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent."

#### § 472.1161 Provisions in applications as to imported sheep or lambs.

(a) Each reference to purchases of unshorn lambs in Section B of Form CCC 1155, "Application for Incentive Payment—Shorn Wool," or in Section B of Form CCC 1156, "Application for Payment—Unshorn Lambs (Pulled Wool)," shall be deemed to refer to purchases as well as to imports of unshorn lambs by the applicant regardless of whether he purchased or produced the imported lambs outside the United States. With respect to imported lambs required to be reported in Section B of Form CCC 1155 or Form CCC 1156, the heading of column 1, "Date of purchase", shall be deemed to read, "Date of importation", and the heading of column 3, "Liveweight at time of purchase (lbs.)", shall be deemed to read, "Liveweight at time of importation and if the animals were quarantined, liveweight at time of their release from quarantine (lbs.)".

(b) The statement in Section F(d) of Form CCC 1155 and in Section D(d) of Form CCC 1156 that the applicant(s) owned the animals for "not less than 30 days", shall be deemed to read, in case of imported animals, "not less than 30 days after their importation," and if the animals were held in quarantine in connection with their importation, "not less than 30 days after their release from quarantine."

(c) The statement in section F(b) of Form CCC 1155 that the wool was "shorn in the United States," shall be deemed to read, in the case of imported animals held in quarantine in connection with their importation, "shorn in the United States after release from quarantine of the animals from which the wool was shorn."

#### § 472.1162 Instructions and interpretations.

CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

#### § 472.1163 Waiver by Executive Vice President or other official.

The Executive Vice President of CCC or his designee and the Deputy Administrator, State and County Operations, of ASCS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods. Each of these officials may also waive the 30-day filing limitation, § 472.1142(b), on applications filed later than one year after the end of a marketing year in which the shorn wool or the unshorn lambs were sold or the unshorn lambs were moved to slaughter, if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship.

#### § 472.1164 Expiration of time limitations.

Whenever the final date, prescribed in this subpart for filing an application pursuant to § 472.1142 or for taking any action in connection with an appeal pursuant to § 472.1156, or any other action, falls on a Saturday, Sunday, national holiday, or State holiday, and on that day the proper ASCS State or county office is closed, or the final date falls on any other day on which such office is not open for the transaction of business during normal working hours, the time for filing the application or taking the required action shall be extended to the close of business on the next working day. In case the act to be done may be performed by mailing, the act shall be considered done within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the act is to be done within a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

#### § 472.1171 Definitions.

As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint ownership" of wool or lambs also includes ownership in common.

(c) "Lamb," for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(d) "Liveweight," for the purpose of this program, is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(e) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation or, if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(f) "Marketing agency" with reference to shorn wool means a person or firm that sells a producer's wool for his account and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person or firm that sells a producer's lambs for his account.

(g) "Marketing year" means the period beginning April 1 of a calendar year and ending March 31 of the next calendar year, both dates inclusive.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a state and any subdivision thereof.

(i) "Producer" of shorn wool under this program means a person who is either a producer, feeder, or pasturer of sheep or lambs and who shears his animals. "Producer" of lambs under this program means a person who is a breeder, feeder, or pasturer of lambs. The term "producer" also includes a person participating in the production of shorn wool pursuant to an agreement with a person who owned the sheep or lambs as described in the exception in § 472.1103(c) and a person participating in the production of lambs pursuant to an agreement with an owner of the lambs, as described in the exception in § 472.1122(a).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(k) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(l) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of shorn wool and unshorn lambs by a producer during that year will entitle him to a payment under this program.

(m) "Unshorn lambs" means lambs which have never been shorn.

**NOTE:** The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

**Effective date.** This subpart shall become effective April 1, 1962, except that § 472.1157 shall become effective on the date of publication.

Issued this 29th day of January 1962.

E. A. JAENKE,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 62-1068; Filed, Jan. 31, 1962;  
8:50 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

#### PART 728—WHEAT

##### Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

###### MISCELLANEOUS AMENDMENTS

On page 10596 of the FEDERAL REGISTER of November 10, 1961, there was pub-

lished a notice of proposed rule making to issue amendments to the regulations pertaining to Wheat Marketing Quota Regulations for 1961 and Subsequent Crops of Wheat. This notice provided for revisions in determination of underplanted acres for removing stored excess, determination of excess wheat subject to penalty, revision of exemption provisions and considering as wheat acreage the acreage placed in the Wheat Stabilization Program as wheat for the purpose of removing stored excess. Interested persons were given 30 days in which to submit written data, views or recommendations with respect to the proposed amendments.

No data, views or recommendations have been received.

The proposed amendments are hereby adopted without change as set forth below.

EMERY E. JACOBS,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

JANUARY 26, 1962.

1. Section 728.1149 is amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding any other provision of this section, the farm marketing excess of wheat of the 1962 crop shall be twice the normal production of the wheat acreage in excess of the 1962 farm acreage allotment, but if the producer establishes to the satisfaction of the Secretary the actual production of wheat of the 1962 crop on the farm, the farm marketing excess shall be such actual production less the actual production of the 1962 farm wheat acreage allotment, but not in excess of the difference between such actual production on the farm and the normal production of the 1962 farm wheat acreage allotment."

2. Section 728.1162 is amended by adding at the end thereof a new sentence to read as follows: "Notwithstanding the first sentence of this section, the rate of penalty for the 1962 crop of wheat shall be 65 percent of the parity price of wheat as of May 1, 1962."

3. Section 728.1180(a) is amended to read as follows:

(a) *Conditions of exemption.* A farm marketing quota for wheat for any crop shall not be applicable to any farm on which the wheat acreage for such crop is not in excess of 15 acres, or with respect to the 1961 and prior crops of wheat the normal production of the wheat acreage is less than 200 bushels. Notwithstanding the first sentence of this subsection, a farm marketing quota on the 1962 crop of wheat shall be applicable to any farm on which the acreage of wheat for 1962 exceeds the smaller of (1) 13.5 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960 or 1961.

4. Section 728.1169(h) is amended by changing the sixth sentence thereof to read as follows: "For the purpose of this paragraph the acreage, if any, diverted from the production of wheat under an unexpired conservation reserve contract

or an unexpired great plains conservation program contract or under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will not be considered underplanted wheat acreage."

5. Section 728.1169(i) is amended by changing the last sentence thereof to read as follows: "For the purpose of this paragraph, any acreage considered to be diverted from the production of wheat under a conservation reserve contract or a great plains contract under paragraph (h) of this section or to have been diverted from the production of wheat under the 1962 wheat stabilization program pursuant to subsection (a) or (c) of section 124 of the Agricultural Act of 1961 will be deemed to have produced the normal production of wheat when determining the actual production for the farm."

[F.R. Doc. 62-1020; Filed, Jan. 31, 1962;  
8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-148]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

##### Alteration

On November 9, 1961, there were published in the FEDERAL REGISTER (26 F.R. 10547), amendments to the regulations of the Administrator stating in part that, effective January 11, 1962, the Federal Aviation Agency proposed altering a segment of low altitude VOR Federal airway No. 31. In describing this alteration, the Rochester N.Y., VOR 126° radial was used. Subsequent to publication of the rule, it was determined that the Rochester VOR 125° radial was the correct radial required to describe this segment of Victor 31. Accordingly, action is taken herein to amend § 600.6031 by substituting the Rochester VOR 125° radial for the 126° radial in the description of Victor 31.

Since this change is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the rule may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 600.6031 is amended as follows:

In the text of § 600.6031 (14 CFR 600.6031, 26 F.R. 2457) "Rochester, N.Y., VOR 126° radials;" is deleted and "Rochester, N.Y., VOR 125° radials;" is substituted therefore.

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

Issued in Washington, D.C. on January 25, 1962.

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

[F.R. Doc. 62-1034; Filed, Jan. 31, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-41]

**PART 600—DESIGNATION OF FEDERAL AIRWAYS**

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

**Alteration of Federal Airways and Associated Control Areas; Amendment**

On January 11, 1962, Federal Register Document 62-289 was published in the FEDERAL REGISTER (27 F.R. 303) and amended §§ 600.6514 and 601.6514 of the regulations of the Administrator by altering VOR Federal airway No. 514 from Winslow, Ariz., to Taos, N. Mex.

In describing the captions of the amended sections, the VOR Federal airway number was not included. Action is taken herein to correct this omission.

Since these alterations are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 62-289 (27 F.R. 303) is altered by amending the captions of §§ 600.6514 and 601.6514 to read as follows:

§ 600.6514 VOR Federal airway No. 514 (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

§ 601.6514 VOR Federal airway No. 514 control areas (Winslow, Ariz., to Taos, N. Mex., and Tobe, Colo., to Russell, Kans.).

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

Issued in Washington, D.C., on January 25, 1962.

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

[F.R. Doc. 62-1035; Filed, Jan. 31, 1962; 8:45 a.m.]

**Title 21—FOOD AND DRUGS**

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

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 46—NUT PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY**

**Peanut Butter; Stay of Order Establishing Identity Standard**

In the matter of establishing a definition and standard of identity for peanut butter:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), promulgated an order on November 28, 1961 (26 F.R. 11209), fixing and establishing a definition and standard of identity for peanut butter (21 CFR 46.1). The act permits a period of 30 days for the filing of objections to an order. Within that period a number of associations, manufacturers of peanut butter, and suppliers of ingredients filed statements showing that they would be adversely affected by such an order, stated their objections, and requested a public hearing.

Their objections were directed at one or more of the following: The order in its entirety; the maximum limitation of 10 percent for optional ingredients; the list of optional ingredients, because some wanted additional optional ingredients to be specified and others wanted the standard to permit the use of any safe and suitable optional ingredients, without specification; and the labeling requirements for optional ingredients. Since there were objections to substantially all provisions of the order, the entire order will be stayed pending a hearing on the objections at which time objectors will be given an opportunity to support their objections.

Now, therefore, it is ordered, That the order establishing a definition and standard of identity for peanut butter (26 F.R. 11209) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will,

as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

Dated: January 25, 1962.

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

[F.R. Doc. 62-1064; Filed, Jan. 31, 1962; 8:49 a.m.]

**PART 121—FOOD ADDITIVES**

**Subpart A—Definitions and Procedural and Interpretative Regulations**

**EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES**

The Commissioner of Food and Drugs, pursuant to the authority provided in 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 delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following new items:

§ 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—	Progress report required by—
Butylated hydroxyanisole.....	Component of defoamer used in yeast production; limit 0.1% of defoamer.	Jan. 1, 1963	July 1, 1962
Butylated hydroxytoluene.....	do.....	do.....	Do.
Ethylene oxide.....	Fumigation of starch from corn, wheat, rice, arrowroot, potatoes, and tapioca when such starch is used as a thickener; limit 50 p.p.m. ethylene oxide in starch.	July 1, 1963	Do.
Do.....	Fumigation of flour from wheat, corn, oats, soybeans, rye, potato, rice, and tapioca when such flour is used as a thickener; limit 50 p.p.m. ethylene oxide in starch.	do.....	Do.
Eugenol.....	Component of defoamer used in production of yeast.	Jan. 1, 1963	Do.
Formaldehyde.....	Component of defoamer used in production of yeast; limit 0.01 p.p.m. in final product.	do.....	Do.
Glycerin, polymerized, esterified with oleic, stearic, and coconut oil fatty acids (free of chick-edema factor).	Crystallization inhibitor in foods.....	do.....	Do.
Isopropyl alcohol.....	Component of defoamer used in production of yeast.	do.....	Do.
Lecithin, hydroxylated.....	do.....	do.....	Do.
Petrolatum N.F. and U.S.P.: Ultraviolet absorptivity (as defined in ASTM E-131) at 290 millimicrons-liters per gram centimeter: 2.0 max.	In animal feed; limit 600 p.p.m. in total daily ration; zero in tissues of slaughtered animals, milk, and eggs.	do.....	Do.
Propylene glycol and glyceryl mono- and diesters from the alcoholosis of soybean oil and/or hydrogenated tallow.	Component of defoamer used in production of yeast.	do.....	Do.
Propylene oxide.....	Fumigant in foods; limit 150 p.p.m. residual in food.	do.....	Do.
Soybean fatty acids, hydroxylated.....	Component of defoamer used in production of yeast.	do.....	Do.
Wax, microcrystalline and paraffin, Types I and II (as described in this section).	Component of chewing gum base.....	do.....	Do.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
***	***	***	***
Artichoke (leaves); <i>Cynara scolymus</i> L.		Jan. 1, 1963	July 1, 1962
Boldus (boldo leaves); <i>Peumus boldus</i> Mol.		do.	Do.
Bryonia (bryony); <i>Bryonia alba</i> L.		do.	Do.
Costmary; <i>Chrysanthemum balsamita</i> L.		do.	Do.
Gentian, stemless; <i>Gentiana acutis</i> L.		do.	Do.
Germander, golden; <i>Teucrium polium</i> L.		do.	Do.
Maidenhair fern; <i>Adiantum capillus veneris</i> .		do.	Do.
Myrtle; <i>Myrtus communis</i> L.		do.	Do.
Pansy; <i>Viola tricolor</i> L.		do.	Do.
Rhubarb, garden, root; <i>Rheum rhabonticum</i> L.		do.	Do.
Senna, Alexandria; <i>Cassia acutifolia</i> Deille.		do.	Do.
Serpentaria (Virginia snakeroot); <i>Aristolochia serpentaria</i> L.		do.	Do.
Simaruba (Orinoco bark); <i>Simaruba amara</i> Aubl.		do.	Do.
Vervain, European; <i>Verbena officinalis</i> L.		do.	Do.
Violet, Swiss; <i>Viola calcarata</i> L.		do.	Do.

2. Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new item:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

\* \* \* \* \*

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
***	***	***	***
Dl-tert-butyl hydroquinone	Component of a processing lubricant in the manufacture of textiles for dry-food packaging.	Jan. 1, 1963	July 1, 1962

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: January 24, 1962.

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

[F.R. Doc. 62-1023; Filed, Jan. 31, 1962; 8:46 a.m.]

SUBCHAPTER C—DRUGS

**PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY**

**PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS**

**Buffered Methicillin Sodium**

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 regu-

lations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding thereto the following new sections:

**§ 141a.107 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).**

(a) **Potency**—(1) *Preparation of sample.* (i) Dissolve an accurately weighed portion of the drug in 1 percent phosphate buffer, pH 6.0, to obtain an appropriate stock solution for assay.

(ii) Reconstitute the drug as directed in the labeling of the finished product. Using a syringe and needle, transfer a representative aliquot of the drug equivalent to one dose to a 100-milliliter volumetric flask; make to volume with 1 percent phosphate buffer, pH 6.0

(2) **Assay.** Using the solutions described in subparagraph (1) of this paragraph, proceed as directed in § 141a.103(a).

The micrograms per milligram potency of the weighed sample of the drug is corrected for the sodium citrate content.

(b) **Sterility, pyrogens, toxicity, moisture, pH, crystallinity, methicillin content, and identity.** Proceed as directed in § 141a.103 (b), (c), (d), (e), (f), (g), (h), and (i).

**§ 146a.11 Buffered methicillin sodium (buffered sodium-2,6-dimethoxyphenyl penicillin).**

(a) **Standards of identity, strength, quality, and purity.** Buffered methicillin sodium conforms to all the requirements and is subject to all procedures prescribed by § 146a.15(a) for methicillin sodium, except that:

(1) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U.S.P.

(2) It may contain one or more suitable preservatives.

(3) The methicillin content is corrected for the sodium citrate content.

(b) **Packaging.** In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass. Each such container shall contain 1 gram, 2 grams, 3 grams, 4 grams, 5 grams, or 6 grams.

(c) **Labeling**—(1) *If it is packaged for dispensing and it is intended for use by man.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On the outside wrapper or container and the immediate container, the statement "Expiration date \_\_\_\_\_," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(ii) On the circular or other labeling within or attached to the package, the statement, "Reconstituted solutions may be stored for not more than 24 hours at room temperature and not more than 4 days under refrigeration."

(2) *If it is packaged solely for manufacturing use and/or repackaging.* Each package shall bear on its outside wrapper or container and the immediate container the following:

(i) The number of micrograms of the free acid of methicillin per milligram and the number of grams or kilograms in the immediate container.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription."

(iii) The statement "For manufacturing use," "For repackaging," or "For manufacturing use or repackaging."

(iv) The statement "Expiration date \_\_\_\_\_," the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(d) **Request for certification, check tests, and assays; samples.** Proceed as directed in § 146a.15(d), except that a person who requests certification of a batch shall also submit with his request a statement showing the quantity of sodium citrate used in making the batch and that such sodium citrate conforms to the requirements prescribed therefor by this section. In case of an initial request for certification, he shall submit

an accurately representative sample of such sodium citrate consisting of approximately 5 grams.

(e) *Fee.* In addition to the fees prescribed in § 146a.15(e) the fee for the services rendered with respect to the sample of sodium citrate submitted as prescribed in paragraph (d) of this section shall be \$4.00.

In the promulgation of this order, I find that compliance with the provisions of section 4 of the Administrative Procedure Act, requiring notice of proposed rule-making and a delayed effective date, would not be in the best interests of the public health. I further find that the conditions for the certification of buffered methicillin sodium, concerning its safety and efficacy of use, have been complied with.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: January 24, 1962.

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

[F.R. Doc. 62-1062; Filed, Jan. 31, 1962; 8:48 a.m.]

**PART 141a—PENICILLIN AND PENICILLIN - CONTAINING DRUGS; TESTS AND METHODS OF ASSAY**

**PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC - CONTAINING DRUGS**

**PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS**

**PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE**

**Order Changing Name of Dimethoxyphenyl Penicillin Sodium to Methicillin Sodium**

No objections were filed to a notice of proposed rule-making published in the FEDERAL REGISTER of December 6, 1961 (26 F.R. 11684), with regard to changing the name of dimethoxyphenyl penicillin sodium to methicillin sodium. Therefore, the Commissioner of Food and Drugs, pursuant to the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), orders the following amendments:

The name "dimethoxyphenyl penicillin sodium" is changed to read "methicillin sodium" and the name "dimethoxyphenyl penicillin" is changed to "methicillin" in Parts 141a, 146, 146a, and 147 of this chapter:

1. In § 141a.103, the section heading is changed to read as follows: § 141a.103 *Methicillin sodium.*

2. Section 141a.103(a), first sentence.

3. Section 141a.103(a) (1) (ii), second sentence.

4. Section 141a.103(h), paragraph heading, ninth sentence, and equation.

5. Section 146.1(b) (1), sixth sentence (three places).

6. Section 146.1(c) (1) (viii) (two places).

7. Section 146.1(d) (1) (v) (two places).

8. In § 146a.15, the section heading is changed to read as follows: § 146a.15 *Methicillin sodium.*

9. Section 146a.15(a), first sentence.

10. Section 146a.15(a) (1), (a) (7), (c) (1) (ii).

11. Section 146a.15(d) (1), second sentence.

12. Section 147.1(c) (3), tabulation.

13. Section 147.1(d), tabulation.

14. Section 147.2(a), first sentence.

15. Section 147.2(a) (9).

16. Section 147.2(c) (1) (iii) (a).

*Effective date.* This order shall become effective for all batches received for certification by the Food and Drug Administration after March 15, 1962.

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

Dated: January 25, 1962.

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

[F.R. Doc. 62-1063; Filed, Jan. 31, 1962; 8:49 a.m.]

**SUBCHAPTER D—HAZARDOUS SUBSTANCES**

**PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS**

**Paste-Wax Preparations; Exemptions From Labeling Requirements**

There have been submitted to the Commissioner of Food and Drugs a number of petitions requesting that semisolid wax preparations, such as floor and furniture wax, auto paste wax, and shoe paste wax, be exempted from certain labeling requirements of the Federal Hazardous Substances Labeling Act. These special labeling requirements are invoked for products containing 10 percent or more of turpentine and/or petroleum distillates, such as kerosene, mineral seal oil, naphtha, gasoline, benzine, mineral spirits, paint thinner, and Stoddard solvents. The reason for this requirement is the special hazard of aspiration of the turpentine or petroleum distillates into the lungs, causing chemical pneumonitis, pneumonia, and pulmonary edema. The petitioners allege that semisolids containing 10 percent or more of turpentine and petroleum distillates, because of their physical form, do not present an aspiration hazard, and the special labeling requirements are therefore not necessary.

The Commissioner concludes from the information supplied by the petitioners, and gathered on his own initiative, concerning human experience with these products, that the physical form of paste-wax preparations containing 10 percent or more of turpentine and/or petroleum

distillates is such that the aspiration hazards are no longer present. He therefore finds that for such products the special labeling requirements imposed by § 191.7(b) (3) of the regulations are not necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (h), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

\* \* \* \* \*

(h) Containers of paste shoe waxes, paste auto waxes, and paste furniture and floor waxes containing petroleum distillates and/or turpentine in the concentrations described in § 191.7(a) (4) and (6) are exempt from the labeling requirements of § 191.7(b) (3) if the viscosity of such products is sufficiently high that they will not flow from their opened containers when inverted for 5 minutes at a temperature of 80° Fahrenheit.

The Commissioner finds that because of the minor hazard involved, it is not necessary for the adequate protection of the public health and safety to require the special label statements listed in § 191.7(b) (3) for the paste wax product described in § 191.63(h). Therefore, notice and public procedure are not necessary prerequisites to the promulgation of this order.

*Effective date.* This order shall become effective February 1, 1962.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: January 25, 1962.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.  
[F.R. Doc. 62-1061; Filed, Jan. 31, 1962; 8:48 a.m.]

**Title 29—LABOR**

**Chapter V—Wage and Hour Division, Department of Labor**

**SUBCHAPTER A—REGULATIONS**

**PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO**

**PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO**

**PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO**

**PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO**

**Minimum Wages**

Section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-

30) provides for increases of fifteen percent in the wage rates applicable under certain classifications in the first three of the above entitled industries in Puerto Rico on March 12, and 13, 1962.

Accordingly, pursuant to sections 6(c) and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c), 208) as amended by section 5(c) of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Parts 604, 606 and 690 as set forth below.

This document also provides for an editorial correction to 29 CFR 677.2(c) (26 F.R. 9825).

As these amendments involve no element of discretion they are hereby adopted without public procedure thereon which I find to be unnecessary.

1. Effective March 13, 1962, paragraphs (c), (d), and (e) of 29 CFR 604.2, are amended to read as follows:

**§ 604.2 Wage rates.**

(c) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wire drawing classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the drawing or redrawing of wire from rod and wire and the further fabrication of such wire products as nails, spikes, chain, and fencing.

(d) Wages at a rate of not less than \$1.12 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the metal spring classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of metal springs, including leaf springs, coil springs, and wire springs.

(e) Wages at a rate of not less than \$1.09 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the slide fastener classification of the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of slide fasteners.

2. Effective March 13, 1962, paragraphs (c), (d), and (e) of 29 CFR 606.2 are amended to read as follows:

**§ 606.2 Wage rates.**

(c) Wages at a rate of not less than \$1.15 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor

Standards Act of 1938 by every employer to each of his employees in classification C of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of capacitors, transistors, coils and coil forms, hermetic seals, crystal units, rectifiers, electronic tubes, television picture tubes, television sets, refrigerators, phonograph pickup cartridges, electric baseboard heating units, heating pads and massage pads, Christmas lighting sets, thermometers, drafting instruments, surgical administration sets, and watches.

(d) Wages at a rate of not less than \$1.035 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification D of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(e) Wages at a rate of not less than \$1.09 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in classification E of the electrical, instrument, and related products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of transformers, wire-wound resistors, and all products and activities not specifically included in any other classification of this industry.

3. Effective March 12, 1961, paragraphs (b), (c), and (d) of 29 CFR 690.2 are amended to read as follows:

**§ 690.2 Wage rates.**

(b) Wages at a rate of not less than \$1.105 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the phonograph record classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of phonograph records.

(c) Wages at a rate of not less than 92 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wall tile classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of plastic wall tile and wall tile accessories.

(d) Wages at a rate of not less than 85 cents an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general

classification of the fabricated plastic products industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and this classification is defined as the manufacture of all products not included in the other classifications of the industry.

4. Effective immediately, paragraph (c) of 29 CFR 677.2 is amended to read as follows:

**§ 677.2 Wage rates.**

(c) Wages at a rate of not less than \$1.035 an hour shall be paid under section 6(c), Proviso (1) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the paper, paper products, printing, and publishing industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce, and who is also engaged in the general classification of that industry, which is defined as all products and all activities not included in the other classifications of the industry.

Signed at Washington, D.C., this 26th day of January 1962.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 62-1047; Filed, Jan. 31, 1962;  
8:47 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 8441 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Onyx Art Creators, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.170 *Qualities or properties of product or service*; § 13.170-30 *Durability or Permanence*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Onyx Art Creators, Inc., et al., Brooklyn, N.Y., Docket 8441, Oct. 16, 1961]

*In the Matter of Onyx Art Creators, Inc., a Corporation, and Jack Weiger and Joseph Dinner, Individually and as Officers of the Said Corporation*

Consent order requiring Brooklyn, N.Y., manufacturers of trophies and awards to cease representing falsely in catalogs and other media distributed to dealers that their said products were made of "Bianco Marble" and were "Everlasting" when in fact they were made of the much less durable alabaster and thus much more subject to damage and destruction.

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

*It is ordered,* That Onyx Art Creators, Inc., a corporation, and its officers, and Jack Weiger and Joseph Dinner, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of trophies or awards, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "bianco marble", "marble", or any other term of similar import or meaning, to designate, describe, or refer to, the alabaster contained in any product; or misrepresenting in any manner the composition of any product.

2. Misrepresenting by use of the word "everlasting", or any other term of similar import or meaning, that their products will last forever; or misrepresenting in any manner the durability of any product.

3. Placing in the hands of others any means or instrumentality by or through which the public may be misled with respect to any of the representations prohibited under paragraphs 1 and 2 hereof.

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

Issued: October 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-1039; Filed, Jan. 31, 1962;  
8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING  
[Circular 2070]

### PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Issuance of Licenses and Permits

*Correction*

In F.R. Doc. 61-11810 appearing at page 11975 of the issue for Thursday,

December 14, 1961, § 161.13(g) is corrected to read as set forth below:

(g) *National Advisory Board Council.* The livestock members of each State advisory board shall select from their number, at its first meeting of each new term, one member and one alternate representing cattle and horses, and one member and one alternate representing sheep and goats, to serve on the National Advisory Board Council. The elected wildlife member or his alternate on each State advisory board will serve on the National Advisory Board Council representing wildlife interests. The State Director from each of the ten Western States with organized grazing districts shall submit a list of nominees, selected from the nonlivestock and nonwildlife membership on the State board. From this list, and other sources as he may determine, the Secretary of the Interior or his authorized representative shall appoint members, not exceeding ten in number, to the National Advisory Board Council to represent nonlivestock and nonwildlife interests. In addition to the above membership, one member from each of the States of Alaska and Washington will be appointed by the Secretary of the Interior or his authorized representative from a list submitted by the respective State Directors pursuant to nominations made by State or local government officers or organizations reflecting interests in grazing or other uses of public lands. The Council shall select from its members one member to be chairman of the Council. The cochairman of the Council shall be an official of the Department of the Interior appointed by the Secretary of the Interior who shall set the time and place for such meetings of the National Advisory Board Council.

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2594]

[Los Angeles 0163998]

[Sacramento 065966]

#### CALIFORNIA

Establishing Monache-Walker Pass National Cooperative Land and Wildlife Management Area

*Correction*

In F.R. Doc. 62-875, appearing at page 779 of the issue for Friday, January 26, 1962, the following correction is made under T. 27 S., R. 32 E. of the land description: The entry for sec. 12 should terminate with the designation "and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;" instead of "and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;"

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 120 ]

### TOXAPHENE

#### Notice of Filing of Petition for Establishment of Tolerance for Residues

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1) 68 Stat. 512; 21 U.S.C. 346a (d)(1)) notice is given that a petition has been filed by Hercules Powder Co., Wilmington 99, Del., proposing the establishment of a tolerance of 3 parts per million for residues of toxaphene (chlorinated camphene containing 67 percent-69 percent chlorine) in or on pineapple.

The analytical method referred to in the petition for residues of toxaphene on pineapple involves the determination of organic chlorine by reduction with sodium metal in isopropyl alcohol, followed by amperometric titration of the resulting chloride ion with silver nitrate.

Dated: January 25, 1962.

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

[F.R. Doc. 62-1060; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petitions

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 petitions (FAP 503,559) have been filed by American Cyanamid Co., Agricultural Center, Post Office Box 383, Princeton, N.J., proposing the issuance of a regulation to establish tolerances for chlortetracycline and neomycin in the edible tissues of calves, as follows:

##### Chlortetracycline:

- 4 parts per million in uncooked liver and kidney.
- 1 part per million in uncooked muscle and fat.

##### Neomycin:

Zero in all edible tissues.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1054; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786; 21 U.S.C. 348 (b)(5)) notice is given that a petition (FAP 655) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del., proposing the issuance of a regulation to provide for the safe use of colloidal silicon dioxide in an amount not to exceed 1.0 percent as the sole anti-caking agent in animal feed supplements.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1055; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786; 21 U.S.C. 348 (b)(5)) notice is given that a petition (FAP 663) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del., proposing the issuance of a regulation to amend § 121.2504 of the food additive regulations to provide for the safe use of 66/610 copolymer nylon resins in the production of articles intended for use in processing and handling milk and milk products.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1056; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786; 21 U.S.C. 348 (b)(5)) notice is given that a petition (FAP 672) has been filed by Hercules Powder Co., Inc., 910 Market Street, Wilmington 99, Del., proposing the issuance of a regulation to provide for the safe use of sodium lignosulfonate as a dispersant in alkyl ketene dimer emulsions used as sizing agents in the manufacture of paper and paperboard intended for

use in packaging, transporting, or holding food.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1057; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786; 21 U.S.C. 348 (b)(5)) notice is given that a petition (FAP 675) has been filed by Charles Pfizer and Co., Inc., 235 East 42d Street, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of 200 parts per million of diethyl pyrocarbonate in wine as a sterilizing agent.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1058; Filed, Jan. 31, 1962;  
8:48 a.m.]

[ 21 CFR Part 121 ]

### FOOD ADDITIVES

#### Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52) Shell Chemical Co., 50 West Fiftieth Street, New York 20, N.Y., has withdrawn its petition (FAP 208) proposing the issuance of a regulation to provide for the safe use in animal feed of ethyl alcohol containing certain denaturants for increasing weight gains and improving feed efficiency. The notice of filing of this petition appeared in the FEDERAL REGISTER of January 10, 1961 (26 F.R. 168)

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 26, 1962.

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

[F.R. Doc. 62-1059; Filed, Jan. 31, 1962;  
8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Part 33 ]

### SPORT FISHING

#### Modoc National Wildlife Refuge, California; Proposed Addition to List of Open Areas

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Modoc National Wildlife Refuge, California, to the list of wildlife refuge areas open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Modoc National Wildlife Refuge without detriment to the objective for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

#### § 33.4 List of open areas; sport fishing.

\* \* \* \* \*

CALIFORNIA

Modoc National Wildlife Refuge.

STEWART L. UDALL,  
Secretary of the Interior.

JANUARY 26, 1962.

[F.R. Doc. 62-1040; Filed, Jan. 31, 1962; 8:45 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-NY-58]

### FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

#### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6051 and 601.6051 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 51 extends in part from Crossville, Tenn., to Louisville, Ky., via New Hope, Ky. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 51 from the Bakerton Intersection (Intersection of the London, Ky., VORTAC 260° and the New Hope VOR 163° True radials) to the

Louisville VORTAC via the intersection of the Lexington, Ky., VORTAC 213° and the Louisville VORTAC 148° True radials. The airspace between this proposed east alternate airway and Victor 51 would not be designated as controlled airspace.

Victor 51 east alternate, as proposed, would provide an additional southbound departure route from the Louisville terminal area and provide a low altitude airway for transition to intermediate altitude VOR Federal airway No. 1515.

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

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

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

Issued in Washington, D.C., on January 25, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-1033; Filed, Jan. 31, 1962; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 14419, RM-268; FCC 62-98]

### PRE-SUNRISE OPERATION BY STANDARD BROADCAST STATIONS

#### Order Granting Petition and Extending Time for Filing of Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., this 25th day of January 1962.

1. Comments in the above-entitled rule making proceeding are presently due to

be filed on or before February 8, 1962, and reply comments on or before February 19, 1962. In petitions filed January 12 and January 16, 1962, respectively, Daytime Broadcasters Association (D.B.A.) and the law firm of Cohn and Marks have requested an extension of time for filing comments (D.B.A. requests an extension until May 15, 1962; Cohn and Marks request extension until March 8, 1962). A statement in support of the D.B.A. request was filed on January 17, 1962 by D. F. Prince and Ray R. Paul, attorneys, on behalf of the licensees of some 19 daytime-only Class III stations.

2. D.B.A. advances in support of its request the need of getting and correlating the views and comments of its numerous member and other daytime stations, many of whom would be affected if the proposal advanced herein is adopted, and asserts that this can best be done at the association's meeting to be held in connection with the N.A.B. convention (this year, early in April). It is also asserted that § 3.87 has practical effect only in months when sunrise is relatively late and thus the requested extension would not delay effectuation of the new rule as a practical matter if it is decided to be in the public interest. The statement in support of the D.B.A. petition, and the Cohn and Marks petition, urge substantially similar considerations.

3. It is also to be noted that the caption of this proceeding is perhaps not clear, in that it refers to amendment of § 3.87 with respect to regional channels, whereas the proposal contained in the notice of proposed rule making would also affect Class II stations, to which § 3.87, as revised, would no longer apply so that "pre-sunrise" operation by stations of this class would not generally be permitted. We take this opportunity to clarify this matter by calling attention to the fact that a few Class II stations would be so affected under the proposal; and it is appropriate to extend the time for filing comments in view of the possible ambiguity previously existing.

4. Under the circumstances, it appears that sufficient good cause exists for grant of the D.B.A. petition, and that the time for filing comments should be extended to May 15, 1962, with corresponding extension of time for filing reply comments.

5. Because of the extension of time granted herein, resolution of this proceeding will take longer than had been anticipated. This raises the possibilities that in the interim authorization of a substantial number of new or changed daytime facilities, with § 3.87 privileges, might further complicate the "pre-sunrise" situation while that situation is under review. Therefore, it is inappropriate to permit facilities initially authorized while this proceeding is pending to engage in "pre-sunrise" operation. Accordingly, pending resolution of this proceeding, all grants of construction permits for daytime facilities—either new facilities or major changes in facilities—for Class II and Class III stations (both daytime-only stations and stations operating differently day and night) will

## PROPOSED RULE MAKING

be expressly subject to the condition that no pre-sunrise operation will be permitted under § 3.87.

6. *Accordingly, it is ordered*, This 25th day of January 1962, that the petitions of Daytime Broadcasters Association and Cohn and Marks are granted; that the time for filing comments herein is extended to and including May 15, 1962; and that the time for filing reply comments herein is extended to and including June 4, 1962.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended.

Released: January 29, 1962.

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

[F.R. Doc. 62-1071; Filed, Jan. 31, 1962;  
8:50 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST NATIONAL BANK OF PROVINCETOWN, PROVINCETOWN, MASSACHUSETTS.

Application for a Branch in Chatham, Massachusetts

### Notice of Hearing

A public hearing will be held at the request of The First National Bank of Provincetown, Provincetown, Massachusetts, the Cape Cod Trust Company of Harwich Port, Massachusetts, The Cape Cod Five Cents Savings Bank, Harwich Port, Massachusetts, the Chatham Trust Company, Chatham, Massachusetts, and the Commissioner of Banks of Massachusetts on the application of The First National Bank of Provincetown to establish a branch in Chatham, Massachusetts.

The hearing will be held on Monday, February 12, 1962, at 9:30 a.m., in Room 4119, Main Treasury Building, Washington, D.C.

All persons desiring to testify should notify the Comptroller of the Currency by February 7, 1962.

Dated: January 29, 1962.

[SEAL] JAMES J. SAXON,  
Comptroller of the Currency.

[F.R. Doc. 62-1066; Filed, Jan. 31, 1962; 8:50 a.m.]

### Secret Service

[Delegation Order 1, Rev. 2]

### CERTAIN OFFICERS

#### Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2) dated April 22, 1955, it is hereby ordered as follows:

1. The following officers of the United States Secret Service, in the order of succession enumerated, shall act as Chief, U.S. Secret Service, during the absence or disability of the Chief, or when there is a vacancy in such office:

- (1) Deputy Chief.
- (2) Assistant Chief.
- (3) Chief Inspector.
- (4) Inspector, Region number 1.
- (5) Inspector, Region number 2.
- (6) Inspector, Region number 3.
- (7) Inspector, Region number 4.
- (8) Special Agent in Charge, Richmond, Va.
- (9) Special Agent in Charge, Jacksonville, Fla.
- (10) Special Agent in Charge, Miami, Fla.

2. In the event of an enemy attack on the continental United States, all Special Agents in Charge of Secret Service field

officers, including the Special Agent in Charge of the White House Detail, are authorized in their respective districts to perform any function of the Chief, U.S. Secret Service, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

[SEAL] JAMES J. ROWLEY,  
Chief, U.S. Secret Service.

JANUARY 18, 1962.

[F.R. Doc. 62-1067; Filed, Jan. 31, 1962; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1962.

The Federal Aviation Agency has filed an application, Serial Number Fairbanks 027227 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except the laws relating to material sales. The applicant desires the land for the establishment of an Air Navigation Aid.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District Office, 516 Second Avenue, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER.

A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NOME AREA

PARCEL 1

Beginning at Corner No. 7 of U.S. Mineral Survey No. 1295, Elks Placer; thence North 1,768.41 feet; thence East 4,172.94 feet; thence South 2,840.02 feet; thence S. 45°00' W. 305.44 feet to a point on the 2-3 line of Happy Thought Association Placer, U.S. Mineral Survey No. 1295; thence N. 76°26' W. 1,024.54 feet to Corner No. 2 of Happy Thought; thence N. 71°04' W. 1,128.5 feet to

Corner No. 1 of Happy Thought, which is the same as Corner No. 1 of Target Fraction, and which lies S. 41°07' W. 145.7 feet from U.S. Location Monument No. 1295; thence N. 70°52' W. 719.5 feet to Corner No. 4 of Target Fraction, which is the same as Corner No. 1 of Elks Placer; thence N. 69°52' W. 1,293 feet to Corner No. 7 of Elks Placer and is a point on the 4-5 line of Dora Association, which is the point of beginning; containing 118.65 acres, more or less.

PARCEL 2

Beginning at Corner No. 3 of said Elks Placer; thence S. 78°40' E. 1,078.2 feet to Corner No. 2 of Elks Placer, which is the same as Corner No. 3 of Target Fraction; thence S. 68°21' E. 386 feet to Corner No. 2 of Target Fraction, which is the same as Corner No. 6 of Happy Thought; thence S. 67°46' E. 1,065 feet to a point on the 6-5 line of Happy Thought which is the same as Corner No. 1 of Lillian Association; thence S. 12°20' W. 1,132.6 feet to Corner No. 6 of Lillian Association; thence N. 50°27'39" W. 2,929.62 feet to the point of beginning; containing 35.98 acres, more or less.

PARCEL 3a

A road right-of-way 100 feet wide, the centerline of which is described as follows: from Corner No. 7 of Elks Placer, U.S. Mineral Survey No. 1295 go N. 34°58' W. 62.50 feet to said road centerline; thence N. 82°42'13" W. 217.84 feet; thence S. 66°54'02" W. 1,100.00 feet; thence S. 67°54'02" W. 69.00 feet to a point on the 2-3 line of Dora Association, which is the point of beginning; thence S. 65°54'02" W. 831.40 feet, thence S. 77°54'02" W. 902.03 feet; thence N. 84°05'58" W. 300 feet, more or less, to the Nome-Solomon road at a point approximately 1,150 feet southeasterly from the Nome River bridge; containing 4.67 acres, more or less.

PARCEL 3b

A road right-of-way 100 feet wide, the centerline of which is described as follows: from Corner No. 7 of Elks Placer, U.S. Mineral Survey No. 1295, go N. 34°58' W. 62.50 feet to the point of beginning; thence S. 82°42'13" E. 42.03 feet, more or less; containing 0.05 acres, more or less.

The total area described in this application is 159.35 acres, more or less.

RICHARD L. QUINTUS,  
District Manager, Fairbanks.

[F.R. Doc. 62-1065; Filed, Jan. 31, 1962; 8:49 a.m.]

[Serial No. Idaho 013032]

IDAHO

### Order Providing for Opening of Public Lands

JANUARY 24, 1962.

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976); 43 U.S.C. 315g) the following described lands have been reconveyed to the United States:

## BOISE MERIDIAN, IDAHO

## PARCEL 1

T. 9 N., R. 26 E.,  
Sec. 30: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
The lands are located about 20 miles from  
Leslie, Idaho, in Butte County.

## PARCEL 2

T. 7 N., R. 35 E.,  
Sec. 19: SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20: SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
The lands are located 7 miles northeast  
of Terreton, in Jefferson County, Idaho.

## PARCEL 3

T. 5 S., R. 8 E.,  
Sec. 2: S $\frac{1}{2}$ ;  
Sec. 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11: W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 14: NW $\frac{1}{4}$ .

The lands are located from 3 to 6 miles  
northerly of Hammett in Elmore County,  
Idaho.

## PARCEL 4

T. 15 S., R. 31 E.,  
Sec. 19: SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 15 S., R. 32 E.,  
Sec. 31: N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The lands are located about 14 miles  
southwest of Holbrook in Oneida County,  
Idaho.

## PARCEL 5

T. 14 S., R. 30 E.,  
Sec. 16: S $\frac{1}{2}$ .  
The lands are located about 16 miles north-  
easterly of Holbrook in Oneida County, Idaho.

The areas described aggregate 1,320  
acres.

The lands involved are scattered  
throughout southeastern Idaho and are  
generally suitable for the grazing of  
livestock. The topography varies from  
nearly level to mountainous. The soils  
vary also from sandy to clay loams. The  
vegetative cover is typical of grazing land  
in the area. The lands vary in elevation  
from about 3,100 to 7,000 feet above sea  
level. Some of the land may have agri-  
cultural potential provided an adequate  
source of water was available, for  
irrigation.

The public lands affected by this order  
are hereby restored to the operation of  
the public land laws subject to any valid  
existing rights, and the provisions of  
existing withdrawals, and the require-  
ments of applicable law, rules, and  
regulations.

Applications and offers for all of  
the lands in parcels 2, 3, and 4 received  
under the mineral leasing laws prior to  
10:00 a.m. on January 24, 1962, will be  
considered as simultaneously filed as of  
that date and hour; and all the lands in  
these same parcels will be open to mining  
location at that date and hour.

The lands in parcel 1 have always been  
open to mineral leasing and mining loca-  
tion. The minerals in parcel 5 are re-  
served to the State of Idaho under the  
provisions of Section 47-701 of the Idaho  
Code.

Inquiries and applications concerning  
the above lands shall be addressed to the  
Manager, Land Office, Bureau of Land  
Management, P.O. Box 2237, Boise,  
Idaho.

JOE T. FALLINI,  
State Director.

[F.R. Doc. 62-1041; Filed, Jan. 31, 1962;  
8:46 a.m.]

[Utah (I-39)]

## UTAH

Notice of Proposed Withdrawal and  
Reservation of Lands

JANUARY 24, 1962.

The Bureau of Reclamation of the De-  
partment of the Interior has filed an ap-  
plication, Serial No. Utah 069117, for the  
withdrawal of the following described  
lands from public entry under the first  
form of withdrawal as provided by sec-  
tion 3 of the act of June 17, 1902 (32  
Stat. 388), subject to valid existing  
rights.

The applicant desires the land for the  
proposed construction of the Dixie proj-  
ect features and for potential farm units  
in connection with that project. Grazing  
administration will remain under the  
jurisdiction of the Bureau of Land Man-  
agement until the land is required under  
the project.

For a period of thirty (30) days from  
the date of publication of this notice,  
persons having cause may present their  
objections in writing to the undersigned  
official of the Bureau of Land Manage-  
ment, Department of the Interior, Dar-  
ling Building, P.O. Box 777, Salt Lake  
City 10, Utah.

If the circumstances warrant it, a pub-  
lic 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:

## SALT LAKE MERIDIAN, UTAH

T. 41 S., R. 12 W.,  
Sec. 33: N $\frac{1}{2}$ ;  
Sec. 34: N $\frac{1}{2}$ ;  
Sec. 35: N $\frac{1}{2}$ .  
T. 41 S., R. 13 W.,  
Sec. 25: Lots 5, 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27: W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29: E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 30: Lots 1-6, incl., SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 42 S., R. 13 W.,  
Sec. 8: NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11: Lots 1, 3-8, incl.;  
Sec. 15: Lots 2-4, incl., E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 19: Lots 1-12, incl.;  
Sec. 27: W $\frac{1}{2}$ ;  
Sec. 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29: W $\frac{1}{2}$ ;  
Sec. 30: All;  
Sec. 31: All;  
Sec. 33: SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34: W $\frac{1}{2}$ .  
T. 43 S., R. 13 W.,  
Sec. 4: All;  
Sec. 5: All;  
Sec. 6: All.  
T. 41 S., R. 14 W.,  
Sec. 25: Lot 10, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 34: Lots 3, 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 35: Lots 1-11, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 42 S., R. 14 W.,  
Sec. 3: Lots 1-14, incl.;  
Sec. 4: Lots 1, 3, 4, 6-10, incl., S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 8: All;  
Sec. 9: W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 10: Lots 1-11, incl., W $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$   
SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Sec. 11: Lot 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13: SW $\frac{1}{4}$ ;

Sec. 14: W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Sec. 15: Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 17: N $\frac{1}{2}$ ;  
Sec. 19: Lots 2, 3, 10, 17, 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20: Lot 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 21: SE $\frac{1}{4}$ ;  
Sec. 22: All;  
Sec. 23: All;  
Sec. 24: All;  
Sec. 25: All;  
Sec. 26: All;  
Sec. 27: All;  
Sec. 28: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 29: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 30: All;  
Sec. 31: All;  
Sec. 33: All.  
T. 43 S., R. 14 W.,  
Sec. 1: All;  
Sec. 4: W $\frac{1}{2}$ ;  
Sec. 5: E $\frac{1}{2}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6: Lots 1-4, incl., NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , N $\frac{1}{2}$   
SE $\frac{1}{4}$ ;  
Sec. 7: Lots 1-4, incl., SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8: E $\frac{1}{2}$ ;  
Sec. 9: W $\frac{1}{2}$ ;  
Sec. 17: E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 18: Lots 1-4, incl., W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 19: Lots 1-4, incl., W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 21: E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 22: All;  
Sec. 25: All;  
Sec. 26: All;  
Sec. 27: All;  
Sec. 28: All;  
Sec. 29: All;  
Sec. 30: All;  
Sec. 31: Lots 3, 5, 6, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 33: All;  
Sec. 34: All;  
Sec. 35: All.  
T. 42 S., R. 15 W.,  
Sec. 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 15: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 19: Lot 1, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 20: W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 23: Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 24: NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25: S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 43 S., R. 15 W.,  
Sec. 1: Lots 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14;  
Sec. 7: Lots 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$   
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 11: Lot 11;  
Sec. 12: E $\frac{1}{2}$ ;  
Sec. 13: N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 14: NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 15: S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 21: N $\frac{1}{2}$ ;  
Sec. 22: W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 24: NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 25: All;  
Sec. 26: All;  
Sec. 27: All;  
Sec. 34: All;  
Sec. 35: All.  
T. 41 S., R. 16 W.,  
Sec. 30: Lot 1;  
Sec. 31: E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 33: E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 42 S., R. 16 W.,  
Sec. 4: Lots 4, 7, 8, 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 7: Lots 1-8, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8: W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 9: Lots 1-6, incl., E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 15: W $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 17: Lots 1, 3-8, incl., NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 18: All;

Sec. 21: Lots 1-4 and 6-8, incl., SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 24: N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 25: Lots 7, 8;  
 Sec. 26: Lot 4;  
 Sec. 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 T. 43 S., R. 16 W.,  
 Sec. 1: S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 12: Lots 3, 4, 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 40 S., R. 17 W.,  
 Sec. 29: S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 33: Lot 4.  
 T. 41 S., R. 17 W.,  
 Sec. 4: Lots 4, 5, 12;  
 Sec. 5: Lots 1-12, incl., NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8: E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
 T. 42 S., R. 17 W.,  
 Sec. 12: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The above areas aggregate 46,204.90 acres.

R. D. NIELSON,  
*State Director.*

[F.R. Doc. 62-1042; Filed, Jan. 31, 1962; 8:46 a.m.]

[Utah (I-40)]

**UTAH**

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

JANUARY 25, 1962.

Notice of an application, Serial No. U-053035, for withdrawal and reservation of lands was published in the FEDERAL REGISTER, Document No. 60-10265, on page 10500 of the issue for November 2, 1960. The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has now requested that the proposed withdrawal be extended to include the minerals, title to which remains in the United States, in certain tribal lands and other lands acquired for the establishment of the Ouray National Wildlife Refuge. It is, therefore, proposed that the lands described below be withdrawn from appropriation under the mining laws, but not the mineral leasing laws, subject to existing withdrawals and valid existing rights.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the amendment on which the proposed withdrawal is extended to include the minerals are:

**TRIBAL LANDS**  
**SALT LAKE MERIDIAN**  
 T. 8 S., R. 20 E.,  
 Sec. 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 Containing 160 acres, more or less, together with all accretion or reliction lands appertinent thereto.

**ACQUIRED LANDS**  
**SALT LAKE MERIDIAN**  
 T. 7 S., R. 20 E.,  
 Sec. 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ .  
 T. 8 S., R. 20 E.,  
 Sec. 10: SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 15: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 7 S., R. 21 E.,  
 Sec. 30: SE $\frac{1}{4}$ ;  
 Sec. 31: Lots 2, 3, 17, 18, 19, 25, 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 32: Lots 18, 19, 20;  
 Sec. 33: Lots 2, 3.  
 T. 8 S., R. 21 E.,  
 Sec. 5: Lots 1, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 6: Lots 9, 10, 16, 17, 18, 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 1,543.79 acres, more or less, together with all accretion or reliction lands appertinent thereto.

R. D. NIELSON,  
*State Director.*

[F.R. Doc. 62-1043; Filed, Jan. 31, 1962; 8:46 a.m.]

**WYOMING**

**Notice of Filing of Protraction Diagrams (Unsurveyed Land)**

JANUARY 24, 1962.

Notice is hereby given that effective March 13, 1962, the following protraction diagram is officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyo. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only. Copies will be for sale at one dollar (\$1.00) per sheet by the Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, P.O. Box 929, Cheyenne, Wyo.

6TH PRINCIPAL MERIDIAN  
 Approved October 20, 1961. Diagram No. 17.

**TOWNSHIPS**  
 T. 30 N., R. 116 W.,  
 T. 31 N.,  
 T. 32 N.,  
 T. 29 N., R. 117 W.,  
 T. 30 N.,  
 T. 31 N.,  
 T. 32 N.,  
 T. 29 N., R. 118 W.,  
 T. 30 N.,  
 T. 31 N.,  
 T. 32 N.

THOMAS H. FLOYD, Jr.,  
*Land Office Manager.*

Approved: January 24, 1962.

ED PIERSON,  
*Wyoming State Director.*

[F.R. Doc. 62-1044; Filed, Jan. 31, 1962; 8:46 a.m.]

**Office of the Solicitor**

[Solicitor's Reg. 7]

**ASSISTANT SOLICITOR, BRANCH OF LAND APPEALS**

**Delegation of Authority**

JANUARY 26, 1962.

The Assistant Solicitor, Branch of Land Appeals, may dispose of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates) and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands, in (1) cases in which the appellant withdraws the appeal or withdraws or relinquishes the application or other filing which is the subject matter of the appeal, (2) cases in which the appellant fails to comply with the requirements of 43 CFR Part 161 or 221 for taking an appeal to the Secretary, and (3) cases in which the decision of the Director of the Bureau of Land Management (or his delegates) dismissed the appeal to the Director for failure of the appellant to comply with the requirements of 43 CFR Part 161 or 221 for taking an appeal to the Director.

(210 DM 2.2A(4) (a), 24 F.R. 1348; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,  
*Solicitor.*

[F.R. Doc. 62-1045; Filed, Jan. 31, 1962; 8:46 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**OTIS LIVESTOCK AUCTION ET AL.**

**Proposed Posting of Stockyards**

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Otis Livestock Auction, Otis, Colo.  
 Jacksonville Livestock Auction Co., Jacksonville, Fla.  
 Rogers Livestock Sale, La Grange, Ga.  
 Prescott's Pony and Horse Sale, Twin Falls, Idaho.  
 Luther E. Tadlock Stockyard, Forest, Miss.  
 Bales Continental Commission Co., Inc., Huron, S. Dak.  
 Northwest Livestock Auction Co-Operative, Inc., Marysville, Wash.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registra-

tions Branch, Packers and Stockyards Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1962.

H. L. JONES,  
Chief, Rates and Registrations  
Branch, Packers and Stock-  
yards Division, Agricultural  
Marketing Service.

[F.R. Doc. 62-1053; Filed, Jan. 31, 1962;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

### Bureau of International Programs

[Case No. 296]

#### BOMAG G.m.b.H. et al.

#### Order Denying Export Privileges

In the matter of BOMAG G.m.b.H., Carola Schueler, Carola Gasch, Rudolph Stumpf, Albert Hugardstrasse 12 Staufeu (Breisgau), and Kampstrasse 18, Celle, West Germany, and Veku Import, Dr. Alois Vogt, Vaduz, Liechtenstein, respondents.

BOMAG G.m.b.H. (hereinafter referred to as BOMAG), Carola Schueler, its owner, of Albert Hugardstrasse 12, Staufeu (Breisgau) West Germany and Kampstrasse 18, Celle, West Germany, Carola Gasch, BOMAG's commercial clerk, and Rudolph Stumpf, manager of BOMAG at the Celle address, together with Veku Import, and Dr. Alois Vogt, its sole director, of Vaduz, Liechtenstein, were charged by the Director of the Investigation Staff, then in the Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder.

On August 8, 1961, by Department Order No. 173, of the Department of Commerce, the Office of Export Supply of the Bureau of Foreign Commerce became the Office of Export Control of the Bureau of International Programs, the undersigned Director of which now has and exercises the authority and powers formerly held by the Director of the Office of Export Supply, Bureau of Foreign Commerce.

Allegedly these companies through participation of their named officials and employees, the respondents herein, participated in a transaction whereby a complete Type P-33 seismograph system valued at \$41,079.76, was ordered from an American producer for export to BOMAG, Celle, West Germany. In the same transaction it was further alleged the respondents had induced the Bureau of Foreign Commerce (hereinafter referred to as the BFC) to approve an application for a license to export the said seismograph system for use in West Germany by assurances that it would not be sold for use outside West Germany. It was also alleged that the BFC issued an export license in reliance on representations made by BOMAG, in a consignee purchaser statement to that effect, and because of further certification and

representations by BOMAG that it knew no additional facts which were inconsistent with these representations, and with respect to any shipment proposed to be disposed of contrary to such representations, or to countries contrary to the list of those approved on the export license or by other shipping documents or other means that BOMAG would notify the U.S. exporter and secure U.S. Government approval through that company prior to such disposition.

It was further alleged that exportation of the seismograph system was made from the United States to Bremen, West Germany, on or about November 9, 1959, in an American flag ship, with bill of lading consigned to BOMAG, as the notify party and bearing on its face the required destination control clause limiting shipment to the assigned destination. It was alleged that despite these representations and restrictions against reexportation, made known by the documents to the ordering parties, and by notice from the American Consul General of Hamburg, Germany, BOMAG in accordance with a prearranged plan, with Veku Imports, reexported, diverted and transshipped the seismograph equipment for the account of Veku Import with Express Internationale Speditionen, in Vienna, Austria, a destination not authorized by the BFC.

On the basis of the above allegations it was charged that BOMAG, Carola Schueler, owner, Carola Gasch, and Rudolph Stumpf, employees of BOMAG, Veku Import, and Dr. Alois Vogt, Trustee-Director, for Veku Import, had knowingly conspired and acted in concert to bring about violations of the Export Control Act contrary to § 381.3 of the Export Regulations, in that without authorization from the BFC they knowingly diverted, disposed of, transshipped and reexported commodities, to an unauthorized destination, and contrary to the destination control notice of the shipping documents, in violation of §§ 379.10(d)(2) and 381.5 of the Export Regulations, and bought, sold, received or otherwise serviced an exportation from the United States knowing that a violation of the export regulations with respect thereto, was intended to occur contrary to § 381.4 of the Export Regulations.

It was further charged that BOMAG, Carola Schueler, owner, and Carola Gasch and Rudolph Stumpf, knowingly made false statements to and concealed material facts from the BFC concerning the true parties in interest and the ultimate destination of the seismographic system, in connection with which a consignee purchaser statement was submitted to the BFC by BOMAG, through a U.S. exporter in violation of § 381.5 of the Export Regulations, and that they also, without BFC authorization, diverted, disposed of, transshipped and reexported commodities to an unauthorized destination and contrary to the control notices in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations and further bought, sold, disposed of, and transported an exportation from the United States with knowledge that a violation of the export control law regulations and license had

occurred and was intended to occur with respect to said exportation from the United States in violation of § 381.4 of the Export Regulations.

Service of the charging letter herein, of October 1960 was effected on BOMAG and its owner at Staufeu, West Germany, and on BOMAG and its employees, Gasch and Stumpf, at Celle, West Germany, and on Veku Import and Dr. Alois Vogt at Vaduz, Liechtenstein, in accordance with the procedures authorized by § 382.3(b) of the Export Regulations.

Only BOMAG, its owner and employees responded by asking for a translation of the charging letter into German, to be delivered to it and them, which was later carried out as requested, according to the procedures authorized in § 382.3 of the U.S. Export Regulations. The Compliance Commissioner had treated this request as a preliminary motion only, and since no further reply, answer or request, was received from any of the respondents herein, they were all held to be in default, and the case was assigned to the Compliance Commissioner for hearing and disposition in accordance with § 382.4 of the U.S. Export Regulations.

The Compliance Commissioner who has examined and heard the evidence and arguments in support of the charges set forth in the charging letter herein, has concluded that all of the respondents have committed the violations as charged with the exception of Dr. Alois Vogt, who has committed the violation set forth in charge (d). The Compliance Commissioner has recommended that an order should be issued denying the respondents all privileges of participating in U.S. exports so long as the export controls remain in effect.

The Compliance Commissioner found:

(a) That the application filed by the American supplier for a validated license to export a Type P-33 seismographic system for BOMAG, Celle, West Germany, was supported by a consignee purchaser statement executed by BOMAG in which it was certified to the BFC through the applicant that the equipment was to be used for prospection in West Germany, and further that before any change in intention by BOMAG with respect to a different disposition of the commodities, it would apply for and obtain from the BFC through the exporter prior written approval thereof.

(b) That this shipment was carried out in November 1959, with the proper documents each bearing on the face the destination control clause, restricting ultimate use destination to West Germany with the prohibition on diversion contrary to U.S. law.

(c) That when the shipping and credit documents were received by the BOMAG respondents in West Germany, they refused to accept them as not conforming with the credit conditions established by them, and sought permission from the BFC to delete all clauses indicating destination control restrictions from the documents.

(d) That though refused and warned on this matter, BOMAG, through respondent Gasch, again sought permission from the American Consul General, Hamburg, to reship the seismograph sys-

tem to the account of Veku Import, Vienna, Austria.

(e) That despite these refusals communicated to respondents Gasch and Stumpf, and despite instructions that such applications must be made by the supplier to the BFC, no such applications were ever made, and the said commodities, according to the original plan for the transaction, were thereafter forwarded to the account of Veku Import, in Vienna, Austria with Express Internationale Speditionen, a Communist bloc freight forwarder.

Now after considering the entire record, consisting of the charging letter, the transcript of the hearing and the evidence and exhibits submitted in support thereof and of the service of the charges and the reports and recommendations of the Compliance Commissioner, I hereby accept and adopt the findings of fact made by the Compliance Commissioner. I have concluded therefore, that with the exception of Dr. Alois Vogt, all of the above named respondents have knowingly:

A. Conspired and acted in concert to bring about violations of the Export Control Law referred to in B, C, and D herein contrary to § 381.3 of the Export Regulations.

B. Without authorization of the BFC, diverted, disposed of, transshipped and reexported commodities to a destination not authorized by the U.S. export license and contrary to the destination control notice appearing on the shipping documents in violation of §§ 379.10(d) (2) and 381.6 of the Export Regulations.

C. Made false statements and representations to and concealed material facts from the BFC for the purpose of effecting an exportation from the United States in violation of § 381.5 of the Export Regulations.

D. Bought, sold, received, and otherwise serviced an exportation from the United States, knowing that with respect thereto a violation of the export controls was intended to occur, contrary to § 381.4 of the Export Regulations.

As to Dr. Alois Vogt only, I have concluded that he had reason to know that he had participated in a transaction in which commodities were bought, sold, received and otherwise serviced which were in an exportation from the United States, and that with respect thereto a violation of the U.S. export controls was intended to occur contrary to § 381.4 of the U.S. Export Regulations.

In addition I have concluded that BOMAG, G.m.b.H., Carola Schueler, Carola Gasch, and Rudolph Stumpf have knowingly:

E. Made false statements to and concealed material facts from the BFC concerning the true parties in interest, and the ultimate destination intended of a seismographic system, in connection with which a consignee-purchaser statement was submitted to the BFC by BOMAG, through a U.S. exporter for the purpose of effecting an exportation from the United States in violation of § 381.5 of the Export Regulations.

F. Without authorization of the BFC diverted, disposed of, transshipped, and

reexported commodities to destination not authorized by the U.S. export license and contrary to the destination control notice on the shipping documents and notices in violation of §§ 379.10(d) (2) and 381.6 of the Export Regulations.

G. Bought, sold, disposed of, and transported an exportation from the United States with knowledge that a violation of the export control law, regulations and license had occurred, was about to occur, and was intended to occur with respect to said exportation in violation of § 381.4 of the Export Regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. So long as the U.S. export controls shall be in effect, the respondents, BOMAG, G.m.b.H., Carola Schueler, owner, Carola Gasch and Rudolph Stumpf, employees, Veku Import Ges, and Dr. Alois Vogt, its Director, their successors or assigns, and the two firms' officers, directors, administrators, agents and employees, hereby are and shall be denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in any such transaction is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, inspecting, or other services of such exports from the United States.

II. Such denial of export privileges shall apply not only to BOMAG, G.m.b.H., Veku Import, Ges, the respondents Schueler, Gasch, Stumpf, and Dr. Alois Vogt, the firms' affiliates, successors or assigns, and their officers, directors, administrators, agents, and employees, but also to any person, firm, corporation or business organization, which may be related to any of them by ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of International Programs, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall on behalf of or in any association with any of the respondents, directly or indirectly, in

any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b), order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature.

IV. A respondent herein, against whom this default order has been issued, may apply upon good cause shown, together with evidentiary data in support thereof, to set aside the default and vacate the order against him, her, it, or them, entered herein. This application shall be submitted to the Director, Office of Export Control, Bureau of International Programs, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations, and will be disposed of in accordance with the practice set forth therein.

Dated: September 12, 1961.

JOHN C. BORTON,  
Director, Office of Export Control.

[F.R. Doc. 62-1075; Filed, Jan. 31, 1962;  
8:50 a.m.]

## DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order 4-62]

### CERTAIN OFFICERS OF BUREAU OF LABOR-MANAGEMENT REPORTS

#### Delegation of Authority to Administer Oaths and Affirmations

1. *Purpose.* This order delegates to certain specified officers of the Bureau of Labor-Management Reports the authority to administer oaths and affirmations, in order that the functions necessary for the proper administration of the Labor-Management Reporting and Disclosure Act of 1959 may be more effectively performed.

2. *Authority.* Section 601 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 539; 29 U.S.C. 521).

3. *Directives affected.* All instructions and memoranda are superseded to the extent that they are inconsistent herewith.

4. *Delegation of authority.* The following officers of the Bureau of Labor-Management Reports are authorized to administer oaths and affirmations, in order that the functions necessary for the proper administration of the Labor-Management Reporting and Disclosure Act of 1959 may be more effectively performed:

- (1) Commissioner.
- (2) Deputy Commissioner.
- (3) Assistant Commissioners.
- (4) Regional Directors.
- (5) Assistant Regional Directors for Compliance and Enforcement.
- (6) Area Directors.

5. *Effective date.* This order shall become effective immediately.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

JANUARY 26, 1962.

[F.R. Doc. 62-1046; Filed, Jan. 31, 1962;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

### NUCLEAR ENGINEERING CO., INC.

#### Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that Nuclear Engineering Company, Inc., 65 Ray Street, Pleasanton, Calif., and 400 Delancy Street, Newark 5, N.J., holder of License No. 4-3766-1 which authorizes the receipt, packaging and disposal of waste byproduct, source and special nuclear material, has applied for a license amendment which would:

1. Authorize the receipt, processing and storage of radioactive waste material at a new site in the Amargosa Desert, approximately 11 miles south of Beatty, Nev.

2. Authorize an increase in the maximum amount of radioactive material which the licensee may possess at any one time to provide for the activities to be conducted at the new site in Nevada. The licensee has requested that the limitations be revised from a total of:

- A. 800 curies of byproduct material.
- B. 2,500 pounds of source material.
- C. 900 grams of special nuclear material, of which not more than 4 grams shall be plutonium or uranium 233.

To:

A. (1) 400 curies of byproduct material at each of the licensee's facilities located at Cowell, Calif., and Kearny, N.J.

(2) 2,000 curies of byproduct material at the proposed facility near Beatty, Nev.

B. 25,000 pounds of source material, total for all three (3) facilities of the licensee.

C. 450 grams of special nuclear material, of which not more than 20 grams shall be plutonium or uranium 233, at each of the licensee's three (3) facilities.

The proposed action would not authorize the packaging of increased amounts of activity per container.

3. Authorize the receipt, storage, packaging and disposal of radioactive waste under the direct supervision of persons designated by the licensee's Radiation Safety Committee in accordance with established criteria of personnel training and experience with radioactive material rather than under the direct supervision of persons individually approved by the Atomic Energy Commission and named in the license.

4. Incorporate the arrangements made between the licensee and the city of Antioch, Calif., regarding the timing of loading of waste aboard ship for disposal at sea at the Fulton Shipyard and

the pumping of water from the San Joaquin River, as set forth in the hearing examiner's intermediate decision in the matter dated March 7, 1961.

5. Authorize the conduct of the licensee's activities in accordance with revised radiation safety procedures. These procedures comprise a restatement of many previous statements and representations which were separately submitted in support of applications for the original license and amendments 1 through 12. They cover each phase of the licensee's activities and are not less restrictive than the previous procedures.

6. Authorize the transport of radioactive waste in accordance with a revision of Interstate Commerce Commission Special Permit No. 2301. Previously the permit and Condition 4 of the license authorized the transport, in Nuclear Engineering Co., Inc., owned motor vehicle trailers, of ores, residues and salts of natural uranium thorium-packaged in "strong, tight containers." While exception was not granted by the ICC to the radiation levels per package, maximum radiation levels around a truck load of such containers were established to be 10 mr/hr at 12 feet from any surface of the trailer, 10 mr/hr at 5 feet from either end surface of the trailer and 2 mr/hr at the driver's position in the tractor. The proposed amendment would authorize the licensee to transport mixed waste as well as ores, residues and salts of natural uranium and thorium. Further it would specify the types of wastes to be included as low-activity materials, i.e. residues from the processing of natural uranium and thorium; wastes such as building rubble; metal, wood and fabric scrap; glassware; paper and cardboard; reactor and process plant waste in solid form; ashes from incinerators or other solid materials. It would provide that the maximum radioactive content not exceed 0.1 uc/g in the case of radioisotopes listed as Group I, Classification of Radioisotope, page 50, International Atomic Energy Agency Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Materials." Where these radioisotopes are not present, the limit would be 1.0 uc/g. The total amount of radioactivity per package would be limited to 100 millicuries of Group I isotopes or to 2.7 curies of any other isotopes. Only strong, tight, sealed containers described as (a) ICC-12B-65 fiberboard cartons, (b) 20 gauge steel 30- and 55-gallon open head drums with lids and bolt rings, (c) 20 gauge 1- and 5-gallon open head pails with crimp on lids, (d) strong, sealed plywood boxes, and (e) Bureau of Explosives approved concrete and/or lead transfer casks, may be used.

7. Provide an exception to the requirements of § 20.203(c) (2), Title 10, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", regarding control devices in areas in which a radiation exposure in excess of 100 milliroentgens in any one hour. The licensee has described alternative means of preventing exposure of individuals based on the posting and locking of the designated restricted areas, with a system of key control by designated responsible individuals.

8. Renew the license for a period of two (2) years.

The AEC has reviewed the applications for amendment and proposes to grant the amendment subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Office of the Federal Register, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice", or unless the Commission, upon further consideration, directs the holding of such a hearing on its own motion.

The application for license amendment and a Memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this notice of proposed licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. Copies of the memorandum referenced above may also be obtained by request addressed to the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., or to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., January 25, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,  
Director, Licensing and Regulation.

[F.R. Doc. 62-1032; Filed, Jan. 31, 1962;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 13355]

### AMERICAN-EASTERN MERGER

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on February 20, 1962, at 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Ralph L. Wiser.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before February 9, 1962, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before February 16, 1962.

Counsel will be expected to state the views of their client with respect to all issues discussed during this conference.

Dated at Washington, D.C., January 26, 1962.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 62-1078; Filed, Jan. 31, 1962;  
8:52 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12414 etc.; FCC 62M-125]

### ALKIMA BROADCASTING CO. ET AL. Order Continuing Hearing Conference

In re applications of Austin E. Har-kins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Mar-shall L. Jones, d/b as Alkima Broad-casting Co., West Chester, Pa., Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Del., Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pa., Docket No. 12712, File No. BP-12208; for standard broadcast construction permits.

Upon oral request of all parties to the above-entitled proceeding: *It is ordered*, This 26th day of January 1962, that the prehearing conference now scheduled for January 29, 1962 be and it hereby is continued without date.

Released: January 29, 1962.

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

[F.R. Doc. 62-1069; Filed, Jan. 31, 1962;  
8:50 a.m.]

[Docket No. 14334 etc.; FCC 62M-126]

### MESA MICROWAVE, INC. Order Continuing Hearing

In re applications of Mesa Microwave, Inc., for renewal of the license for sta-tion KLEH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silvertown, Tex., Docket No. 14334, File No. 2843-C1-R-61; for re-nuwal of the license for station KLEH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Tex., Docket No. 14335, File No. 2844-C1-R-61; for construction per-mits to establish stations in the Point-to-Point Microwave Radio Service at Pledger and Rhodes Ranch, Tex., Docket No. 14347, File Nos. 3664-C1-P-61, 3665-C1-P-61.

The Hearing Examiner having under consideration a petition for continuance, filed on January 23, 1962, by Mesa Micro-wave, Inc. (Mesa), wherein it is requested that the hearing herein now scheduled to commence on March 1, 1962, be continued without date;

It appearing, that in the order follow-ing further prehearing conference, re-leased December 15, 1961, it was pro-vided that should Mesa, no later than January 15, 1962, file appropriate plead-ings and applications for modification of its current authorization, the purpose and effect of which might be to obviate the need for formal hearing procedures herein, the Examiner would, unless ad-vised by counsel for the Common Carrier Bureau no later than January 22 that the applications as tendered were not acceptable for filing, entertain an appro-priate motion for a continuance of the hearing without date pending action by

the Commission on such applications and pleadings;

It further appearing, that on January 15, 1962, Mesa filed applications, the pur-pose of which would be to amend each of the authorizations now in hearing;

It further appearing, that Mesa al-leges in its petition that it is authorized to state that counsel for the Common Carrier Bureau consents to a grant of the instant petition; and

It further appearing, that good cause has been shown for a grant of said peti-tion;

*It is ordered*, This 26th day of Janu-ary 1962, that the petition for continu-ance filed by Mesa Microwave, Inc., is granted and that the hearing now scheduled to commence on March 1, 1962, is postponed without date pending action on the aforementioned applica-tions designed to amend each of the authorizations now in hearing.

Released: January 29, 1962.

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

[F.R. Doc. 62-1070; Filed, Jan. 31, 1962;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket Nos. 967, 970]

### ALCOA STEAMSHIP COMPANY, INC. ET AL.

#### Agreements Pooling in North Atlantic- Venezuela Trade; Notice of Investi- gation, of Prehearing Conference, and of Hearing

Alcoa Steamship Co., Inc., Docket No. 967 v. Cia. Anonima Venezolana de Navegacion, et al., Docket No. 970.

In the matter of agreements 8640 and 8640-1, between Grace Line, Inc. and Cia. Anonima Venezolana de Nave-gacion covering pooling in the North Atlantic-Venezuela trade.

On January 15, 1962, the Federal Mari-time Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, as amended, an agreement and amendment thereto, be-tween Grace Line, Inc., and Cia. An-onima Venezolana de Navegacion, cover-ing a pooling arrangement on cargo in the trade from U.S. North Atlantic ports to ports in Venezuela, have been filed for approval under that section, and have been assigned Federal Mari-time Commission agreement Nos. 8640 and 8640-1; and

Whereas, pursuant to notice of the filing of agreements 8640 and 8640-1, in the FEDERAL REGISTER of December 6, 1961, Royal Netherlands Steamship Co., A/S Viking Line, Alabama State Docks Department and the Board of Commis-sioners of the port of New Orleans have filed protests, and requested that agree-ments 8640 and 8640-1, be disapproved or modified in significant respects and, to the extent appropriate for said pur-

pose, a formal hearing should be in-stituted; and

Whereas, Alcoa Steamship Co., Inc., has filed a formal complaint in opposi-tion to the approval of said agreements, which is now pending in Docket No. 967; and

Whereas, the Commission having con-sidered the requests of Royal Nether-lands Steamship Co., A/S Viking Line, Alabama State Docks Department and the Board of Commissioners of the port of New Orleans, and being of the opinion that sufficient reason has been shown to warrant withholding of the approval of agreements 8640 and 8640-1, pending a hearing for the purpose of receiving evi-dence in order to determine whether said agreements should be approved, disap-proved or modified, pursuant to section 15 of the Shipping Act, 1916, and good cause appearing;

*It is ordered*, That, pursuant to sec-tions 15 and 22 of the Shipping Act, 1916, as amended, the Commission, upon its own motion, enter upon an investigation and hearing for the taking of evidence to determine whether (1) agreements 8640 and 8640-1, if approved, would be unjustly discriminatory or unfair as be-tween carriers, shippers, exporters, im-porters, or ports, or between exporters of the United States and their foreign com-petitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, within the meaning of section 15 of the 1916 act; (2) whether said agreements, if approved, would subject any particu-lar person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (3) whether said agree-ments will be in violation of any other provision of said act; and (4) whether said agreements should be approved, dis-approved, or modified in any respect, pursuant to said section 15; and

*It is further ordered*, That Grace Line, Inc., and Cia. Anonima Venezolana de Navegacion be made respondents in this proceeding; and

*It is further ordered*, That this matter be assigned for hearing before an ex-aminer of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner, and be consolidated with Docket No. 967 for hearing and decision; and

*It is further ordered*, That action with respect to agreements 8640 and 8640-1, be held in abeyance pending the Commis-sion's decision and order in the proceed-ing herein ordered; and

*It is further ordered*, That notice of this order and notice of hearing be pub-lished in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents, Grace Line, Inc., and Cia. Anonima Venezolana de Navegacion, and all protestants and other interested parties.

Pursuant to the above order, notice is hereby given that a prehearing confer-ence herein will be held before Examiner William J. Sweeney on February 5, 1962, at 9 a.m., in Room 4519, New GAO Build-ing, 441 G Street NW., Washington, D.C. The hearing will be held at a date and

place to be hereafter determined and announced, and will be conducted in accordance with the Commission's rules of practice and procedure. An initial decision will be issued by the Examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(n) [46 CFR 201.74] of said rules.

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 62-1072; Filed, Jan. 31, 1962;  
8:50 a.m.]

### IINO KAIUN KAISHA, LTD., AND MITSUI STEAMSHIP CO., LTD.

#### 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. 8670, between Iino Kaiun Kaisha, Ltd., and Mitsui Steamship Co., Ltd., covers an arrangement whereby the parties will discuss from time to time and agree between themselves, regarding rates, charges, classifications and related tariff matters to be charged or observed by the parties for the transportation of cargo in the trade from Japan to Great Lakes ports of the United States.

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

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 62-1073; Filed, Jan. 31, 1962;  
8:50 a.m.]

### PACIFIC WESTBOUND CONFERENCE, ET AL.

#### Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act,

1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 57-79, between the member lines of the Pacific Westbound Conference and the carriers comprising the P.&O.—Orient Lines joint service (operating under approved agreement 8302, as amended) covers the admission of that joint service to associate membership in said conference. As an associate member P.&O.—Orient Lines will be obligated to observe all the rates, rules and regulations and decisions of the conference, will have no vote in conference affairs except as may be specifically agreed upon, will be permitted to participate in conference contracts with shippers, will not share in the expenses of the conference except as may be specifically agreed upon between the parties, and will be exempt from posting the usual surety bond. Agreement 57-79, upon approval, will supersede and cancel the presently approved associate membership agreements 57-71 (of Peninsular and Oriental Steam Navigation Co.) and 57-72 (of Orient Steam Navigation Co., Ltd.), respectively, with said conference.

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

Dated: January 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 62-1074; Filed, Jan. 31, 1962;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP62-141]

### AMERICAN LOUISIANA PIPE LINE CO.

#### Notice of Application and Date of Hearing

JANUARY 25, 1962.

Take notice that on December 7, 1961, American Louisiana Pipe Line Co. (Applicant), 3750 Penobscot Building, 645 Griswold Street, Detroit 26, Mich., filed in Docket No. CP62-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the 12-month period commencing March 1, 1962, of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from producers thereof in the general area of its existing transmission system at a total cost not to exceed \$3,000,000, with no single project to exceed

a cost of \$500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1962, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-1036; Filed, Jan. 31, 1962;  
8:45 a.m.]

[Docket No. RI62-248 etc.]

### CALIFORNIA CO.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JANUARY 24, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 20, 1961, and published in the FEDERAL REGISTER on December 29, 1961 (F.R. Doc. 61-12261; 26 F.R. 12719, 12720): Change the first line in caption and also the first line in the chart to read "The California Company, a Division of California Oil Company" instead of "The California Company".

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-1037; Filed, Jan. 31, 1962;  
8:45 a.m.]

[Docket Nos. G-16842, CP60-94]

**TENNESSEE GAS TRANSMISSION CO.**

**Notice of Applications, Date of Hearing and Consolidation of Proceedings; Correction**

JANUARY 18, 1962:

In the notice of applications, date of hearing and consolidation of proceedings, issued January 15, 1962, and published in the FEDERAL REGISTER on January 19, 1962 (F.R. Doc. 62-622; 27 F.R. 599): In the body of notice delete the fifth paragraph—"Tennessee proposes to acquire and develop the Ship Shoal area at a total estimated cost of \$2,043,727,000 over a 29-year period."

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-1038; Filed, Jan. 31, 1962; 8:45 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 24SF-2503]

**AIR CRAFT MARINE ENGINEERING CORP.**

**Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing**

JANUARY 26, 1962.

I. Air Craft Marine Engineering Corp. (issuer), 7850 Gloria Street, Van Nuys (Los Angeles), Calif., filed with the Commission on May 28, 1958, a notification and offering circular relating to an offering of 300,000 shares of its \$1 par value common stock at \$1 per share for an aggregate offering of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has solicited the sale of shares by subscription agreement without the use of an offering circular in violation of Rule 256(a);

2. The issuer has failed to file a revised offering circular as required by Rule 256(e); and

3. The issuer has failed to file a report of sales on Form 2-A as required by Rule 260.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Com-

mission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-1048; Filed, Jan. 31, 1962; 8:47 a.m.]

[File No. 1-3842]

**BLACK BEAR INDUSTRIES, INC.**

**Order Summarily Suspending Trading**

JANUARY 26, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 29, 1962, to February 7, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-1049; Filed, Jan. 31, 1962; 8:47 a.m.]

[File No. 811-1055]

**30 NORTH LASALLE STREET REALTY FUND**

**Notice of Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company**

JANUARY 25, 1962.

Notice is hereby given that 30 North LaSalle Street Realty Fund ("Applicant"), Chicago, Ill., a business trust organized under Illinois law and a closed-end, 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 Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

No shares of the Applicant were offered or sold and there is no public interest in the Applicant.

Applicant has also withdrawn its pending registration statement under the Securities Act of 1933. The Applicant has no assets and is in final stages of liquidation.

Section 8(f) of the Act provides, in pertinent part, 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.

Notice is further given that any interested person may, not later than February 15, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-1050; Filed, Jan. 31, 1962; 8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 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. 37527: *Stocker livestock to Illinois territory.* Filed by Illinois Freight Association, agent (No. 154), for interested rail carriers. Rates on stocker livestock, as described in the application, in carloads, from Livingston and Eutaw, Ala., also Jackson, Miss., to points in Illinois freight territory.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Illinois Freight Association tariff I.C.C. 965.

By the Commission.

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

[F.R. Doc. 62-1051; Filed, Jan. 31, 1962;  
8:47 a.m.]

[Rev. S.O. 562, Amdt. 5 to Taylor's I.C.C.  
Order 136]

#### RUTLAND RAILROAD CORP.

##### Rerouting and Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

*It is ordered,* That Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., March 31, 1962, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this amendment shall become effective at

11:59 p.m., January 31, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1962.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
*Agent.*

[F.R. Doc. 62-1052; Filed, Jan. 31, 1962;  
8:47 a.m.]

## HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

### REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION II (PHILADELPHIA)

#### Redelegation of Authority With Respect to Area Redevelopment Act

The Regional Director of Community Facilities Activities, Region II (Philadelphia), is hereby authorized to carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Public Law 87-27, 42 U.S.C. 2506 and 2507) by performing the following functions within such region:

1. To execute offers for approved loans and/or grants and to execute approved amendments or modifications of contracts resulting from the acceptance of such offers.

2. To determine that loans made under section 7 of the act are in compliance with the requirements of sections 7(a) (2), 7(a) (3), 7(a) (4), 7(b), and 7(d).

3. To determine that grants made under section 8 of the act are in compliance with sections 8(a) (2) and 8(c) of the act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the

funds which can be practicably obtained from other sources (including a loan under section 7 of the act) for such project and the amount which is necessary to insure the completion thereof.

4. To exercise the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the act in connection with any loans or grants proposed to be made under section 7 or 8 of the act.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective May 1, 1961 (26 F.R. 7992, Aug. 25, 1961)

Effective as of the 1st day of November 1961.

[SEAL] WARREN P. PHELAN,  
*Regional Administrator, Region II.*

[F.R. Doc. 62-1076; Filed, Jan. 31, 1962;  
8:50 a.m.]

### REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V (FORT WORTH)

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

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the program of loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q), is hereby authorized to take the following action within such region:

1. To execute loan agreements;
2. To amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's redelegation effective December 22, 1961 (26 F.R. 12787, December 30, 1961)

Effective as of the 1st day of February 1962.

[SEAL] R. A. BETHUNE,  
*Regional Administrator, Region V.*

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