

from an appropriate official of the religious order showing that in order to proceed further with his acceptance into the religious order, it is required that the reservist be separated from any military status he may have.

(Sec. 161 R.S., sec. 1162 and chap 569, 70A Stat. 89, 391, as amended; 5 U.S.C. 22, 10 U.S.C. 1162 and chap. 569 (secs. 6291-6298))

By direction of the Secretary of the Navy.

Dated: October 4, 1961.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting
Judge Advocate General
of the Navy.

[F.R. Doc. 61-9617; Filed, Oct. 9, 1961;
8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.1]

PART 361—ROUTINE

Agricultural Conservation Program Payments

Section 361.2(a), Title 6, Code of Federal Regulations (26 F.R. 4500), is revised to include Agricultural Conservation Program Payments in the definition of regular payments, and to read as follows:

§ 361.2 Definition of types of payments on all loan accounts.

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income other than proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as Agricultural Conservation Program payments other than those included in paragraph (b) of this section, off-farm income, inheritances, life insurance, and income from leases or bonuses or sale or rental of real estate security of a non-depreciating or non-depleting nature.

(R.S. 161, sec. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9668; Filed, Oct. 9, 1961;
8:47 a.m.]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 462.1]

PART 371—CHattel SECURITY

Assignments of Agricultural Conservation Program Payments

1. Section 371.2(a), Title 6, Code of Federal Regulations (23 F.R. 4305), is revised to include Agricultural Conservation Program payments as other income of the borrower, and to read as follows:

§ 371.2 Taking additional security and keeping security instruments current.

(a) *Chattels, crops, and assignments.* When additional chattel and crop security not presently covered by a Farmers Home Administration lien is available and needed to protect the Government's interest, County Supervisors will obtain liens on such property and will obtain assignments of the proceeds from the sale of agricultural products or of other income, including Agricultural Conservation Program payments, to be received by the borrower except that crop liens will not be taken as additional security for Soil and Water Conservation loans. When a new security instrument is taken, all existing security items will be described thereon except small equipment, tools, and so forth, on which a lien would not be required under current loan making instructions. This, however, will not relieve the borrower of the responsibility for accounting for these items of security which are omitted from the latest mortgage. Ordinarily, when taking additional chattel or crop security for one type of Farmers Home Administration loan, the security instrument also will describe the notes for other Farmers Home Administration loans which are secured by liens on chattels or crops. However, notes having final due dates which extend substantially beyond that of other Farmers Home Administration loans being secured will not be described on mortgages covering the borrower's crops, livestock, and farm machinery unless such notes are presently secured by substantially the same items of security property.

2. Section 371.7(a)(1), Title 6, Code of Federal Regulations (23 F.R. 4308), is revised to delete soil bank assignments and to include reference to Agricultural Conservation Program payments, and to read as follows:

§ 371.7 Releases and suspensions of assignments.

(a) *Authority.* (1) County Supervisors are authorized hereby to release or temporarily suspend assignments of proceeds from the sale of agricultural products, including Agricultural Conservation Program payments and crop insurance assignments received in the form of checks made payable jointly to the borrower and the Farmers Home Administration. This authority may be exercised in emergency situations and in other justifiable circumstances pro-

vided its exercise will not be to the financial detriment of the Government and the funds will be used for the purposes enumerated in § 371.5. County Supervisors will take action to see that suspended or released assignments are reinstated or new assignments are obtained when needed.

(2) State Directors are authorized hereby in justifiable cases to approve requests for suspension or release of assignments other than those specified in subparagraph (1) of this paragraph, provided such action will not be detrimental to the Government's interest.

(b) *Method.* All suspensions or releases of assignments will be made on forms approved by the Office of the General Counsel.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9667; Filed, Oct. 9, 1961;
8:47 a.m.]

[FHA Instruction 465.1]

PART 372—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidations

ASSIGNMENT AND RELEASE OF SOIL BANK PAYMENTS

A new § 372.17a is added to Subpart A, Part 372, Code of Federal Regulations (24 F.R. 2103, 8429, 8603), to provide for the assignment and release of Soil Bank Program payments, and to read as follows:

§ 372.17a Assignment and release of Soil Bank Program payments.

The County Supervisor may take an assignment on income to be received under a Soil Bank contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment or all or a portion of the income from the assignment, may be released to the borrower by the County Supervisor when not to the financial detriment of the Government and payments due on all Farmers Home Administration loans have been made from other income or the income is urgently needed to meet emergency expenses or other justifiable uses.

(R.S. 161, secs. 41, 6, 50 Stat. 528, as amended, 870, sec. 510, 63 Stat. 437, as amended, sec. 4, 64 Stat. 100, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1480, 40 U.S.C. 442, 16 U.S.C. 590x-3; Order of Sec. of Agr., 19 F.R. 74, 22 F.R. 8188, 26 F.R. 8403)

Dated: October 3, 1961.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-9668; Filed, Oct. 9, 1961;
8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1962-63 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.1209 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1962, through June 30, 1963, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a national marketing quota for wheat for the 1962-63 marketing year (26 F.R. 4141). The Secretary announced (26 F.R. 6782) that a referendum would be held on August 24, 1961, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year, July 1, 1962, through June 30, 1963. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.1209 Proclamation of the results of the wheat marketing quota referendum for the marketing year 1962-63.

In a referendum of farmers held on August 24, 1961, pursuant to section 336 of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1961, 278,515 eligible farmers voted. Of those voting 221,250 or 79.4 percent favored quotas for the marketing year beginning July 1, 1962. Therefore, wheat marketing quotas will remain in effect for the 1962-63 marketing year.

(Secs. 336, 375, 52 Stat. 55, as amended, 66, as amended; 7 U.S.C. 1336, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., October 5, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-9680; Filed, Oct. 9, 1961; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Creditors' Rights; and Transfer, Surrender, and Termination of Licenses

On May 9, 1961, the Commission published for public comment proposed amendments to 10 CFR Part 50 which

would provide procedures for the transfer of licenses; the enforcement of creditors' rights against licensed facilities; and the surrender and termination of licenses. The amendments would also grant consent to the creation of mortgages or other liens upon licensed facilities. The comments received by the Commission with respect to the proposed amendments have been considered by the Commission and are on file in the Commission's Public Document Room.

Certain clarifying changes have been made in the language of § 50.82 of the amendments as published on May 9, 1961, in the notice of proposed rule making. The changes in language do not significantly modify the purpose or effect of the amendments as originally published.

Pursuant to the Administrative Procedure Act, notice is hereby given that the following amendments to Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Licensing of Production and Utilization Facilities," are adopted to be effective upon publication in the FEDERAL REGISTER:

The following centerheading and sections are added to follow § 50.71:

TRANSFERS OF LICENSES—CREDITORS' RIGHTS—SURRENDER OF LICENSES

§ 50.80 Transfer of licenses.

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

(b) An application for transfer of a license shall include as much of the information described in § 50.33 with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by that section if the application were for an initial license. The Commission may require additional information such as data respecting proposed safeguards against hazards from radioactive materials and the applicant's qualifications to protect against such hazards. The application shall include also a statement of the purposes for which the transfer of the license is requested, the nature of the transaction necessitating or making desirable the transfer of the license, and an agreement to limit access to Restricted Data pursuant to § 50.37. The Commission may require any person who submits an application for license pursuant to the provisions of this section to file a written consent from the existing licensee or a certified copy of an order or judgment of a court of competent jurisdiction attesting to the person's right (subject to the licensing requirements of the Act and these regulations) to possession of the facility involved.

(c) After appropriate notice to interested persons, including the existing licensee, and observance of such procedures as may be required by the Act or regulations or orders of the Commission, the Commission will approve an

application for the transfer of a license, if the Commission determines:

(1) That the proposed transferee is qualified to be the holder of the license; and

(2) That transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

§ 50.81 Creditor regulations.

(a) Pursuant to section 184 of the Act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien upon any production or utilization facility which is the subject of a license or upon any leasehold or other interest in such property: *Provided:*

(1) That the rights of any creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee pursuant to the provisions of the license, the Atomic Energy Act of 1954, as amended, and regulations issued by the Commission pursuant to said Act; and

(2) That no creditor so secured may take possession of the facility pursuant to the provisions of this section prior to either the issuance of a license from the Commission authorizing such possession or the transfer of the license.

(b) Any creditor so secured may apply for transfer of the license covering such facility by filing an application for transfer of the license pursuant to § 50.80(b). The Commission will act upon such application pursuant to § 50.80(c).

(c) Nothing contained in this regulation shall be deemed to constitute consent by the Commission to the creation of any mortgage, pledge, or other lien on any special nuclear material, or to affect the means of acquiring, or the priority of, any tax lien or other lien provided by law.

(d) As used in this section:

(1) "License" includes any license or construction permit which may be issued by the Commission with regard to the facility;

(2) "Creditor" includes, without implied limitation, the trustee under any mortgage, pledge or lien on a facility made to secure any creditor, any trustee or receiver of the facility appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by such mortgage, pledge or lien, any purchaser of such facility at the sale thereof upon foreclosure of such mortgage, pledge, or lien or upon exercise of any power of sale contained therein, or any assignee of any such purchaser.

§ 50.82 Applications for termination of licenses.

(a) Any licensee may apply to the Commission for authority to surrender a license voluntarily and to dismantle the facility and dispose of its component parts. The application shall include a statement of the reasons why surrender of the license and dismantling and disposal of the component parts of the facility are proposed. The Com-

mission may require additional information, including information as to proposed procedures for the disposal of radioactive material, decontamination of the site, and other procedures, to provide reasonable assurance that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

(b) If the application demonstrates that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public, and after notice to interested persons, the Commission may issue an order authorizing such dismantling and disposal, and providing for the termination of the license upon completion of such procedures in accordance with any conditions specified in the order.

Dated at Germantown, Md., this 5th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-9677; Filed, Oct. 9, 1961;
8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,005]

PART 545—OPERATIONS

Loans Without Full Amortization

OCTOBER 4, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (3) of paragraph (a) of § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said subparagraph to read as follows, effective October 7, 1961:

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semi-annually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That except as to loans made pursuant to subdivision (iii) of this subparagraph the requirements of this subparagraph with respect to semi-annual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or

guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years;

(ii) 80 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of construction; and

(iii) 80 percent of the value and for a term of not more than 18 months, if such loan is made for the purpose of facilitating the trade-in or exchange of home or combination of home and business properties: *Provided*, That, with regard to loans made pursuant to this subdivision, the aggregate amount which such an association may invest in such loans shall not at any time exceed 5 percent of such association's assets; such loans shall not be deemed to be non-installment loans within the meaning of paragraph (d) of § 545.6-7; and the term "first liens" includes the assignment of the whole of the beneficial interest in a trust having a corporate trustee whereunder real estate held in the trust can be subjected to the satisfaction of the obligation or obligation secured with the same priority as a first mortgage, a first deed of trust, or a first trust deed in the jurisdiction where the real estate is located.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1964. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as questions have arisen with respect to the extent to which loans under the paragraph added to subsection (c) of section 5 of the Home Owners' Loan Act of 1933 by subsection (b) of section 901 of the Housing Act of 1961 may be made in the absence of rules and regulations of the Board relating to such loans and the Board hereby finds that for that reason the delay which would be caused by the affording of notice and public procedure with respect to the foregoing amendment under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act would be contrary to the public interest, the Board hereby finds that notice and public procedure thereon are contrary to the public interest and, as such questions have arisen and the Board hereby finds that for that reason deferment of the effective date of such amendment would be contrary to the public interest, the Board hereby finds that deferment of the effective date thereof is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61-9653; Filed, Oct. 9, 1961;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 913]

[Special Civil Air Reg. SR-449]

PART 60—AIR TRAFFIC RULES

Prohibition of Flight During Operation Sky Shield II

A large scale military aerial exercise known as "Sky Shield II" will be conducted between 1700Z, October 14, 1961, and 0500Z, October 15, 1961, regardless of weather conditions. This exercise will be executed over the entire North American continent north of the Mexican border. It has been determined that the conduct of this exercise is in the interest of the national defense.

The number of participating military aircraft, the types of maneuvers conducted, the widespread use of electronic countermeasures and chaff and the consequent jamming of Agency air traffic control radars and VHF/UHF air-ground communications, all combine to render unsafe the simultaneous use of the navigable airspace by civil aircraft. Consequently, nonparticipating aircraft should not be permitted to operate in the continental United States and in the State of Alaska during the exercise unless specifically exempted in this regulation. Pilots must plan their flights so as to be either on the ground or outside the exercise area by 1700Z, October 14, 1961, giving consideration to such delay factors as weather and air traffic delays.

Information is available in all Agency air route traffic control centers which will enable pilots to determine the latest times that aircraft intending to depart from the continental United States and Alaska will be authorized to take off so as to be clear of the exercise area when the exercise begins. Similar information is available to pilots who intend to depart overseas points at a time which will insure arrival in the continental United States or Alaska after the exercise has terminated.

Provision is made in this regulation to permit certain operations which may be required in the interest of health or safety, such as those which may be necessary to prevent, or to provide relief from, fire, flood, or accidents, or for emergency medical treatment or assistance. It is emphasized, however, that during the period of Sky Shield II air traffic separation service by the FAA will not be provided to any aircraft, however, advisory information will be provided to the extent possible.

I have determined that a situation exists which requires the immediate adoption of this regulation for the safety of air commerce. Accordingly, I find that notice and public procedure hereon are impracticable, and that good cause exists for making this regulation effective immediately.