

## RULES AND REGULATIONS

a competitive status who occupies a position in Schedule B under a non-temporary appointment. The regulations in this subpart do not apply to the employees excluded by § 22.103.

(R.S. 1753, 5 U.S.C. 631; sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 633; secs. 11, 19, 58 Stat. 390, 391, as amended, 5 U.S.C. 860, 868; sec. 14, E.O. 10988, Jan. 17, 1962)\*

4. Subparagraph (15) is added to paragraph (a) of § 29.2 as set out below.

#### § 29.2 Exclusions from retirement coverage.

(a) The following groups of employees in the executive branch of the Government are excluded from the Civil Service Retirement Act:

\* \* \* \* \*

(15) Employees serving under term appointments.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

5. Paragraphs (a) and (b) of § 77.104 are amended as set out below.

#### § 77.104 Employee coverage.

(a) *Employees covered.* Except as provided by paragraph (c) of this section, an agency appeals system shall apply (1) to any career, career-conditional, overseas limited, indefinite, or term employee except as provided in paragraph (b) of this section, in a position in the competitive service who is not serving a probationary or trial period, and (2) to any employee having competitive status and occupying a position in Schedule B under a non-temporary appointment.

(b) *Employees not covered.* An agency appeals system shall not apply to (1) a reemployed annuitant, (2) an employee occupying a position in the competitive service under a temporary appointment, (3) an employee (except a postmaster) whose appointment is required by the Congress to be confirmed by, or made with, the advice and consent of the U.S. Senate, (4) an employee currently serving a probationary or trial period, (5) an employee in a position outside the competitive service except as provided by § 77.104(a)(2), or (6) an employee serving under a term appointment upon expiration of his "term" appointment.

(E.O. 10987 of Jan. 17, 1962)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] DAVID F. WILLIAMS,  
*Director,*  
*Bureau of Management Services.*

[F.R. Doc. 62-10671; Filed, Oct. 24, 1962; 8:48 a.m.]

### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (d) of § 6.311 is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] DAVID F. WILLIAMS,  
*Director,*  
*Bureau of Management Services.*

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### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (45) is added to paragraph (a) of § 6.312 as set out below.

#### § 6.312 Department of Commerce.

(a) *Office of the Secretary.* \* \* \*  
(45) The Trade Adjustment Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] DAVID F. WILLIAMS,  
*Director,*  
*Bureau of Management Services.*

[F.R. Doc. 62-10669; Filed, Oct. 24, 1962; 8:48 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER C—SPECIAL PROGRAMS

### PART 751—LAND USE ADJUSTMENT PROGRAM

#### Subpart—1963 Land Use Adjustment Program

Sec.  
751.1 General.  
751.2 Conservation reserve regulations applicable.  
751.3 Land eligible.  
751.4 Annual payments.  
751.5 Practice cost-sharing.  
751.6 Use of land.

AUTHORITY: §§ 751.1 to 751.6 issued under sec. 16(e), 49 Stat. 1151, as amended by 76 Stat. 605.

#### § 751.1 General.

The producers having control of any farm with respect to which a Conservation Reserve contract for any land expires on December 31, 1962, may place such land in this program and continue to divert such land from the production of crops for 1963 under the same terms and conditions applicable to the land in 1962, except as otherwise provided in this part, by completing Form ASCS-802, Land Use Adjustment Agreement. The producers signatory to the Conservation Reserve contract must sign the agreement. One of the producers required to sign the agreement must sign and file it at the county office on or before Decem-

ber 31, 1962. All other producers required to sign the agreement must sign it on or before February 1, 1963. However, the State committee may authorize the county committee to approve an agreement signed or filed after the prescribed dates if it is established to the satisfaction of the State committee that failure to sign or file the agreement within the time prescribed was not due to the fault or negligence of the producers.

#### § 751.2 Conservation reserve regulations applicable.

Except as provided in paragraphs (a) through (j) of this section and in other sections of this part, all of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, and the regulations governing Soil Bank violations, 22 F.R. 2411, as amended, which were applicable to the land and the Conservation Reserve contract in 1962 shall be applicable to the land and the Land Use Adjustment Agreement in 1963; and for purposes of both the Conservation Reserve Program and the 1963 Land Use Adjustment Program, such regulations shall apply as though the Conservation Reserve contract period with respect to the land placed in this program had been extended through December 31, 1963:

(a) The civil penalty provisions of §§ 750.173, 750.530, and 750.295 of this chapter shall not be applicable on a farm on which the contract period for all the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962, and such land is placed in this program.

(b) The civil penalty provisions of §§ 750.173, 750.530, and 750.295 of this chapter shall not be applicable to a violation on the land placed in this program for only part of the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962; *Provided*, That such civil penalty provisions shall be applicable if an acreage of soil bank base crops is knowingly and willfully harvested in excess of that permitted even though such violation occurs on the land placed in this program.

(c) The amount of any civil penalty assessed on the farm shall not be computed on the basis of any payments made with respect to the land placed in this program.

(d) Except for a violation provided for in § 750.293 of this chapter, a violation on the land placed in this program shall not be considered a violation for purposes of applying § 750.294j of this chapter, relating to the termination of Conservation Reserve contracts for violations.

(e) The provisions of § 750.280 of this chapter, relating to judicial review of Soil Bank violations, shall not be applicable on a farm on which the contract

period for all the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962, and such land is placed in this program.

(f) The provisions of § 750.280 of this chapter, relating to judicial review of Soil Bank violations, shall not be applicable to that part of any determination which requires the forfeiture or refund of payments with respect to the land placed in this program on a farm on which the contract period for only part of the land covered by a Conservation Reserve contract in 1962 expires on December 31, 1962.

(g) The provisions of §§ 750.187 and 750.541 of this chapter, relating to incorrect information furnished by the Government, shall not be applicable to the land placed in this program.

(h) The provisions of §§ 750.184, 750.185, 750.185a and 750.509 of this chapter, relating to the awarding of Conservation Reserve contracts, shall not be applicable to the Land Use Adjustment Agreement.

(i) The provisions of such regulations which require the forfeiture or refund of any payments paid or payable with respect to land placed in this program for any violation occurring during 1963 shall not apply to payments paid or payable with respect to such land for the period it was in the Conservation Reserve Program.

(j) The contract period for land placed in this program shall be from January 1, 1963, to December 31, 1963. A practice started before January 1, 1963, and after the producers have filed the Land Use Adjustment Agreement shall be considered as having been started during the contract period.

#### § 751.3 Land eligible.

All of the land on the farm with respect to which the Conservation Reserve contract expires on December 31, 1962, shall be eligible and shall be placed in this program except that:

(a) No agreement shall be entered into with respect to land owned by a social club, recreational club, country club, golf club, cemetery, cemetery association or a State, county, city, town government, or subdivisions thereof, and no agreement shall be entered into which permits payments to any organization or governmental unit of this type:

(b) No agreement shall be entered into with respect to land already devoted to trees or a water storage facility;

(c) No agreement shall be entered into with respect to land which, because of its physical condition or other reasons, the county committee determines would not be devoted to crop production in the absence of a Land Use Adjustment Program; and

(d) No agreement shall be entered into with respect to land for which the ownership has changed since December 31, 1960, unless (1) the new ownership was acquired by will or succession as a result of the death of the previous owner, (2) the land becomes a part of an existing farm, or (3) the land is combined with other land as a farming enterprise which the county committee determines will effectuate the purposes

of this program: *Provided*, That this provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under these regulations.

#### § 751.4 Annual payments.

(a) *Regular rate.* The regular annual payment rate applicable to such land under the Conservation Reserve contract in 1962 shall remain in effect for the land placed in this program except that such rate shall not exceed:

(1) Twenty percentum of the value of such land, such value to be determined by the county committee without regard to physical improvements thereon or geographical location thereof in accordance with instructions issued by the Administrator; and

(2) With respect to land rented for a fixed amount of cash or a fixed amount of commodity to be paid as rent, the per acre rental rate which, at the time the producers file the agreement, has been established for 1963 or if at such time the 1963 rental rate has not been established, the rental rate for 1962.

(b) *Nondiversion rate.* The nondiversion annual payment rate applicable to such land under the Conservation Reserve contract in 1962 shall remain in effect for the land placed in this program except that if the regular annual payment rate is reduced under paragraph (a) of this section, the nondiversion rate for the land shall be reduced by the same percentage.

(c) *Reduction in payments for grazing.* The rate of payment for any field with respect to which the regular rate determined under paragraph (a) of this section is applicable shall be reduced by fifty per centum if the field is grazed as authorized in this part. No payment shall be made for any field with respect to which the non-diversion rate determined under paragraph (b) of this section is applicable if the field is grazed as authorized by this part.

#### § 751.5 Practice cost-sharing.

The planting of forest trees (practice A-7) on the land placed in this program is authorized and the Secretary will bear 100 percentum of the average cost of performance. The establishment and maintenance of other approved conservation uses on the land placed in this program shall be carried out at no expense to the 1963 Land Use Adjustment Program or the Conservation Reserve Program.

#### § 751.6 Use of land.

The land placed in this program may be grazed subject to the condition that the annual per acre payment rate shall be reduced as provided in § 751.4(c).

Effective date: Date of signature.

Signed at Washington, D.C., on October 19, 1962.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-10685; Filed, Oct. 24, 1962; 8:49 a.m.]

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

### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Subpart—Administrative Rules and Regulations

##### NATURAL CONDITION RAISINS

##### Correction

In F.R. Doc. 62-10483, appearing at page 10249 of the issue for Friday, October 19, 1962, the following correction is made in § 989.158(c)(4)(i): In the fifth sentence, the word "reconditional" should read "reconditioned".

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER D—AIRMEN [NEW]

[Reg. Docket No. 1179; Amdts. 61-1, 63-1, 65-1]

#### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

#### PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS [NEW]

#### PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREW MEMBERS [NEW]

#### Miscellaneous Amendments

The purpose of this amendment is to incorporate into Subchapter D—Airmen [New] of the Federal Aviation Regulations, several minor items of a clarifying nature. It also includes three items that had been omitted from the subchapter through inadvertence. The amendment is a part of the program of the Federal Aviation Agency, in conjunction with its recodification program, to deal with inconsistencies and discrepancies in its regulations that are brought to light in the recodification process, and that can be cured by a spot amendment to the regulation involved, particularly in those instances in which the issuance of a notice of proposed rule making will not be required by the Administrative Procedure Act.

Since the adoption of Subchapter D on August 6, 1962, certain minor discrepancies and inconsistencies have been discovered. A study of them has indicated that they can be resolved in a manner that is not burdensome to the persons affected thereby.

The amendments to §§ 61.15(d), 61.17, 61.27(a)(2)(ii), 61.33(a), 61.47(e), and 61.159 all relate to ratings placed on airman certificates. They are clarifying in nature in that they specify more clearly the kind of rating placed on airman certificates.

## RULES AND REGULATIONS

The amendments to §§ 61.27(d) and 61.171(d)(4)(v) correct typographical errors.

The amendments to §§ 65.75(b) and 65.93(b) are made solely to clarify the intent of the present section.

The amendment to § 61.43(a)(3) and (b)(2) is made to state positively the duration of a medical certificate for operation requiring a free balloon pilot certificate.

The amendments to §§ 61.115(b) and 61.119(b) are made to correct inadvertent omissions in the text of those sections as recodified. The amendment to § 61.31 restates the requirements that an applicant for a pilot certificate, based on military competence, must meet. These requirements were fully set forth in Draft Release 62-14 dated April 2, 1962. The period for receiving comments on that proposal closed on June 7, 1962, and no adverse comments were received. The amendments to § 63.3 are made to state positively the duration of a medical certificate for operations requiring a flight engineer or flight navigator certificate. This duration was previously set forth in §§ 34.43 and 35.43, of the Civil Air Regulations.

Since this amendment is clarifying in nature, and merely restates the substance of the regulations in accordance with Draft Releases 61-25 and 62-20, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Subchapter D—Airmen [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective November 1, 1962.

This amendment is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422).

#### § 61.15 [Amendment]

1. By striking out the period at the end of the first sentence of § 61.15(d) and adding the following in place thereof: "If that type of aircraft is certificated by the Administrator for civil operations."

2. By striking out paragraph (g) of § 61.17 and adding new paragraphs (g) and (h) to read as follows:

§ 61.17 Additional aircraft ratings after original issuance of certificates (other than airline transport or lighter-than-air).

(g) *Airline transport pilot certificates.* This section does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

(h) *Inapplicability.* This section does not apply to a lighter-than-air pilot certificate.

3. By amending § 61.27(a)(2)(ii) to read as follows:

#### § 61.27 Retesting after failure.

(a) *Written test.* \* \* \*

(2) \* \* \*

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with a rating for the subject failed.

4. By striking out the reference to "§ 61.145(b)(1)" in § 61.27(d) and inserting a reference to "§ 61.145(b)(2)(i)" in place thereof.

5. By amending the last sentence of § 61.31(a) to read as follows: "However, a person covered by subparagraph (2), (3), or (4) of this paragraph who was discharged or released more than 12 months before the date he applies, or who has not been on solo flying status as a rated pilot or the equivalent within that 12-month period, must also pass the written examination prescribed for the aeronautical knowledge requirements appropriate to the certificate sought, meet the prescribed physical standards, and pass the appropriate flight test, or in the case of an applicant for a private lighter-than-air certificate, have had at least 10 hours of flight time as pilot in command in military lighter-than-air aircraft within that 12-month period."

6. By amending § 61.31(b) to read as follows:

#### § 61.31 Military pilots or former military pilots: special rules.

(b) *Category, class, or type ratings.* A person who applies for a particular category, class, or type rating (other than lighter-than-air), is entitled to an appropriate rating on the pilot certificate that he holds or for which he has applied, if he presents satisfactory documentary evidence that, within the 12 months before the date he applies, he has had at least 10 hours of flight time as pilot in command in military aircraft of a category, class, or type for which he seeks a rating or has passed either an official military checkout as pilot in command, or the equivalent, in the aircraft concerned or the appropriate FAA flight test. A type rating is issued only for aircraft types that the Administrator has certificated for civil operations. This paragraph does not authorize a rating to be placed on an airline transport pilot certificate unless that rating is limited to commercial privileges.

#### § 61.33 [Amendment]

7. By amending the second sentence of § 61.33(a) to read as follows: "If he has no ratings on that certificate, ratings under this section may be issued for those aircraft that he has flown for at least 10 hours as pilot in command, during the preceding 12 months."

#### § 61.41 [Amendment]

8. By striking out the last sentence of § 61.41(e).

#### § 61.43 [Amendment]

9. By amending § 61.43 (a)(3) and (b)(2) each to read as follows: "The 24th month after the month in which it is issued, for operations requiring only a private, student, or free balloon pilot certificate."

#### § 61.47 [Amendment]

10. By inserting the words "(if applicable)" after the words "type rating" in § 61.47(e).

#### §§ 61.115, 61.119 [Amendments]

11. By adding the following new sentence at the end of § 61.115(b) and at the end of § 61.119(b): "Whenever he presents satisfactory written evidence that he has met this ICAO requirement, he is entitled to a new certificate without the endorsement."

#### § 61.159 [Amendment]

12. By adding the words "helicopter or" between the words "a" and "large" in the first sentence of § 61.159.

#### § 61.171 [Amendment]

13. By striking out the words "200 feet" in § 61.171(d)(4)(v) and inserting the words "100 feet" in place thereof.

14. By revising § 63.3 (a) and (b) to read as follows:

#### § 63.3 Certificates required.

(a) No person may serve as a flight engineer assisting a pilot in the mechanical operation of an aircraft of U.S. registry as his primary assigned duty in flight in air commerce unless he has in his personal possession a current flight engineer certificate issued to him under this part and a second-class (or higher) medical certificate issued to him under Part 67 of this chapter within the preceding 12 months.

(b) No person may serve as a flight navigator on an aircraft of U.S. registry in air commerce unless he has in his personal possession a current flight navigator certificate issued to him under this part and a second-class (or higher) medical certificate issued to him under Part 67 of this chapter within the preceding 12 months.

#### § 65.75 [Amendment]

15. By inserting the word "written" between the words "the" and "test" in the last sentence of § 65.75(b).

16. By amending § 65.93(b) to read as follows:

#### § 65.93 Inspection authorization: renewal.

(b) The holder of an inspection authorization that has been in effect for less than 90 days before the expiration date need not comply with paragraph (a) (1) through (3) of this section.

Issued in Washington, D.C., on October 19, 1962.

N. E. HALABY,  
Administrator.

[F.R. Doc. 62-10663; Filed, Oct. 24, 1962; 8:47 a.m.]