

the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

Retired officers of the armed forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any such retired officer within two years next after his retirement to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving the department in whose service he holds a retired status, or to allow any such retired officer to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving any subject matter with which he was directly connected while he was in an active-duty status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress.

18 U.S.C. 434

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

18 U.S.C. 1914

Whoever, being a Government official or employee, receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

Shall be fined not more than \$1,000 or imprisoned not more than six months, or both.

18 U.S.C. 284

Whoever, having been employed in any agency of the United States, including commissioned officers assigned to duty in such agency, within two years after the time when such employment or service has ceased, prosecutes or acts as counsel, attorney or agent for prosecuting, any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty, shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

5 U.S.C. 99

It shall not be lawful for any person appointed as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee.

[F.R. Doc. 62-1603; Filed, Feb. 13, 1962; 12 m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 39—TRAINING REGULATIONS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, §§ 39.207(b) (1) (iii), 39.305 and 39.306(c) (2) are amended as set out below.

§ 39.207 Reports.

- (b) * * *
- (1) * * *

(iii) Summarizing the department's estimated expenditures for all training by, in, or through non-Government facilities (including training incident to initial procurement of equipment when information on the costs of such training is available), presenting separate totals for (a) tuition and related fees, (b) travel, and (c) per diem.

§ 39.305 Waiver of limitations on training of employees through non-Government facilities.

(a) Subject to other provisions of the Act and the regulations in this part, an employee having less than one year of current, continuous civilian service in the Government shall be eligible for training by, in, or through non-Government facilities upon a finding by the head of his department that postponement of the training until the employee has completed one year of current, continuous civilian service in the Government would be contrary to the public interest.

(b) To the extent considered justified by the head of the department concerned, the requirement for applying the limitations contained in section 12(a) (1) and (3) of the Act may be waived:

(1) For employees assigned to training by, in, or through non-Government facilities that does not exceed forty hours within a single program;

(2) For employees receiving training provided by manufacturers as a part of the normal service incident to initial purchase or lease of their products under procurement contracts;

(3) For employees receiving training through correspondence courses.

(c) To the extent he considers justified, the head of each department is further authorized to waive the limitation contained in section 12(a) (3) of the Act for employees serving in work-study programs when all of the following conditions are met:

(1) The employees are serving under career or career-conditional appointments;

(2) The employees are working in the fields of natural or mathematical sciences or engineering;

(3) Expenses of college training are being paid in the programs concerned

only because the department has found that the programs cannot operate successfully without such payment;

(4) The employees' expenses of college training are being paid only to the extent the department deems necessary to attract and retain these employees; and

(5) Only those expenses of the employees' college training that are covered by section 10(2) of the Act are being paid.

§ 39.306 Agreements to continue in service.

- (c) * * *

(2) Employees selected for training by, in, or through non-Government facilities that does not exceed eighty hours within a single program;

(Sec. 6, 72 Stat. 329)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62-1484; Filed, Feb. 13, 1962;
8:48 a.m.]

Title 7—AGRICULTURE

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

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Determination Relative to Expenses and Fixing of Rate of Assessment for Initial (1961-62) Fiscal Period

Pursuant to the marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.201 Expenses and rate of assessment for the initial (1961-62) fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the initial fiscal period beginning January 8, 1962, and ending July 31, 1962, will amount to \$16,000.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles fruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-half cent (\$0.0050) per 1½ bushel box of fruit, or its equivalent when packed in other containers or in bulk, so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of fresh fruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on January 8, 1962, and the rate of assessment herein fixed will automatically apply to all assessable fruit beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: Feb. 8, 1962.

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

[F.R. Doc. 62-1474; Filed, Feb. 13, 1962;
8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

PART 214—NONIMMIGRANT CLASSES

Returning Residents and Direct Transits

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

1. The first sentence of § 211.1 *Visas* is amended to read as follows: "A valid unexpired immigrant visa shall be presented by each arriving immigrant alien

except an immigrant who (a) was born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is returning to an unrelinquished lawful permanent residence after a temporary absence abroad in any places except Albania, Cuba, Communist portions of China, Korea, and Viet-Nam and Outer Mongolia (1) not exceeding one year and presents a Form I-151 alien registration receipt card duly issued to him, or (2) and presents a valid unexpired reentry permit duly issued to him, or (3) and is the spouse or child of, and has been residing abroad with, a member of the Armed Forces of the United States stationed abroad pursuant to official orders, or (4) and satisfies the district director in charge of the port of entry that there is good cause for the failure to present the required document, in which case an application for waiver shall be made on Form I-193."

2. The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Any alien except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea") the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I-184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States."

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendments prescribed by the order affect the internal security of the United States.

Dated: February 12, 1962.

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

[F.R. Doc. 62-1583; Filed, Feb. 13, 1962;
8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Miscellaneous Amendments

The Commission is today publishing in the FEDERAL REGISTER a new regulation entitled, "Part 150—Exemptions and Continued Regulatory Authority in Agreement States under Section 274." That part contains provisions granting a general license to any person who holds a specific license from an agreement State to conduct the same activity in a nonagreement State, provided that specific license does not limit the activity authorized by the specific license to specified installations or locations. In adopting Part 150 the Commission concluded that it would also be desirable to extend the general licenses contained in § 30.21(c) of this part to devices manufactured under specific licenses issued by agreement States. The following amendments to Part 30 are designed to accomplish that purpose and reflect comments received by the Commission from interested persons and organizations in response to the notice of proposed adoption of Part 150 published by the Commission in the FEDERAL REGISTER on September 29, 1961.

The Commission will welcome suggestions and comments for further changes in these rules, which should be submitted to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended and the Administrative Procedure Act of 1946, the following amendments to 10 CFR Part 30 are published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

1. The following paragraph is added to § 30.4:

(b) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274.(b) of the Atomic Energy Act of 1954, as amended. "Non-agreement State" means any other State.

2. Paragraph (c) of § 30.21 is amended to read as follows:

(c) (1) Subject to the provisions of subparagraphs (2) to (6) of this paragraph (c), a general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(2) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which have been:

(i) Manufactured in accordance with the specifications contained in a specific license issued by the Commission to the

manufacturer of the device pursuant to § 30.24(f), or, in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State; and

(ii) Installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Commission pursuant to this part or by an agreement State, provided that the specific license referred to in subdivision (i) of this subparagraph (2) contains provisions authorizing the transfer of such devices to, and the installation of such devices in the premises of, general licensees.

(3) The general license contained in subparagraph (1) of this paragraph (c) applies only to devices which (i) are labeled in accordance with the provisions of the specific license which authorizes the distribution of the device to general licensees, and (ii) bear a label containing the following or a substantially similar statement which contains the information called for in the following statement:

This device, generally licensed pursuant to § 30.21(c) of 10 CFR, Part 30, has been manufactured and distributed pursuant to license No. _____ issued by _____ (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable)

(Name of supplier)

(4) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in subparagraph (1) of this paragraph (c):

(i) Shall not transfer, abandon or dispose of the device, except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device;

(ii) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission", are maintained thereon and shall comply with all instructions contained in such labels;

(iii) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals; provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(iv) Shall have the tests required by subdivision (iii) of this subparagraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices;

(v) Shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;

(vi) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radio-

active material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices, or disposed of by transfer to a person authorized to receive the byproduct material contained in the device; and

(vii) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(5) The general license provided in subparagraph (1) of this paragraph (c) is subject to the provisions of §§ 30.32 to 30.72, inclusive: *Provided*, That persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

(6) Any person who holds a specific license issued by an agreement State authorizing the holder to manufacture, install or service a device described in subparagraph (1) of this paragraph (c) within such agreement State is hereby granted a general license to install and service such device in any nonagreement State; *Provided*, That:

(i) Such person shall file a report with the Director, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., within 30 days after the end of each calendar quarter in which any device is transferred or installed. Each such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device.

(ii) The device has been manufactured, labelled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the agreement State;

(iii) Such person assures that any labels required to be affixed to the device under regulations of the agreement State which licensed manufacture of the device bear a statement that "Removal of this label is prohibited by the regulations of the Atomic Energy Commission".

(iv) Shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in § 30.21(c).

(Secs. 81, 161, 274, 68 Stat. 935, 948, 73 Stat. 688; 42 U.S.C. 2111, 2201, 2021)

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1498; Filed, Feb. 13, 1962; 8:50 a.m.]

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Public Law 86-373, dated September 23, 1959, amended the Atomic Energy Act

of 1954 by the addition of a new section 274, "Cooperation With States." One purpose of that legislation was to recognize the interests of the States in the peaceful uses of atomic energy and to clarify the respective responsibilities under the Atomic Energy Act of the Commission and the States with respect to the regulation of byproduct, source, and special nuclear materials.

Under section 274b. of the Atomic Energy Act, the Commission is authorized to enter into an agreement with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials within the State: Byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

1. The construction and operation of any production or utilization facility;

2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;

3. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

In addition to the foregoing the Commission, notwithstanding any agreement between the Commission and any State pursuant to subsection 274b. of the Act, is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

On September 29, 1961, the Commission published for public comment a draft of a proposed 10 CFR Part 150, which would relinquish certain licensing authority to agreement States and exempt persons in those States from Commission licensing requirements. The Statement of Considerations published with the proposed Part 150 stated that the Commission had not taken a position as to whether it should retain or relinquish to the States its authority to regulate the commercial disposal by burial of atomic wastes, or its authority to license the distribution by producers of products containing atomic energy materials; and specifically invited public comment on those questions and on possible alternatives.

Following publication, comments were received from some fifty organizations and individuals. The proposed Part 150 was discussed with a number of committees representing national organiza-

tions, as well as with the Commission's Advisory Committee of State Officials. The majority of all comments received were concerned in the main with the question of whether the Commission should continue control in agreement States of the commercial land burial of byproduct, source, or special nuclear wastes and the question of whether the Commission should continue control of transfer by manufacturers, processors or producers of equipment, devices, commodities, or other products containing agreement materials.

The Commission has taken into consideration the comments and advice it has received in adopting the regulation set out herein. The Commission has decided against blanket reservations of control over land burial of waste and over the transfer of manufactured products.

However, as to land burial, the Commission finds, pursuant to section 274 c.(4), of the Act that because of the hazards or potential hazards thereof, high level atomic energy wastes from the chemical processing of irradiated fuel elements should not be disposed of without a license from the Commission. This finding is reflected in § 150.15(a)(4). Control over the handling and storage of waste at the site of a reactor, including effluent discharge, will be retained by the Commission as a part of the control of reactor operation. The States will have control over land burial of low level wastes.

With respect to whether the Commission should retain or relinquish authority to license the transfer by manufacturers, processors or producers of equipment, devices, commodities or other products containing atomic energy materials, Part 150 provides for State regulatory control in this area except those items intended for use by the general public (§ 150.15(a)(6)). Thus, control over the manufacture and transfer of industrial type devices, such as thickness gauges, would be exercised by the agreement States.

Control over consumer type devices, such as luminous watches, would be retained by the Commission. The uncontrolled distribution of atomic materials in products designed for distribution to the general public, such as consumer type devices, and the ultimate uncontrolled release of these materials into the environment, involve questions of national policy which have not yet been resolved. It is for this reason that the Commission is retaining control over such products. The Commission recognizes that the phrase "products designed for distribution to the general public" is not precise. The purpose of the provision, however, will be discussed with each agreement State; serious difficulties in interpretation of the phrase are not anticipated.

In order to achieve the maximum degree of uniformity of design and labeling requirements for those products and devices which will be under State control, the agreement to be executed between the Commission and an agreement State will provide for cooperative arrangements under which the State will keep the Commission informed of

proposed requirements for the design and distribution of such products. In addition, the State will agree to use its best efforts to maintain its total control program compatible with the control program of the Commission on a continuing basis.

The agreement will also provide that the Commission and the agreement State will use their best efforts to develop rules, regulations and procedures by which reciprocal recognition of licenses covering agreement materials will be accorded.

In the implementation of the reciprocal recognition provision in the agreement, § 150.20 grants a general license to any person who holds a valid specific license from an agreement State to conduct the same activity in a non-agreement State, provided that the specific license does not limit the activity authorized by the license to specific installations or locations. The general license so provided in § 150.20 requires the licensee to comply with the appropriate provisions of Parts 20, 30, 31, 40, and 70 of Title 10. In addition, such licensee must register in advance with the Commission; must not in any non-agreement State, transfer or dispose of the radioactive material possessed or used under the general license except by transfer to a person specifically licensed by the Commission to receive such material; must not in any non-agreement State, possess or use radioactive material, or engage in the activity authorized in § 150.20 for more than 20 days in any period of 12 consecutive months, without obtaining a specific license from the Commission, and must comply with all terms and conditions of the specific State license except those terms and conditions as are contrary to the requirements of § 150.20.

There are certain classes of devices containing byproduct material which may be used under general licensing provisions contained in Part 30, § 30.21(c), if the device is manufactured in accordance with a specific license issued to the manufacturer by the Commission. Part 30 is being amended to provide that such products, if manufactured in an agreement State pursuant to a specific license from the agreement State, may be transferred to users in non-agreement States and used by the users under the general licensing provisions of Part 30.

The Commission's decision not to exercise its authority to license the transfer of products containing atomic energy materials (other than products designed for distribution to the general public) is based on the assumption that agreement States will maintain continuing compatibility between their programs and Commission programs; and that procedures will be devised assuring reasonable, reciprocal recognition of licenses and licensing requirements among such States and the Commission. If attainment of these objectives should prove to be unfeasible, the Commission will reconsider the need for the exercise of its authority to prescribe the specifications for products containing atomic energy materials.

It will be desirable for the Commission and agreement States to develop programs for the collection and exchange of data concerning the effectiveness of standards and procedures observed in their respective programs for licensing and regulating the possession and use of atomic energy materials. For this purpose, the Commission plans, in cooperation with the agreement States, to develop procedures under which the agreement States will furnish to the Commission such information as may be agreed upon from time to time; and the Commission will make available to each agreement State, summaries of the information received from other agreement States and from Commission licensees.

As has previously been announced, the Commission is conducting studies of activities involving the processing and use of very substantial quantities of byproduct material (in the order of hundreds of thousands of curies). These studies have been undertaken in part to provide information on which the Commission may make a determination as to whether provisions of the Price-Anderson Indemnity Act (section 170 of the Atomic Energy Act of 1954) should be extended to such activities. They have also been undertaken for the purpose of providing information as to whether the Commission should determine that facilities which process such quantities of byproduct material are production or utilization facilities within the meaning of Section 11 of the Act. If the Commission finds that such facilities should be classified as utilization facilities, the Commission's licensing and regulatory requirements would be applicable. The provisions of the Price-Anderson Indemnity Act cannot be made applicable except to activities licensed by the Commission.

The exemptions herein granted are issued in order to carry out agreements between the Commission and the Governor of any State under section 274b of the Atomic Energy Act of 1954, as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following regulation is published as a document subject to codification, to be effective on publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.	
150.1	Purpose.
150.2	Scope.
150.3	Definitions.
150.4	Communications.
150.5	Interpretations.

EXEMPTIONS IN AGREEMENT STATES

150.10	Persons exempt.
150.11	Critical mass.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

150.15	Persons not exempt.
	RECIPROCITY
150.20	Recognition of State licenses.

ENFORCEMENT

150.30	Violations.
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AUTHORITY: §§ 150.1 to 150.30 issued under secs. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

GENERAL PROVISIONS

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply to all States that have entered into agreements with the Commission pursuant to subsection 274b of the Act.

§ 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b of the Act;

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Government agencies;

(g) "Production facility" means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission;

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source mate-

rial; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time;

(i) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material;

(j) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia;

(k) "Utilization facility" means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

§ 150.4 Communications.

All communications concerning the regulations of this part should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS IN AGREEMENT STATES

§ 150.10 Persons exempt.

Except as provided in § 150.15, any person in an agreement State who manufactures, produces, receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in § 150.3.

§ 150.11 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(b) To determine whether the exemption granted in § 150.10 of this part applies, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use in a particular agreement State at any one time.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

(1) The construction and operation of any production or utilization facility. As used in this subparagraph (1), "operation" of a facility includes, but is not limited to (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and (ii) the discharge of radioactive effluents from the facility site.

(2) The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

(3) The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials, as defined in regulations or orders of the Commission. For purposes of this part, ocean or sea means any part of the territorial waters of the United States and any part of the international waters.

(4) The transfer, storage or disposal of radioactive waste material resulting from the separation in a production facility of special nuclear material from irradiated nuclear reactor fuel. This subparagraph (4) does not apply to the transfer, storage or disposal of contaminated equipment.

(5) The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

(b) Notwithstanding any exemptions provided in this part, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

RECIPROCITY

§ 150.20 Recognition of State licenses.¹

(a) Subject to the provisions of paragraph (b) of this section, any person who possesses a specific license from an agreement State is hereby granted a general license to conduct the same activity in non-agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

(b) Notwithstanding any provision to the contrary in any specific license issued by an agreement State to a person who engages in activities in a non-agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.32, 30.41, 30.43, 30.44, 30.51, 30.52, and 30.61 of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Part 20 and Part 31 of this chapter. In addition, any person who engages in activities in non-agreement States under a general license provided in this section:

(1) Shall file AEC Form No. 241 ("Report of Proposed Activities in Non-agreement States") in quadruplicate with the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, prior to engaging in any such activity;

(2) Shall not in any non-agreement State transfer or dispose of radioactive material possessed or used under the

¹Part 30 of this chapter is being amended to generally license the use and possession by persons in non-agreement States of certain devices containing byproduct material manufactured in an agreement State in accordance with the specifications in the specific license issued to the manufacturer by the agreement State.

general license provided in this section except by transfer to a person specifically licensed by the Commission to receive such material;

(3) Shall not possess or use radio-active material, or engage in the activities authorized in paragraph (a) of this section for more than 20 days in any period of 12 consecutive months;

(4) Shall comply with all terms and conditions of the specific license issued by an agreement State except such terms or conditions as are contrary to the requirements of this section.

ENFORCEMENT

§ 150.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., this 7th day of February 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-1497; Filed, Feb. 13, 1962;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Control Area Extension, Alteration and Designation of Restricted Areas and Designation of Transition Area

On December 5, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 11494) stating the Federal Aviation Agency was considering amendments to Part 601 and §§ 600.6006, 600.6105, 600.6494, 600.1545, 601.1357 and 608.48 of the regulations of the Administrator, which would:

1. Revoke the Fallon, Nev., Restricted Area R-4803 and replace it with two restricted areas of lesser dimensions identified as R-4803 and R-4810.

2. Alter the Fallon, Nev., Restricted Area R-4804 by designating the area

with a circular configuration and change its name to Twin Peaks, Nev.

3. Designate the Federal Aviation Agency, Oakland, Calif., ARTC Center as the controlling agency for R-4803, R-4804 and R-4810.

4. Alter the description of low altitude VOR Federal airways Nos. 494 and 6 south alternate to exclude the portions within R-4803.

5. Delete the reference to R-268 in the description of low altitude VOR Federal airway No. 105 and expand intermediate altitude VOR Federal airway No. 1545 to its normal width between the Coal-dale, Nev., VOR and the Reno, Nev., VOR.

6. Expand the Fallon, Nev., control area extension by including additional airspace southeast and northwest of Fallon.

7. Designate a transition area near Yerington, Nev.

No adverse comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, it has been determined that the centerline of the extension of R-4803, as proposed, should be 349.5° in lieu of 349° as stated in the notice. This change, being minor in nature, is reflected in the action taken herein.

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

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

1. In § 608.48 Nevada (26 F.R. 7197) the following changes are made:

a. R-4803 Fallon, Nev., is amended to read:

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at latitude 39°20'40" N., longitude 118°52'15" W.; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.

Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from latitude 39°27'40" N., longitude 118°57'55" W. to latitude 39°30'20" N., longitude 118°51'55" W.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

b. R-4804 Fallon, Nev., is amended to read:

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°13'00" N., longitude 118°12'42" W.; and a 3-nautical mile radius circle centered at latitude 39°14'15" N., longitude 118°17'30" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

c. R-4810 Desert Mountains, Nev., is added to read:

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at latitude 39°10'00" N., longitude 118°37'30" W.; and a 3-nautical mile radius circle centered at latitude 39°09'15" N., longitude 118°42'20" W.

Designated altitudes. Surface to flight level 300.

Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Oakland ARTC Center.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

2. In the text of § 600.6006 (14 CFR 600.6006, 26 F.R. 11823) "to the Idlewild, N.Y., VORTAC." is deleted and "to the Idlewild, N.Y., VORTAC, excluding the airspace within R-4803." is substituted therefor.

3. In the text of § 600.6105 (14 CFR 600.6105) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Fallon, Nev., Restricted Area (R-268) is excluded during this restricted area's time of designation." is deleted.

4. In the text of § 600.6494 (26 F.R. 11824) "excluding the airspace within R-4802." is deleted and "excluding the airspace within R-4802 and R-4803." is substituted therefor.

5. In the text of § 600.1545 (26 F.R. 1086) "INT of the Reno, Nev., VOR 135° and the Lovelock, Nev., VOR 195° radials; thence 8 mile wide airway to the INT of the Reno VOR 135° and the Lovelock VOR 210° radials; thence to the Reno VOR." is deleted and "to the Reno, Nev., VOR." is substituted therefor.

6. Section 601.1357 (14 CFR 601.1357) is amended to read:

§ 601.1357 Control area extension (Fallon, Nev.).

That airspace within 12 miles NE and 8 miles SW of the NAAS Fallon TACAN 146° radial, extending from the TACAN to 54 miles SE; within 5 miles either side of the NAAS Fallon TACAN 037° radial, extending from the TACAN to 29 miles NE; and within 16 miles N and 7 miles S of the NAAS Fallon TACAN 089° and 269° radials, extending from 8 miles E of the TACAN to a line extending from latitude 39°06'00" N, longitude 119°10'00" W. to latitude 40°00'00" N., longitude 118°57'00" W. The portions of this control area extension within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

7. In Part 601 (14 CFR Part 601), the following section is added:

§ 601.10953 Yerington, Nev., transition area.

That airspace extending upward from 1200 feet above the surface within 12 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VOR 197° radials.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

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

Issued in Washington, D.C., on February 7, 1962.

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

[F.R. Doc. 62-1457; Filed, Feb. 13, 1962;
8:45 a.m.]

[Airspace Docket No. 60-LA-90]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Federal Airway

On November 8, 1961, a notice of proposed rule making was published in the *FEDERAL REGISTER* (26 F.R. 10520), stating the Federal Aviation Agency was considering amendments to §§ 600.1668 and 608.70 which would designate a restricted area near Guernsey, Wyo., and alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles to provide required lateral separation with the proposed Guernsey, Wyo., Restricted Area. No adverse comments were received regarding the proposed amendments.

Although the notice stated that, should this action be taken, the Denver ARTC Center would be designated as the controlling agency for the Guernsey Restricted Area, it has been determined that no requirement exists in this restricted area for the control of IFR traffic. Therefore, because better service can be provided to transiting VFR traffic through communications with the adjacent Flight Service Station, action is taken herein to designate the Casper, Wyo., Flight Service Station as the controlling agency.

Subsequent to publication of the notice, the description of VOR Federal airway No. 1668 was altered by changing the name of the Rock River, Wyo., VOR to the Medicine Bow, Wyo., VOR (26 F.R. 11823), effective February 8, 1962. Therefore, the action taken herein to alter the description of V-1668 by reducing its width will reflect this name change.

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

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

1. In § 608.70 *Wyoming* (26 F.R. 7204) the following is added:

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42° 30' 00" N., longitude 104° 54' 30" W.; to latitude 42° 30' 00" N., longitude 104° 40' 00" W.; to latitude 42° 23' 00" N., longitude 104° 40' 00" W.; to latitude 42° 19' 00" N., longitude 104° 45' 00" W.; to latitude 42° 18' 00" N., longitude

104° 45' 00" W.; to latitude 42° 19' 30" N., longitude 104° 51' 00" W.; to latitude 42° 24' 00" N., longitude 104° 54' 30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 m.s.t., May 15 through September 5.

Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

2. Section 600.1668 (26 F.R. 11823) is amended to read:

§ 600.1668 VOR Federal airway No. 1668 (Medicine Bow, Wyo., to Chadron, Nebr.).

From the Medicine Bow, Wyo., VOR; 14-mile wide airway to the Chadron, Nebr., VOR.

These amendments shall become effective 0001 e.s.t. April 5, 1962.

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

Issued in Washington, D.C., on February 7, 1962.

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

[F.R. Doc. 62-1458; Filed, Feb. 13, 1962;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-5]

PART 13—PROHIBITED TRADE PRACTICES

Jerome Kramer and J. C. Kramer Furrier

Subpart—Invoicing products falsely:
§ 13.1108 *Invoicing products falsely:*
§ 13.1108-45 *Fur Products Labeling Act.*
Subpart—Misbranding or mislabeling:
§ 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:*
§ 13.1845-30 *Fur Products Labeling Act;*
§ 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type:* § 13.1900 *Source or origin:*
§ 13.1900-40 *Fur Products Labeling Act;*
§ 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, J. C. Kramer Furrier, Erie, Pa., Docket C-5, Oct. 17, 1961]

Consent order requiring an Erie, Pa., furrier to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing, and advertising fur products, to show the true name of the fur and the country of origin of imported furs; failing to show, in labeling and advertising, when a fur product was composed of cheap or waste fur, and to disclose in invoicing when fur was dyed; and failing

in other respects to comply with requirements of the Act.

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

It is ordered, That Jerome Kramer, an individual trading as J. C. Kramer Furrier, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and