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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3402

TERMINATING THE IMPORT FEES ON PEANUT OIL, FLAXSEED, AND LINSEED OIL

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the President, on June 8, 1953, issued Proclamation No. 3019 imposing fees or quantitative limitations on imports of products specified in Lists I, II, and III appended to and made a part of that proclamation (3 CFR, 1949–1953 Comp., p. 189), which has been modified or amended from time to time; and

WHEREAS the United States Tariff Commission has made an investigation under the authority of subsection (d) of the said section 22 of the Agricultural Adjustment Act, supplemental to its investigation No. 6 under that section 22, to determine whether the fees imposed by Proclamation No. 3019 on peanut oil, flaxseed, and on linseed oil and combinations and mixtures in chief value of such oil should be terminated or modified; and

WHEREAS the said Commission has submitted to me a report of its supplemental investigation and its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such investigation and report, I find that the circumstances requiring the imposition of fees on peanut oil, flaxseed, and on linseed oil and combinations and mixtures in chief value of such oil, no longer exist:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by section 22(d) of the Agricultural Adjustment Act, as amended, do hereby amend, effective May 5, 1961, List III appended to the said Proclamation No. 3019, as amended, by deleting therefrom the provisions relating to peanut oil, flaxseed, and linseed oil and combinations and mixtures in chief value of such oil, and the fees specified for such products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of April in the year of our Lord nineteen hundred and
[SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61–3176; Filed, Apr. 6, 1961; 11:01 a.m.]

Proclamation 3403

NATIONAL MARITIME DAY, 1961

By the President of the United States of America

A Proclamation

WHEREAS the American Merchant Marine is a major factor in maintaining the economy of the Nation through serving the peacetime commerce of the United States; and

WHEREAS American-flag shipping is essential to the defense of this and other nations of the free world and to the cause of freedom on every continent; and

WHEREAS American merchant ships and the men who sail them implement our national policy of providing food and supplies to the famished and stricken of the world when the need arises; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day; and

WHEREAS the world's first nuclear-powered merchant ship, named the N.S. *Savannah* in honor of the first *Savannah*, will put to sea this year, demonstrating for all peoples the intention of this Nation to use atomic power for peaceful purposes:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Monday, May 22, 1961, by displaying the flag of the United States at their homes or other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day.

I also request that all ships sailing under the American flag dress ship on the twenty-second day of May in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of April in the year of our Lord nineteen hundred and sixty-one,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61–3175; Filed, Apr. 6, 1961; 11:01 a.m.]

Proclamation 3404

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS the growth of our Nation and the safeguarding of its principles of liberty, justice, and opportunity rest upon the Constitution of the United States; and

WHEREAS it is most fitting in these crucial times that all citizens, naturalized and native-born, pledge themselves anew to preserve, protect, and defend the Constitution and to rededicate themselves to the service of our country; and

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of those citizens who have come of age and those who have been naturalized during the year; and

WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week—a time for the study and observance of the acts and events which resulted in the formation of the Constitution; and

WHEREAS those resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and of Constitution Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the appropriate officials of the Government to

display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1961; and I urge Federal, State, and local officials, as well as all religious, civic, educational, and other organizations, to hold appropriate ceremonies on that day to inspire all our citizens to keep the faith of our Founding Fathers and to carry out the ideals of United States citizenship.

I also designate the period beginning September 17 and ending September 23, 1961, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places to the end that our citizens may achieve a better understanding and a deeper appreciation of the Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of April in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-3174; Filed, Apr. 6, 1961; 11:01 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1956 C.C.C. Grain Price Support Bulletin, Extension 4]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1956-Crop Corn Reseal Loan Program, Extension 4

An extension of the reseal loan program for 1956-crop corn has been announced for the 1961–62 storage period. The 1956 C.C.C. Grain Price Support Bulletin 1 (21 F.R. 3997), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1956, supplemented for corn (21 F.R. 7175, 8233, 22 F.R. 3868, 23 F.R. 2089, 24 F.R. 383, 25 F.R. 2047, and 26 F.R. 1981), and containing the specific requirements for the 1956-crop corn price support program is hereby further supplemented as follows:

Sec.

AUTHORITY: §§ 421.2171 to 421.2184 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, sec. 308, 70 Stat. 206; 15 U.S.C. 714c, 7 U.S.C. 1441, 1442, 1421.

§ 421.2171 Applicable sections of 1956 C.C.C. Grain Price Support Bulletin 1 and corn supplements thereto.

The following sections of the 1956 C.C.C. Grain Price Support Bulletin 1, as amended, and corn supplements thereto, published in 21 F.R. 3997, 7175, 8233, 22 F.R. 3868, 23 F.R. 2089, and 25 F.R. 2047 shall be applicable to the 1956 corn extended reseal loan program for the 1961–62 storage period: §§ 421.1601, 421.1608, 421.1610, 421.1611, 421.1613, 421.1614, 421.1615, 421.1617, 421.1740, 421.1753. Other sections of 1956 C.C.C. Grain Price Support Bulletin 1, as amended, and supplements thereto for corn, shall be applicable to the extent indicated in this subpart.

§ 421.2172 Availability.

(a) *Area and scope.* This program provides, under certain circumstances, for the extension of the reseal loan program on 1956-crop corn for the period 1961–62 and will be available in all counties where 1956-crop corn is under reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that the corn can be safely stored on the farm for the period of the extended reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and scope.* The producer who has a reseal loan on 1956-crop corn for the period 1960–61 and who desires to extend such loan must make application to the county committee which approved such reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended. Where new forms are not completed, extension of the reseal loan for the period 1961–62 shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.2173 Eligible producer.

An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, policial subdivision of a State or any agency thereof, producing corn in 1956 as landowner, landlord, tenant, or sharecropper who has a reseal farm-storage loan in effect on corn of the 1956 crop for the 1960–61 period. A producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in C.C.C. Corn Bulletin A (21 F.R. 6985) and any amendments thereo. Executors, administrators, trustees or receivers who represent an eligible producer or his estate may qualify provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseal loan under this program.

§ 421.2174 Eligible corn.

(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.1738 (a), (b), (c), and (d)(3); (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better; and (4) must contain not in excess of 16.0 percent moisture in the case of ear corn nor in excess of 14.0 percent moisture in the case of shelled corn.

(b) *Inspection.* If a producer makes application to extend his reseal loan for the period 1961–62 the commodity loan inspector shall reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1741.

§ 421.2175 Approved storage.

Corn covered by an extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1606(a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1962, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1962.

§ 421.2176 Quantity eligible for extended reseal loan.

The quantity of corn eligible for an extended reseal loan shall be the quantity shown on the original note and chattel mortgage, less (a) any quantity delivered not including the quantity represented by overdelivery for which overrun payment is made and (b) the quantity redeemed.

§ 421.2177 Service charges.

When a reseal loan is extended for the period 1961–62 the producer will not be required to pay an additional service charge.

§ 421.2178 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.1617 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to

remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.2179 Personal liability of the producer.

The making of any fraudulent representation by the producer in the loan documents, in obtaining the loan, or in settlement or deliveries under the loan, or the conversion or unlawful disposition of any portion of the commodity by him shall render him personally liable (aside from any additional liability under criminal and civil frauds statutes) for the amount of the loan and for any resulting expense incurred by any holder of the note, including interest on such amounts. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC. In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 421.2180 Storage and track-loading payments.

(a) *Storage payment for 1960–61 storage period.* (1) A producer who extends his farm-storage reseal loan for the period 1961–62 will at the time of such extension receive a payment for earned storage during the 1960–61 reseal loan period. This payment will be computed at the rate of 14 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1961, less any advance storage payments previously made to the producer. The reseal storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1956-crop corn to CCC, the actual quantity of corn held in farm storage under the extended reseal loan program will be determined by weighing. The storage payments earned by the producer covering the 1957–58, 1958–59, and 1959–60 and 1960–61 storage periods, will be recomputed on the basis of the actual quantity determined to have been in storage during such periods. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the documents for the reseal loans or any extension thereof will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time of any extension of the reseal loan shall be collected from the producer.

(3) No storage payment will be made for the 1960–61 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan or where during or prior to the 1960–61 reseal loan period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer, or at any time subsequent to the 1960–61 reseal loan period there is conversion of the commodity by the producer with intent to defraud CCC, or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1961–62 storage period.* A storage payment for the 1961–62 reseal storage period will be made as follows:

(1) *Storage payment for full extended reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1962, (ii) delivers corn to CCC on or after July 31, 1962, or (iii) delivers corn to CCC prior to July 31, 1962, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC. Such storage payment will be in the amount of 14 cents per bushel.

(2) *Prorated storage payment.* A prorated storage payment, determined by prorating the yearly rate according to the length of time the quantity of corn was in store after July 31, 1961, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1962, and (iii) in the case of corn delivered to CCC prior to July 31, 1962, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of $0.00038 per bushel but not to exceed the amount specified in subparagraph (1) of this paragraph. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1961–62 extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement under the loan, or where during or prior to such period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.2181 Maturity and satisfaction.

Reseal loans extended under this program will mature on demand but not later than July 31, 1962. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended reseal loan is stored, and the producer shall not include in the quantity of the commodity delivered in settlement of a loan any commodity which has been added to or substituted for the commodity covered by the loan documents. The provisions of § 421.1618 (a), (c), (e), and (f) and of § 421.1746 (a)(1) and (e) shall be applicable thereto.

§ 421.2182 Foreclosure.

If the loan (i.e. the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. The holder or his agent shall pay to the producer or his personal representative only without right of assignment to, or substitution of any other party, the higher of (a) any overplus remaining from the sales proceeds, or if the commodity is pooled the producer's ratable share from the liquidation of a pool, after deducting the amount of the note, interest, and charges and any expenses of conducting the pool, in the case of pooled commodities; or (b) the amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in ac-

cordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any agency of the United States. The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity, and otherwise protecting the interest in the mortgaged commodity of any holder of the note or the producer, including foreclosure costs.

§ 421.2183 Support rates, premiums and discounts.

(a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.1747(b), shall be applicable in determining the settlement value.

§ 421.2184 Death, incompetency or disappearance.

In case of the death, incompetency or disappearance of any producer who is entitled to the payment of any sum under these regulations, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 472.1051 to 472.1054 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs, 24 F.R. 649, January 30, 1959, as amended), upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

Issued this 4th day of April 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-3115; Filed, Apr. 6, 1961; 8:53 a.m.]

PART 438—NAVAL STORES

Subpart—1961 Gum Naval Stores Price Support Loan Program

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1961, formulated by the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS").

Sec.

AUTHORITY: §§ 438.1201 to 438.1214 issued under sec. 4(d), 62 Stat. 1070, 15 U.S.C. 714b. Interprets or applies sec. 5(a), 62 Stat. 1072, 15 U.S.C. 714c; sec. 301, 63 Stat. 1053, 7 U.S.C. 1447.

§ 438.1201 Administration.

The Naval Stores Branch, Tobacco Division, CSS, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to store or supervise the storage of the collateral, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The CSS Commodity Office, Dallas, Texas, will perform accounting and auditing functions.

§ 438.1202 Eligible producer.

A producer will be eligible for loans if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1961 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows one or more good forestry conservation practices established by State and Federal forestry services, as determined by the Association, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation county committes of the United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1-1961), or any other similar agreement.

§ 438.1203 Eligible naval stores.

"Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 438.1204 Eligible turpentine.

"Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan under this or any similar program and in which the beneficial interest is and always has been in the producer, (d) is "water-white" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT-T-801a, to-wit: a maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 438.1205 Eligible rosin.

"Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "K" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan under this or any similar program and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL-R-626b, to-wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E-28-51T). Rosin must be federally inspected and weighed or the weights checked prior to tender for loan.

§ 438.1206 Eligible oleoresin.

"Eligible oleoresin" is oleoresin (a) which was produced in 1961 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan under this or any similar program and in which the beneficial interest is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, elgible turpentine and eligible rosin produced by such producer.

§ 438.1207 Eligible metal drums.

"Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of the Association.

§ 438.1208 Availability of loans.

(a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1961. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling, preservation and sale of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association.

Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made on any naval stores offered later than December 31, 1961.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2–1961), or in the custody of the Association acting under a Storage Agreement with CCC, and (c) offered for loan on a Producer's Offer (ATFA Form 3A–1961) (the date of which, unless a first offer and dated not later than April 30, 1961, shall be not later than thirty (30) days from the date of delivery of eligible oleoresin for processing). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1961).

§ 438.1209 Rate of loan to producers.

The Association will make loans to producers based on the rate of $28.98 per standard barrel (435 lbs. net weight each) of crude pine gum, processed basis. This over-all support level, unchanged from the 1959 and 1960 programs, initially is allocated entirely to gum rosin. Initially there is no support rate for turpentine. The initial loan rates on rosin are $9.69 for grade WG, $9.84 for grades X and WW, and $9.44 for grades N, M, and K per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation on loan values between turpentine and rosin during the loan period, within the fixed loan rate per barrel of gum. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 438.1210 Storage provisions.

The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement with the Association (this Agreement will be assigned by the Association to CCC), or in the custody of the Association acting under a Storage Agreement with CCC. All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 438.1211 Maturity.

The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on June 30, 1962, whichever is earlier.

§ 438.1212 Redemption.

(a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and upon payment of the redemption price.

(b) The redemption price shall be determined by CCC and shall be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest at the rate of three and one-half percent (3½%) per annum, applied to the gallons of turpentine, pounds of rosin, or the content thereof in oleoresin, respectively, to be redeemed. Any naval stores redeemed shall not be thereafter eligible for loan.

§ 438.1213 Right of CCC upon maturity.

Upon maturity of the loan, CCC will take title to any unredeemed naval stores, without a sale thereof, and CCC shall have no obligation to pay or account to the Association or the producer for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 438.1214 Personal liability.

The loans will be nonrecourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Effective date: April 4, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61–3116; Filed, Apr. 6, 1961; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7619]

PART 13—PROHIBITED TRADE PRACTICES

Alpine Quilting Co., Inc., and Harry Haberman

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Alpine Quilting Company, Inc., et al., New York City, Docket 7619, November 28, 1960]

In the Matter of Alpine Quilting Company, Inc., a Corporation, and Harry Haberman, Individually and as an Officer of Said Corporation

Order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling as "100 percent Reprocessed Wool", "80 percent Reused Wool, 20 percent other Unknown Fibers", and "70 percent Reprocessed Wool, 30 percent Man-Made Fibers", interlining materials which contained substantially less reprocessed or reused wool than the percentages thus set out; and by failing to label certain of such wool products as required.

The order to cease and desist is as follows:

It is ordered, That respondents Alpine Quilting Company, Inc., a corporation, and its officers, and Harry Haberman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen stocks, or other wool products, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That Alpine Quilting Company, Inc., a corporation, and its officers, and Harry Haberman, individually and as an officer of said cor-

poration, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen stocks, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

By "decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Alpine Quilting Company, Inc., and Harry Haberman, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

By the Commission, Commissioner Mills not participating for the reason that he did not hear oral argument herein.

Issued: November 28, 1960.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-3078; Filed, Apr. 6, 1961; 8:46 a.m.]

[Docket 8055 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

National Fiorita Fruit Co.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, National Fiorita Fruit Company, St. Louis, Mo., Docket 8055, Nov. 24, 1960]

Consent order requiring a St. Louis, Mo., distributor of citrus fruit, produce, and other food products to cease violating section 2(c) of the Clayton Act by receiving and accepting brokerage from suppliers on purchases for its own account for resale, such as a discount of 10 cents per 1⅗ bushel box on purchases of citrus fruit from Florida packers and lower prices reflecting commissions on many purchases.

The order to cease and desist is as follows:

It is ordered, That Respondent National Fiorita Fruit Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for Respondent's own account, or where Respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent National Fiorita Fruit Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-3079; Filed, Apr. 6, 1961; 8:47 a.m.]

[Docket 8025]

PART 13—PROHIBITED TRADE PRACTICES

Televideo Corporation of America et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Televideo Corporation of America, et al., Culver City, Calif., Docket 8025, November 26, 1960]

In the Matter of Televideo Corporation of America, a Corporation, and Thurman D. Brooms, Kenneth A. Redshaw and Milton Tobias, Individually and as Officers of Said Corporation

Order requiring Culver City, Calif., manufacturers of rebuilt television picture tubes, which they sold to dealers for resale to the public, to cease selling such tubes without disclosing that they contain used parts when such is the fact.

The order to cease and desist is as follows:

It is ordered, That respondent, Televideo Corporation of America, a corporation, and its officers, and Thurman D. Brooms, Kenneth A. Redshaw and Milton Tobias, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rebuilt television picture tubes containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices and in advertising, that said tubes are rebuilt and contain used parts;

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: November 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 61-3080; Filed, Apr. 6, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55357]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Clearances

Clearance of vessels before filing complete outward foreign manifests and export declarations—revision of list of countries to which such clearances are not permitted. Section 4.75(c), Customs Regulations, amended.

Section 4.75(c) of the Customs Regulations provides that, during a period covered by a finding of the President that, among other things, the security of the United States is endangered, a vessel shall not be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed, unless clearance under the procedure for permitting the filing of an incomplete manifest (section 4.75 (a), (b)) is authorized by the Commissioner of Customs.

The Commissioner has heretofore authorized clearances under the incomplete manifest procedure to any foreign port other than a foreign port in certain named countries (see T.D. 52676 (16 F.R. 1961) and T.D. 55259 (25 F.R. 10782)). The action taken has been designed to aid in the enforcement of the export regulations now prescribed by the Bureau of Foreign Commerce, United States Department of Commerce.

The Bureau of Foreign Commerce has requested a revision of the list of countries to which vessels may not be cleared before complete outward foreign manifests and all required export declarations

have been filed. Accordingly, pursuant to section 4.75(c), Customs Regulations (19 CFR 4.75(c)), any vessel may be cleared for any foreign port in accordance with the procedure provided for in paragraphs (a) and (b), section 4.75, Customs Regulations (19 CFR 4.75 (a), (b)), unless its clearance is prohibited by law or regulation other than the said section 4.75(c), except that no vessel shall be cleared for any port in Albania, Bulgaria, Communist China (including Manchuria), the Communist-controlled area of Viet-Nam, Czechoslovakia, East Germany (Soviet Zone of Germany and Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Rumania, Union of Soviet Socialist Republics, Poland (including Danzig), or Cuba, until a complete outward foreign manifest and all required export declarations have been filed with the collector of customs.

So that there may be a reference to the foregoing in the regulations, § 4.75 is amended by inserting footnote reference 109 at the end of paragraph (c) and by appending a new footnote to that section reading as follows:

[109] T.D. 55357, 26 F.R. 2965, provides that vessels may be cleared pursuant to the procedure provided for in section 4.75 (a) and (b), except that no vessel shall be cleared for any port in Albania, Bulgaria, Communist China (including Manchuria), the Communist-controlled area of Viet-Nam, Czechoslovakia, East Germany (Soviet Zone of Germany and Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Rumania, Union of Soviet Socialist Republics, Poland (including Danzig), or Cuba, until a complete outward foreign manifest and all required export declarations have been filed with the collector of customs.

This Treasury decision supersedes Treasury Decisions 52676 and 55259.

(R.S. 4197, as amended, 4200, as amended; 46 U.S.C. 91, 92)

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 31, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-3102; Filed, Apr. 6, 1961; 8:51 a.m.]

[T.D. 55354]

PART 6—AIR COMMERCE REGULATIONS

Clearance Documents for Customs Purposes Required for Aircraft Departures

Sections 6.3(c) and 6.8, Customs Regulations, relating to clearance documents for customs purposes required for aircraft departures, amended.

Amendments of the Export Regulations of the Bureau of Foreign Commerce, Department of Commerce (Subchapter B of Chapter III, Title 15, Code of Federal Regulations), have made it necessary to amend the customs requirements for clearance of certain aircraft. Specifically, § 370.2 of those regulations (15 CFR 370.2) requires a validated license from the Bureau of Foreign Commerce for United States registered civil aircraft departing on a temporary sojourn from the United States to a destination in Subgroup A, as defined in the Export Regulations (15 CFR 371.3 (a)(2)), Poland (including Danzig) or Cuba.

Upon departure of a flight of this nature, the requirement for full customs clearance is applicable and a general declaration on customs Form 7507 together with a validated license issued by the Bureau of Foreign Commerce must be filed with customs.

1. To conform with the Export Regulations and to clarify clearance requirements for such departures, § 6.3(c) is amended to read:

§ 6.3 Entry and clearance.

* * * * *

(c) Aircraft departing from any area for foreign territory carrying passengers for hire or merchandise, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying merchandise destined to or through Puerto Rico or residue cargo shall be cleared (see § 6.8) in the area from which departing. However, an aircraft departing on a flight from the United States and not required to clear under the provisions of the preceding sentence, must, nevertheless, obtain customs clearance if by reason of the foreign destination of the aircraft a validated license from the Bureau of Foreign Commerce is required by § 370.2 of the Export Regulations (15 CFR 370.2). Aircraft not under the export licensing authority of the Department of Commerce are subject to the export licensing authority of the Department of State and are specified in Category X in the United States Munitions List (22 CFR Part 121). Such aircraft may depart from the United States only under appropriate Department of State license whether or not subject to clearance under this section.[2]

2. Footnote 2 appended to § 6.3(c) is amended to read:

[2] Information regarding requirements under the regulations of the Departments of Commerce or State for licensing of aircraft departing from the United States, whether for temporary sojourn abroad or for export, may be obtained at any customhouse. Attention is specifically directed to § 371.25, Export Regulations, (15 CFR 371.25) which excepts departures of certain United States civil aircraft to certain destinations, including Cuba, from general license GATS, thereby requiring a validated license for such a flight. For licensing procedure for articles enumerated in the United States Munitions List, see 22 CFR Part 123.

3. Additionally, amendments of the Export Regulations of the Bureau of Foreign Commerce, Department of Commerce (Subchapter B of Chapter III, Title 15, Code of Federal Regulations), have made it necessary to amend the customs requirements for presentation of documents in connection with clearance of certain aircraft. Specifically, clearance of any aircraft to a destination in a country or place in Subgroup A, as defined in the Export Regulations (15 CFR 371.3(a)(2)), Poland (including Danzig), or Cuba will be given only after all outward documents in complete form are filed with customs regardless of whether a bond for production of documents is on file. Therefore, paragraphs (a), (c), and (d) of § 6.8 of the Customs Regulations are hereby amended in order to prescribe clearance requirements in accordance with the foregoing:

§ 6.8 Documents for clearance.

(a) At the time of departure of any aircraft from any area from which clearance is required by § 6.3 or § 6.5, the aircraft commander or an authorized person shall deliver to the customs officer in charge shipper's export declarations on Commerce Form 7525–V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account), and a general declaration in accordance with this section. Shipper's export declarations, and the cargo manifest when required as part of the general declaration, but not the general declaration, may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed shipper's export declarations and the completed cargo manifest are to be delivered pursuant to the bond not later than the fourth day after departure: Provided that, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until the shipper's export declarations and cargo manifests shall have been filed with the customs officer in charge; and provided further that no aircraft shall be cleared until the complete cargo manifest and all required shipper's export declarations have been filed with the customs officer in charge if the aircraft is departing on a flight from the United States directly or indirectly to Poland (including Danzig), a country or other destination in Subgroup A as specified in § 371.3 of the Export Regulations (15 CFR 371.3), or Cuba, unless clearance is authorized by the Commissioner of Customs.

* * * * *

(c) When the aircraft is departing directly from the United States, the general declaration required by this section shall be prepared in duplicate, with a single copy of each cargo manifest. In the case of clearance of a scheduled aircraft at an interior port two copies of each cargo manifest for cargo there laden are required if the aircraft is proceeding to another port before departure from the United States for a place outside thereof. For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the outward manifest or the airway bill or consignment note attached to the manifest and made a part thereof shall clearly show for such shipment the number, date, and class of such customs entry or withdrawal (i.e. T. & E., Wd. T. & E., I.E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation. One

copy of the general declaration and each air cargo manifest shall be delivered by the aircraft commander or an authorized person to the customs officer in charge to be retained by him as a record of outward clearance.

(d) One copy of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted. When a scheduled aircraft obtains clearance at a port other than the port at or nearest the place of last take-off, a copy of the cargo manifest shall be attached to and accompany the general declaration endorsed at such port for any necessary use at subsequent United States ports.

4. The following citation of authority is added to § 6.8:

(R.S. 4197, as amended, R.S. 4200, as amended; 46 U.S.C. 91, 92)

5. Part 6 is amended by deleting footnote 3.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, R.S. 4197, as amended, R.S. 4200, as amended, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 91, 92, 49 U.S.C. 1509)

Because of the immediate necessity to clarify for aircraft operators and collectors of customs the documentary requirements for outbound flights, I find that compliance with the notice, public rule making procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is contrary to the public interest. Insofar as the foregoing amendments impose clearance requirements for flights to Subgroup A destinations; Poland (including Danzig); and Cuba they are based on requirements of the Bureau of Foreign Commerce, Department of Commerce, which are already in effect. Therefore, such amendments shall become effective on the day following publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 30, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-3070; Filed, Apr. 6, 1961; 8:45 a.m.]

[T.D. 55355]

PART 31—CUSTOMHOUSE BROKERS

Miscellaneous Amendments

Sections 31.10(c) and 31.12 of the Customs Regulations relating to customhouse brokers, amended.

Section 31.10(c) of the Customs Regulations prohibits the employment by a customhouse broker of a person whose license as a customhouse broker has been revoked or suspended, but permits the employment of a person whose license has been canceled upon its voluntary surrender.

Further, § 31.12(b) of the regulations authorizes the Commissioner of Customs to cancel a customhouse broker's license upon written application and the surrender of the license certificate, provided it has not been surrendered in order to evade proceedings for revocation or suspension of the license. In such case the license may be canceled only upon the direction of the Secretary of the Treasury.

In order to avoid the cost, in time and money, of conducting disciplinary proceedings where the broker is prepared, in effect, to concede that there is no defense which he cares to make, it is deemed advisable to authorize the Commissioner of Customs to accept the surrender of a license "with prejudice," and to treat such license as if it had been revoked or suspended for cause. To accomplish these purposes and to provide for relief from the disabilities provided in item 3 of § 31.10(c), the Customs Regulations are amended as set forth below:

Section 31.10(c) is amended to read:

(c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person whose license as a customhouse broker shall have been revoked for any cause, or whose license is under suspension, or who has surrendered his license "with prejudice," or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transactions of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker: *Provided,* That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have had his license as a customhouse broker revoked or suspended, or may be disreputable: *And further provided,* That nothing herein shall be deemed to prohibit any person whose license has been revoked or surrendered with prejudice from petitioning the Commissioner to exercise his discretion to relieve him of the disabilities imposed by subparagraph (3) of this paragraph. Any such petition shall be filed no less than 5 years after the revocation of the petitioner's license, or its surrender with prejudice as the case may be. The Commissioner shall not approve any such petition unless he is satisfied that the petitioner has refrained from all activities in any way violative of the provisions of this paragraph and is also satisfied that in all other respects the petitioner's conduct has been exemplary during the period of disability under this paragraph. The Commissioner shall also give consideration to the gravity of the misconduct which gave rise to the petitioner's disability. In any case in which such misconduct led to pecuniary loss to the Government or to any person, the Commissioner shall also take into account whether the petitioner has made reimbursement for the losses incurred.

Section 31.12 is amended by adding a new paragraph (c) reading as follows:

(c) Notwithstanding the provisions of paragraph (b) of this section, a customhouse broker's license may be canceled "with prejudice" upon written application to the Commissioner and surrender of the license certificate. The effect of a cancellation "with prejudice" is in all respects the same as if the license had been revoked for cause pursuant to the provisions of § 31.11.

(R.S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended: 5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641)

Notice of proposed rule making was published in the FEDERAL REGISTER of January 27, 1961 (26 F.R. 846). No data, views, or arguments relating thereto have been received and the amendments are hereby adopted. These amendments shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 30, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-3071; Filed, Apr. 6, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

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

Potassium Penicillin 152; Extension of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.18; 25 F.R. 1909) are amended as follows:

Section 146a.18(c)(1)(v) is amended to read as follows:

§ 146a.18 Potassium penicillin 152 (a-phenoxyethyl penicillin) for oral solution.

* * * * *

(c) * * *

(1) * * *

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months or 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after hav-

ing been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

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

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

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

Dated: March 31, 1961.

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

[F.R. Doc. 61-3086; Filed, Apr. 6, 1961; 8:48 a.m.]

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

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

Miscellaneous Amendments

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

1. Section 146a.88 is amended as follows:

a. Paragraph (a)(1) is amended to read:

§ 146a.88 Penicillin-streptomycin tablets; penicillin-dihydrostreptomycin tablets.

(a) * * *

(1) Each tablet contains not less than 20 milligrams of streptomycin or dihydrostreptomycin, except if it is intended for use in parakeets and canaries each tablet contains not less than 2.5 milligrams of streptomycin or dihydrostreptomycin, and not less than 32,500 units of penicillin. If the tablets are intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101(a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine content. If the tablets are intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114(a) of this chapter.

b. Paragraph (c)(5) is amended by adding the following new subdivisions thereto:

(iii) Bacterial respiratory disease (pneumonia, bronchitis, rhinitis) and bacterial enteritis in parakeets and canaries.

(iv) When intended for use in the conditions named in subdivision (iii) of this subparagraph, the potency must be such that, when used as directed in the labeling, each ounce of drinking water contains 65,000 units of penicillin and 5 milligrams of streptomycin or dihydrostreptomycin for disease prevention, and 130,000 units of penicillin and 10 milligrams of streptomycin or dihydrostreptomycin for use in disease treatment.

2. Section 146c.211(c)(1)(iii) is amended to read as follows:

§ 146c.211 Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder.

* * * * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 60 months after the month during which the batch was certified, if it is chlortetracycline hydrochloride surgical powder, or with the date that is 24 months after the month during which the batch was certified, if it is tetracycline hydrochloride surgical powder, except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 36 months, 48 months, or 60 months, such date may be used for such drug;

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments relax existing requirements, are not opposed by the affected industry, and are in the best interest of the public.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

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

Dated: March 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-3087; Filed, Apr. 6, 1961; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

SUPERSEDURE OF CERTAIN REGULATIONS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C. 1958 ed., secs. 1-17a), §§ 1.18 (including the undesignated center heading "Reports"), 1.19, 1.19a, and 1.47 of Part 1, and Parts 2 through 11, inclusive, of Chapter 1, Title 17, Code of Federal Regulations (17 CFR 1.18, 1.19, 1.19a, 1.47, Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11) are hereby superseded by the following new parts, to be designated as Parts 15, 16, 17, 18, 19, 20, and 21.

PART 15—REPORTS—GENERAL PROVISIONS

Sec.
15.00 Definitions.
15.01 Persons required to report.
15.02 Reporting forms.
15.03 Quantities fixed for reporting.
15.04 Different types of futures contracts in the same commodity.

AUTHORITY: §§ 15.00 to 15.04 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 15.00 Definitions.

As used in Parts 15 to 20 of this chapter:

(a) "Foreign broker" means any person located outside of the United States or its territories who carries an account in commodity futures on any contract market for any other person.

(b) "Reportable position" means any open contract position in any one future of any commodity on any one contract market, which equals or exceeds the quantity fixed in § 15.03 for reporting purposes for the particular commodity.

(c) "Special Account" means any commodity futures account in which there is a reportable position.

(d) "Cash" or "spot", when used in connection with any commodity, refers to the actual commodity as distinguished from a futures contract in such commodity on a contract market.

§ 15.01 Persons required to report.

Pursuant to the provisions of the Commodity Exchange Act, the following persons shall file reports with the Commodity Exchange Authority with respect to such commodities, on such forms, at such time, and in accordance with such directions as are hereinafter set forth:

(a) Clearing members of contract markets—as specified in Part 16 of this chapter.

(b) Futures commission merchants and foreign brokers—as specified in Part 17 of this chapter.

(c) Traders who hold or control open contracts which equal or exceed the quantity fixed for reporting in § 15.03, as specified in Part 18 of this chapter.

(d) Merchants, processors, and dealers in certain commodities who hold or control open contracts in such commodities which equal or exceed the quantity fixed for reporting in § 15.03, as specified in Part 19 of this chapter. A merchant, processor, or dealer who is also a trader is, in addition, subject to Part 18 of this chapter.

(e) Members of contract markets, as specified in Part 20 of this chapter.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g, 6i)

§ 15.02 Reporting forms.

Reporting forms are identified by number as to the commodity and class

of person reporting. The initial digit or digits of the form number identify the commodity, and the two final digits or series identify the class of person reporting. All reports shall be prepared in accordance with instructions appearing on the applicable form. Forms to be used for the filing of reports are as follows:

Commodity	Clearing members (series 00 forms)	Futures commission merchants and foreign brokers (series 01 forms)	Traders who hold or control reportable positions (series 03 forms)	Merchants, processors, and dealers (series 04 forms)
Wheat, Corn, Oats, Rye, Barley, Flaxseed, Soybeans, Grain sorghums	200	201	203	204.
Cotton	300	301	303	304.
Butter	400	401	403	None.
Eggs	500	501	503	504.
Potatoes	600	601	603	None.
Millfeeds	700	701	703	None.
Wool, Wool tops	800	801	803	None.
Lard, Tallow	900	901	903	None.
Cottonseed oil, Soybean oil	1000	1001	1003	None.
Cottonseed meal, Soybean meal	1100	1101	1103	None.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g, 6i)

§ 15.03 Quantities fixed for reporting.

The quantities fixed for the purpose of reports filed under Parts 17, 18 and 19 of this chapter are as follows:

Commodity	*Quantity*
Wheat	200,000 bushels.
Corn	200,000 bushels.
Oats	200,000 bushels.
Rye	200,000 bushels.
Barley	200,000 bushels.
Flaxseed	200,000 bushels.
Soybeans	200,000 bushels.
Grain sorghums	11,200,000 pounds.
Cotton	5,000 pounds.
Wool	150,000 pounds (clean content).
Wool tops	125,000 pounds.
Butter	25 carlots.
Eggs:	
Shell	25 carlots.
Frozen whole	25 contract units.
Frozen plain whites	25 contract units.
Frozen plain yolks	25 contract units.
Potatoes	25 carlots.
Lard	1,000,000 pounds.
Tallow	1,000,000 pounds.
Cottonseed oil	1,500,000 pounds.
Soybean oil	1,500,000 pounds.
Cottonseed meal	2,500 tons.
Soybean meal	2,500 tons.
Millfeeds	1,000 tons.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496, sec. 710, 68 Stat. 913, as amended; 7 U.S.C. 7(b), 6g, 6i, 2)

§ 15.04 Different types of futures contracts in the same commodity.

Where there is trading in more than one type of futures contract in the same commodity for the same delivery month, the quantity of all such types of contracts for such month shall be combined for reporting purposes unless the Act Administrator determines otherwise.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g, 6i)

PART 16—REPORTS BY CLEARING MEMBERS

Sec.
16.00 Information to be furnished by clearing members.
16.01 Time and place of filing reports.
16.02 Exemption of certain clearing members.
16.03 Errors or omissions.

AUTHORITY: §§ 16.00 to 16.03 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 16.00 Information to be furnished by clearing members.

Each clearing member of each contract market shall, on each business day, report the following information, separately for each contract market and for each future of each commodity, on the applicable series 00 form as specified in § 15.02 of this chapter:

(a) The total of all long open contracts and the total of all short open contracts carried by such clearing member at the beginning and at the end of the day covered by the report;

(b) The net position of such clearing member in such contracts at the end of the day covered by the report;

(c) The quantity of such contracts bought and the quantity sold during the day covered by the report; and

(d) The quantity of the commodity delivered and the quantity received in fulfillment of such contracts during the day covered by the report.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g, 6i)

§ 16.01 Time and place of filing reports.

If the clearing member is located in a city where the contract market involved in the reported transactions is located and where the Commodity Exchange Authority maintains an office, reports shall be filed with such office not later than 30 minutes before the official opening of the market on the following business day, except that reports with respect to cotton shall be filed not later than 30 minutes before the official opening of the market on the following business day or 9:30 a.m., local time, on such following business day, whichever is earlier. If the clearing member is located elsewhere, reports shall be mailed to the office of the Commodity Exchange Authority in the city where the contract market involved in the reported transactions is located, provided, that if there is no Commodity Exchange Authority office in such city the report shall be transmitted in accordance with instructions of the Commodity Exchange Authority. All reports transmitted by mail must be postmarked not later than midnight of the day covered by the report.

(Sec. 5(b), 42 Stat. 1000; 7 U.S.C. 7(b))

§ 16.02 Exemption of certain clearing members.

The requirements of §§ 16.00 and 16.01 shall not apply to any clearing member of a contract market if, with respect to each clearing member, such contract market reports the above information to the Commodity Exchange Authority in a form and manner approved by the Act Administrator.

(Sec. 5(b), 42 Stat. 1000, secs. 4g and 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g, 6i)

§ 16.03 Errors or omissions.

A clearing member who discovers any error or omission in any report which has been filed shall promptly inform the Commodity Exchange Authority with respect thereto.

(Sec. 5(b), 42 Stat. 1000; 7 U.S.C. 7(b))

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

Sec.
17.00 Information to be furnished by futures commission merchants and foreign brokers.
17.01 Special Account designation and identification.
17.02 Time and place of filing reports.

AUTHORITY: §§ 17.00 to 17.02 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 17.00 Information to be furnished by futures commission merchants and foreign brokers.

(a) *Special Accounts; reportable positions.* (1) Each futures commission merchant and each foreign broker, except a futures commission merchant or foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant, shall submit a report to the Commodity Exchange Authority for each business day with respect to all Special Accounts, including house accounts, carried by such futures commission merchant or foreign broker. Such report shall be made on the appropriate series 01 form and shall show each reportable position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report.

(2) A report covering the first day upon which a Special Account shows a reportable position shall also show the position in such future in such account on the preceding business day. A report showing the position in the particular future shall also be filed covering the first day when any account theretofore in Special Account status is no longer in such status.

(b) *Interest in or control of several accounts.* If any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant or foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes, and the report shall separately

show the combined long positions in each future on each contract market in all such accounts, and the combined short positions in each such future in all such accounts.

(Sec. 5(b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g)

§ 17.01 Special Account designation and identification.

For the purpose of reporting, each futures commission merchant and each foreign broker shall assign a number to each Special Account and shall report such account only by such number. When a Special Account is reported for the first time, the futures commission merchant or foreign broker shall execute CEA Form 102, showing the information requested thereon, including the names and addresses of all persons known to have a financial interest in or control over the account to which the number has been assigned, and shall transmit the same with the report but in a separate sealed envelope marked "confidential". No account number shall be changed or assigned to another account without the prior approval of the Act Administrator.

(Sec. 5(b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g)

§ 17.02 Time and place of filing reports.

(a) *Futures commission merchants.* If the futures commission merchant is located in a city where the contract market involved in the reported transactions is located and where the Commodity Exchange Authority maintains an office, reports shall be filed with such office not later than 30 minutes before the official opening of the market on the following business day. If the futures commission merchant is located elsewhere, reports shall be mailed to the office of the Commodity Exchange Authority in the city where the contract market involved in the reported transactions is located, provided, that if there is no Commodity Exchange Authority office in such city the report shall be transmitted in accordance with instructions of the Commodity Exchange Authority. All reports transmitted by mail must be postmarked not later than midnight of the day covered by the report.

(b) *Foreign brokers.* Foreign brokers shall prepare reports for each business day on which there are reportable transactions and shall transmit reports by mail at least once each week. Foreign brokers in Canada or Mexico shall mail reports to the office of the Commodity Exchange Authority in the city where the contract market involved in the reported transactions is located. Foreign brokers in other countries shall mail such reports to the Commodity Exchange Authority office in New York, New York.

(Sec. 5(b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7(b), 6g)

PART 18—REPORTS BY TRADERS

Sec.

AUTHORITY: §§ 18.00 to 18.05 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 18.00 Information to be furnished by traders.

Every trader who holds or controls a reportable position shall submit reports to the Commodity Exchange Authority. A report shall be filed for the first day on which such trader acquires a reportable position, for each day thereafter on which he has transactions in any future of such commodity on any contract market or delivers or receives delivery of such commodity, and for the first day on which he no longer holds or controls a reportable position. Each such report shall be prepared on the appropriate series 03 form, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

(a) *Open contracts.* The quantity of all open contracts, regardless of size, in each future of such commodity on all contract markets, broken down to show the quantity classified as hedging (as defined in section 4a of the act), the quantity classified as spreading or straddling, and the quantity classified as speculative;

(b) *Purchases and sales.* The quantity of each future of such commodity bought and the quantity sold on all contract markets;

(c) *Deliveries and receipts.* The quantity of the commodity delivered and the quantity received, in fulfillment of such futures contracts on all contract markets;

(d) *Intermarket spreads.* To the extent that any futures position or transaction on any foreign market, in wheat, corn, oats, barley, flaxseed, or cotton, is claimed to represent one leg of an intermarket spread or straddle, or the closing of an intermarket spread or straddle, against any position on a contract market, or against any purchase or sale of futures on a contract market during any one business day, in excess of 2,000,000 bushels of wheat, corn, oats, barley, or flaxseed futures or 30,000 bales of cotton futures (§§ 150.1, 150.2 of this chapter), such trader shall also show on the report the quantity and future involved in such foreign position or transaction and the name of the foreign market; and

(e) *Wool and wool top futures.* If such trader holds or controls a reportable position in any one wool future or in any one wool top future, the report shall include all transactions and positions in wool futures and in wool top futures on all contract markets.

(f) *Shell eggs and frozen eggs.* Any trader who holds a reportable position in any one future of shell eggs, frozen whole eggs, frozen plain egg whites, or frozen plain egg yolks, shall include all transactions and positions in all futures in shell eggs, frozen whole eggs, frozen plain egg whites, and frozen plain egg yolks.

(Secs. 4a(3) and 4i, as added by sec. 5, 49 Stat. 1493, 1496; 7 U.S.C. 6a(3), 6i)

§ 18.01 Interest in or control of several accounts.

(a) *Mutliple accounts.* If any trader holds or has a financial interest in or controls more than one account, whether carried with the same or with different futures commission merchants or foreign brokers, all such accounts shall be considered as a single account for the purpose of determining whether such trader has a reportable position and for the purpose of reporting.

(b) *Net positions.* The reporting trader shall report the net open contracts, long or short, in each future of such commodity in all such accounts, except as specified in paragraph (c) of this section.

(c) *Gross positions.* In the following cases, the reporting trader shall report the gross open contracts, i.e., total long open contracts and total short open contracts in each future of such commodity in all such accounts:

(1) Positions on the New York Mercantile Exchange;

(2) Positions on the Chicago Mercantile Exchange;

(3) Positions on any exchange carried through different futures commission merchants or foreign brokers;

(4) Positions which represent spreads between round lots and job lots, or spreads between different types of contracts in the same commodity;

(5) Positions against which notices have been stopped or issued, but upon which actual delivery has not been made;

(6) Positions in accounts owned or held jointly with another person or persons; and

(7) Positions in accounts subject to trading control by the reporting trader, but in which he has no interest as an owner.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 18.02 Designation and identification of accounts.

The Commodity Exchange Authority will assign a code number by means of which the reporting trader may identify the account in all reports.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 18.03 Time and place of filing reports.

If the reporting trader is located in a city in which the Commodity Exchange Authority maintains an office, reports shall be filed with such office not later than 9 a.m., local time, of the business day following the day covered by the report. If the reporting trader is located elsewhere, reports shall be transmitted by mail, postmarked not later than midnight of the day covered by the report, as follows:

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, but-

ter, eggs, lard, tallow, cottonseed meal, soybean meal, and millfeeds—to the Commodity Exchange Authority office in Chicago, Illinois, unless otherwise specifically instructed by the Commodity Exchange Authority.

(b) Reports with respect to transactions in cotton, wool, wool tops, potatoes, cottonseed oil, and soybean oil—to the Commodity Exchange Authority office in New York, New York.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 18.04 Information required upon request.

Every trader who holds or controls a reportable position shall, upon request by the Act Administrator, furnish to the Commodity Exchange Authority in accordance with its instructions, the following information:

(a) The address of the reporting trader;

(b) The nature of the commodity futures account, i.e., individual, joint, partnership, corporation, or other;

(c) The principal business or occupation of the reporting trader;

(d) If the reporting trader is a partnership, the name and address of each partner;

(e) If the reporting trader is a corporation, the names and addresses of the person or persons who direct trading activities, the parent corporation, if any, and subsidiaries or affiliates, if any;

(f) The name and address of each person whose commodity futures account is controlled by the reporting trader; and

(g) The name and address of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable position, shall keep books and records showing all details concerning such position and the transactions therein and all related transactions, and shall upon request furnish to the Act Administrator any pertinent information concerning such positions and transactions.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

PART 19—REPORTS BY MERCHANTS, PROCESSORS, AND DEALERS

Sec.

AUTHORITY: §§ 19.00 to 19.04 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 19.00 Information to be furnished by merchants, processors, and dealers.

Every person engaged in merchandising, processing, or dealing in any of the commodities or products listed in §§ 19.01, 19.02, or 19.03, who holds or controls a reportable position in such commodity or commodities, shall submit a report to the Commodity Exchange Authority on the appropriate series 04 form, which shall show the information hereinafter specified. All such reports shall show such information as of the close of business on Friday of each week, unless a different reporting period is authorized in writing by the Commodity Exchange Authority.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 19.01 Merchants, processors, and dealers in certain grains and grain products.

(a) *Details of cash commodity position.* Merchants, processors and dealers in wheat, corn, oats, rye, barley, flaxseed, soybeans, or grain sorgums, or the products or by-products thereof, shall include the following information in each report:

(1) The make-up of the fixed-price cash grain position, including (i) the stocks of such commodities and their products or by-products owned; (ii) the quantity of fixed-price purchase commitments open in such commodities and their products and by-products; and (iii) the quantity of fixed-price sales commitments open in such commodities and their products and by-products; and

(2) The unfixed-price purchase and unfixed-price sales commitments in such commodities and their products and by-products.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer shall, in computing his cash position, use such standards and conversion factors with respect to products or by-products as are usual in the particular grain trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain products or by-products in determining his cash position for hedging (as defined in section 4a of the act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the kind and quantity of each product or by-product so excluded.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 19.02 Merchants, processors, and dealers in cotton and cotton products.

(a) *Details of cotton position.* Merchants, procesors, and dealers in cotton and cotton products or by-products, including cotton yarn and cotton cloth, shall include the following information in each report:

(1) The quantity of open contracts held in all cotton futures on all contract markets, by markets and by futures;

(2) The market position;

(3) The make-up of the net fixed-price spot cotton position;

(4) The make-up of the hedgeable interest in spot cotton;

(5) The make-up of the basis position in spot cotton;

(6) The fixed-price spot cotton positions, long and short;

(7) The quantity of certificated cotton owned; and

(8) The quantity of call cotton bought or sold on which the price has not been fixed, together with the respective futures on which based. As used herein, call cotton refers to spot cotton bought or sold, or contracted for purchase or sale, at a price to be fixed later based upon a specified future.

(b) *Standards and conversion factors.* Every such merchant, processor, or dealer, in computing his spot position, shall use such standards and conversion factors with respect to cotton products or by-products as are usual in the cotton trade. If it is the regular business practice of such merchant, processor, or dealer to exclude certain items, products, or by-products in determining his spot position for hedging (as defined in section 4a of the act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the kind and quantity of each item, product or by-product so excluded.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 19.03 Merchants, processors, and dealers in eggs and egg products.

(a) *Details of cash egg position.* Merchants, processors, and dealers in eggs and egg products shall show in each report the make-up of the cash egg position, as determined by stocks owned, unfilled fixed-price purchase commitments, and unfilled fixed-price sales commitments, with respect to: (1) Shell eggs (in cold storage and elsewhere); (2) frozen whole eggs; (3) frozen plain egg whites; (4) frozen plain egg yolks; and (5) egg products.

(b) *Exclusions in determining cash egg position.* If it is the regular business practice of such merchant, processor, or dealer to exclude certain eggs not in cold storage or certain egg products in determining his cash position for hedging (as defined in section 4a of the act), the same shall be excluded in the report. Such merchant, processor, or dealer shall furnish to the Commodity Exchange Authority upon request detailed information concerning the eggs or egg products so excluded.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

§ 19.04 Time and place of filing reports.

If the reporting merchant, processor, or dealer is located in a city in which the Commodity Exchange Authority has an office, reports shall be filed with such office not later than the first business day following the week or other period covered by the report. If the reporting merchant, processor, or dealer is located elsewhere, reports shall be transmitted by mail, postmarked not later than midnight of the first business day following

the week or other period covered by the report, as follows:

(a) Reports with respect to transactions in wheat, corn, oats, rye, barley, flaxseed, soybeans, grain sorghums, and eggs—to the Commodity Exchange Authority office in Chicago, Illinois, unless otherwise specifically authorized by the Commodity Exchange Authority.

(b) Reports with respect to transactions in cotton—to the Commodity Exchange Authority office in New York, New York.

(Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 6i)

PART 20—REPORTS BY MEMBERS OF CONTRACT MARKETS

Sec.
20.00 Uncleared transactions.

AUTHORITY: § 20.00 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 20.00 Uncleared transactions.

(a) Each member of a contract market who executes uncleared transactions in any commodity future on any contract market, commonly called "pass-outs", shall report such transactions to the Commodity Exchange Authority in accordance with its instructions, showing whether the transaction is a purchase or sale; the date, market, commodity, future, quantity, and price; the name of the opposite party to the transaction; and such other information as may be required.

(b) The requirements of this section shall not apply to any member of a contract market whose uncleared transactions are recorded on the books of a clearing member or members of such contract market and are included in the reports furnished to the Commodity Exchange Authority by such clearing member or members.

(Sec. 5(b), 42 Stat. 1000; 7 U.S.C. 7(b))

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS, AND MEMBERS OF CONTRACT MARKETS

Sec.
21.00 Preparation and transmission of information upon special call.
21.01 Special calls for information from futures commission merchants.
21.02–21.09 [Reserved].
21.10 Special calls for information from foreign brokers.

AUTHORITY: §§ 21.00, 21.01, and 21.10 issued under sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a.

§ 21.00 Preparation and transmission of information upon special call.

All information required upon special call shall be prepared in such form and manner and in accordance with such instructions, and shall be transmitted at such time and to such office of the Commodity Exchange Authority, as may be specified in the call.

(Sec. 5(b), 42 Stat. 1000; 7 U.S.C. 7(b))

§ 21.01 Special calls for information from futures commission merchants.

Upon call by the Act Administrator, each futures commission merchant shall file with the Commodity Exchange Authority the names and addresses of all persons who, by power of attorney or otherwise, exercise trading control over any customer's account or accounts in commodity futures on contract markets.

Sections 21.02–21.09 reserved.

(Sec. 4f(1), as added by sec. 5, 49 Stat. 1495; 7 U.S.C. 6f(1))

§ 21.10 Special calls for information from foreign brokers.

Upon special call by the Act Administrator, each foreign broker shall report all accounts in commodity futures on contract markets which show open contracts in any future equal to or in excess of such quantity as may be specified in the call.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U.S.C. 12a)

These amendments constitute a revision of existing regulations with respect to reports submitted to the Commodity Exchange Authority by persons subject to the Commodity Exchange Act. The amendments eliminate some of the existing requiremnts, make editorial changes in others, rearrange all the provisions under more appropriate and descriptive headings, and renumber the parts to provide for future expansion. The net effect of the revision is to simplify all reporting requirements under the Commodity Exchange Act and rearrange the provisions in more logical sequence, with the result that the revised regulations are easier to locate, read, and understand. The amendments do not impose any requirements not now in effect under existing regulations or interpretations thereof. Since the revision will operate to relieve or liberalize existing requirements and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendments and revision should be made effective within less than thirty (30) days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued April 3, 1961.

JOHN P. DUNCAN, Jr.;
Assistant Secretary.

[F.R. Doc. 61–3095; Filed, Apr. 6, 1961; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Revision of Subpart

Seaway Regulations and Rules were issued jointly by the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada in 1959 and 1960 (24 F.R. 2983–2991; and 25 F.R. 2206–2217).

Based on the experience of each agency relating to its operations during the 1960 season, the conferences held with the shipping interests of each country in recent months, the views and comments received from interested parties, and the joint conferences held between representatives of the Saint Lawrence Seaway Development Corporation and The St. Lawrence Seaway Authority of Canada, Subpart B is hereby revised, republished and reindexed as set forth below.

The principal revisions in this subpart relate to the subjects of Pre-clearance of Vessels, the Condition of Vessels for Transit, and the use of V.H.F. radiotelephone communications.

The existing Seaway Regulations and Rules as revised by Subpart B will govern Seaway operations and vessel transits beginning with the 1961 season.

All interested parties who may desire to do so may submit further written comments, views or arguments for consideration by the Corporation in connection with Subpart B by filing the same with the General Counsel of the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York.

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NOTE: The numbering of the sections contained in Subpart B, §§ 401.101–1 to 401.112–11, correspond to Circulars 1 to 12 issued by The St. Lawrence Seaway Authority of Canada in the Masters' Handbook, which is distributed to vessel operators using the Seaway. The digits from 1 to 12 preceding the dash in the section numbers correspond to Canadian Circulars Nos. 1 to 12; the digits following the dash in the section numbers correspond to the numbered paragraphs within the Canadian Circulars.

AUTHORITY: §§ 401.101–1 to 401.120–2 issued under 68 Stat. 92–97, 33 U.S.C. 981–990; Agreement between the Governments of United States and Canada, dated March 9, 1959.

Subpart B—Rules

GENERAL CONDITIONS

§ 401.101–1 Rules.

In accordance with Subpart A, the Authority issues rules which will set out matters and procedures prescribed by the regulations and any other matter which may be required to assure the proper administration and management of the Seaway, including the control of vessels.

§ 401.101–2 Changes in rules.

Each rule deals with a particular subject usually grouped in sequence according to the regulations. The numbers allocated to the rules are consecutive and will remain constant in relation to the subject. Changes will be made to the rules by issuing revisions to replace those amended.

§ 401.101–3 Distribution.

Rules will be distributed to and through the representatives of vessels.

§ 401.101–4 Seaway Notices.

In addition to the rules, the Authority will issue Seaway Notices. These notices will contain information related to navigation. These notices may be issued by designated officers of the Authority.

§ 401.101–5 Pre-clearance form data.

A copy of all rules shall be kept on board each vessel transiting the Seaway.

§ 401.101–6 Definitions.

In this subpart:

(a) "Authority" means the Saint Lawrence Seaway Development Corporation in respect to the United States portion of the Seaway, or when in other respects applicable, otherwise it means the Saint Lawrence Seaway Authority of Canada.

(b) "Canal" means any canal under the jurisdiction of the Seaway Authority and includes:

South Shore Canal—Montreal Harbour to Lake St. Louis;
Beauharnois Canal—Lake St. Louis to Lake St. Francis;
Wiley-Dondero Canal—From Grass River to Richards Point;
Iroquois Canal—From Lake St. Lawrence to river above Iroquois Control Dam;
Welland Canal—Lake Ontario to Lake Erie;
Third Welland Canal—at Port Delhousie;
Sault Ste. Marie Canal—St. Mary Rapids at Sault Ste. Marie;
Lachine Canal—Montreal to Lachine;
Cornwall Canal—Cornwall to Barnhart Powerhouse;

(c) "Dispatcher" means the person who is in charge of a Seaway Station and who gives transit instructions and orders; and

(d) "Director of Operation and Maintenance",[5] "Superintending Engineer",[5] and "Canal Superintendent",[5] means, in

[5] Where the words "Director of Operations and Maintenance," or "Superintending Engineer," as well as "Canal Superintendent" appear above and hereafter they shall mean "Director, Office of Marine and Engineering Operations," and "Chief, Operations Division" respectively in the United States portion of the Seaway.

each case, the person holding the office designated as such by the Authority or any person duly authorized to act for such an officer; and

(e) "Lockmaster" means the person who is in charge of a lock area, and who may give instructions to vessels passing through.

§ 401.101–7 Navigation season.

Unless, in the opinion of the Authority, weather and ice conditions do not so allow, navigation on the Seaway will open and will close on the following dates of each year:

	Open	Close
South Shore, Beauharnois (Wiley-Dondero) and Iroquois Canals	Apr. 15	Nov. 30
Welland Canal and Third Welland Canal	Apr. 1	Dec. 15
Sault Ste. Marie Canal	Apr. 4	Dec. 12
Lachine and Cornwall Canals	Apr. 15	Nov. 30

PRE-CLEARANCE OF VESSELS

§ 401.102–1 Pre-clearance.

In order to avoid stopping or delaying vessels at the various locks for documentation and toll collection, certain formalities must be performed before a vessel may use the Seaway.

§ 401.102–2 Formalities before using the Seaway.

A vessel must be pre-cleared with the Authority by the representative. Therefor, the representative will submit the completed form SLS 429, which is shown in § 401.120–1 and which may be obtained from The St. Lawrence Seaway Authority, Cornwall, Ontario.

§ 401.102–3 Changed condition; second pre-clearance.

Any change in the information provided in the Pre-clearance Form requires that another form be completed and submitted to the Authority before further transit.

§ 401.102–4 Representative.

Every transiting vessel must have a representative who assumes responsibility to the Authority for the vessel as well as payment of all tolls and charges; the actual navigation and control of the vessel remain the responsibility of the master.

§ 401.102–5 Pre-clearance Form data.

The representative must declare on the Pre-clearance Form that the vessel is adequately insured. Subject to § 401.102–11 hereunder, he must also provide evidence on the Pre-clearance Form that the payment of tolls and other monies for the vessel is guaranteed.

§ 401.102–6 Guarantee of payment.

This payment is guaranteed where security is furnished in one of the following ways: (a) a money deposit with the Authority; (b) a money deposit made with a chartered bank in Canada or a bank in the United States of America, notice of which may be given by the bank at the representative's instance; (c) negotiable bonds of the Government of Canada or of the Government of the United States of America; or (d) a letter of guarantee given by a bank referred to in subparagraph (b) of this section.

§ 401.102–7 Security deposit.

(a) The security deposit in the case of one vessel shall be sufficient to cover the gross registered tonnage of that vessel at $1.00 per ton for transit each way.

(b) On completion of a transit a vessel will have incurred the applicable tolls and these tolls shall be related to the security for that transit until paid.

(c) The security must be maintained for each single transit. A transit is not a "round-trip" but consists of a trip upbound or a trip downbound whether any such trip is complete or partial. Therefore, security to cover a vessel that is to travel upbound and then downbound under the same pre-clearance will consist of an amount equal to $2.00 for every gross registered ton of the vessel.

§ 401.102–8 Fleet security.

(a) Where a representative is acting on behalf of a number of vessels owned or controlled by one person or company, security may be furnished in an amount assessed by the representative as being equal to $1.00 per gross registered ton for the maximum gross registered tonnage of such vessels within the Seaway at any one time.

(b) On completion of a transit, each vessel will have incurred the applicable tolls and these tolls shall be related to the total security with respect to that transit until the tolls are paid. This security must be maintained at all times in relation to actual total tonnage of the vessels transiting at any one time.

§ 401.102–9 Pre-clearance for Sault Ste. Marie; Third Welland, etc.

Every vessel transiting the Sault Ste. Marie Canal only or the Third Welland Canal only must be pre-cleared and must also comply with the requirements of §§ 401.111–1 to 401.111–10 except that in such case, tolls not being exigible, security or an undertaking with respect to the payment of tolls need not be given. Where a vessel has been pre-cleared for the Sault St. Marie Canal only or the Third Welland Canal only and it is intended to have it transit the Welland Canal or other parts of the Seaway, the security or undertaking specified in § 401.102–7 must be given before the vessel will be allowed to transit.

§ 401.102–10 Change of representative; further pre-clearance.

Whenever there is a change of representative and this is not disclosed to the Authority, the vessel will transit under the former representative's undertakings. However, where a change of representative is disclosed to the Authority, another vessel Pre-clearance Form shall be filed with the Authority, otherwise the vessel shall be denied further transit.

§ 401.102–11 Acknowledgment of pre-clearance.

The Pre-clearance Form SLS 429, is to be completed in one copy that will be retained by the Authority. If the representative wishes to have his own record of pre-clearance, he may make a copy for his use. Pre-clearance is granted by the Authority in a form letter showing a pre-clearance number to which reference shall be made at all times when corresponding or making payments.

§ 401.102–12 Pre-clearance of pleasure craft.

See §§ 401.112–1 to 401.112–11.

CONDITION OF VESSELS FOR TRANSIT

§ 401.103–1 Beam of vessels.

(a) Subpart A provides at § 401.3 that vessels having more than 72 feet in beam (or more than 715 feet in overall length) but not more than 75 feet in beam (and not more than 730 feet in overall length) may transit after receiving special instructions from the Authority.

(b) For the purposes of this subpart, 72 feet in beam means 72 feet molded breadth and 75 feet in beam means 75 feet molded breadth not exceeding 75 feet 6 inches in extreme breadth including fenders.

§ 401.103–2 Special conditions.

Sections of vessels, large dredges, hulks and vessels in tow exceeding 260 feet in overall length, and vessels of unusual design may transit after receiving special instructions from the Authority.

§ 401.103–3 Vessels' bridges.

Vessels' bridges shall not protrude beyond the vessel's hull.

§ 401.103–4 Radio-telephone equipment.

It is recommended that vessels be equipped with V.H.F. (very high frequency) in addition to the required M.F. (medium frequency) radio-telephone equipment. After April 1, 1962 vessels must be fitted with V.H.F. equipment for passage through the Welland Canal, and it is anticipated that V.H.F. equipment will also be mandatory throughout all the Seaway system as of the same date. The radio transmitters should have sufficient power output to enable the vessel to contact the Authority radio stations from a distance of 35 miles. The M.F. radio-telephone should be fitted to communicate on 2182 Kcs. and 2003 Kcs. The V.H.F. should be fitted to operate from the wheelhouse and communicate on 156.6, 156.7 and 156.8 Mcs.

§ 401.103–5 Mooring lines.

Mooring lines shall be uniform throughout their length and shall be fitted so that they may be led to either side of the vessel as required; mooring lines and hawsers, where permitted, must be led at the vessel's side through closed chocks or a type of fairlead acceptable to the Authority.

§ 401.103–6 Fairleads.

A mooring line shall not pass through more than two inboard fairleads, which must be fixed in place and provided with free-running sheaves or rollers.

§ 401.103–7 Number of mooring lines.

(a) Vessels of 90 feet and less in overall length shall be provided with at least two good and sufficient mooring lines or hawsers, one leading from the break of

the bow and one from the stern quarter, but not from the extreme bow or stern.

(b) All vessels of more than 90 feet in overall length shall be provided with four good and sufficient mooring lines so positioned that two shall lead aft and two shall lead ahead. Two of the lines must lead from the break of the bow and two from the stern quarter and not from the extreme bow or stern.

§ 401.103–8 Power-operated winches, etc.

(a) On self-propelled vessels of more than 90 feet and up to 125 feet in overall length the two mooring lines leading astern must be power-operated and may be led from capstans or windlasses.

(b) On self-propelled vessels of more than 125 feet and up to 225 feet in overall length the four mooring lines must be power-operated. The two lines leading ahead may be led from capstans or windlasses. The two lines leading astern must be led from the main drums of power-operated winches and not from capstans or windlasses, and must be led at the vessel's side through a type of fairlead acceptable to the Authority.

(c) On self-propelled vessels of more than 225 feet in overall length the four mooring lines must be power-operated and must be led from the main drums of power-operated winches and not from capstans or windlasses. All four mooring lines must be led at the vessel's side through a type of fairlead acceptable to the Authority.

NOTE: The requirements with respect to mooring lines and winches are shown in the following tabulation:

Mooring lines and winches, minimum requirements

Vessel type	Length overall	Mooring lines			Fairleads or chocks at each side of vessel	
		Required each side of vessel	Power-operated		Closed fairleads of acceptable type	Closed chocks
			Winches	Capstan or windlass		
All vessels	90′ and less	2				2
Nonself-propelled vessels.	More than 90′	4				4
Self-propelled vessels	More than 90′ and up to 125′.	4		2		4
	More than 125′ and up to 225′.	4	2	2	2	2
	More than 225′	4	4		4 single or 2 double	

§ 401.103–9 Heaving lines.

Heaving lines shall have a minimum diameter of one-half inch and a minimum length of eighty-five feet.

§ 401.103–10 Knots and weights.

Knots or weights will not be permitted on the ends of heaving lines when they are being used in the lock chambers, although they may be used at the approach walls.

§ 401.103–11 Fenders.

If fenders are used, they shall either be permanently attached to the vessel or shall be made of such material as will remain afloat and shall be securely fastened to the vessel and suspended by means of steel cable or fibre rope and shall be managed so as to avoid damage to Authority installations. Automobile or other tires are not to be used as fenders.

§ 401.103–12 Non-metallic fenders.

Vessels carrying dangerous cargo must be equipped with a sufficient number of non-metallic fenders, either permanently attached or suspended by fibre rope, to prevent any metallic portion of the vessel from touching the side of the dock or lock wall.

§ 401.103–13 Overhang, etc.

Fenders or other devices will also be required where any structural part of a vessel protrudes to such an extent that it may damage Seaway property.

§ 401.103–14 Discharge pipes.

No pipes shall discharge onto the top of the lock wall or tie-up wall.

§ 401.103–15 Draft markings.

All vessels overs 40 feet in overall length shall be correctly and distinctly marked at the bow and stern to show exact draft fore and aft.

§ 401.103–16 Draft markings; evidence.

The master of any vessel shall, if required, produce satisfactory evidence that the draft markings are correct.

§ 401.103–17 Lachine, Cornwall, or Sault Ste. Marie (Canada) Canal; depth.

Vessels shall not enter any lock or reach of the Lachine, Cornwall or Sault Ste. Marie (Canada) Canal unless the available depth of water on the controlling point for draft exceeds by at least three inches, or such other clearance as may be determined by the Authority, the maximum draft of the vessel at the time.

§ 401.103–18 Notice of available depth in Seaway.

Changes in available depths in Seaway canals will be disclosed from time to time in Seaway Notices.

§ 401.103–19 Masts.

Vessels whose masts extend more than one hundred and seventeen feet above water level will not be permited to transit the Seaway.

§ 401.103–20 Locks 2 and 3 Lachine Canal; permitted masts.

Vessels whose masts extend ninety-four feet or more above water level will not be permitted to transit between Locks 2 and 3 of the Lachine Canal.

§ 401.103–21 Lachine Canal; permitted masts.

Vessels whose masts extend more than one hundred and ten feet above water level must not transit the Seaway, and vessels whose masts extend more than ninety feet must not transit the Lachine Canal, until the master has furnished the officer in charge with precise information concerning the height of such vessel's masts with respect to the water level.

§ 401.103–22 Ballast.

Vessels not adequately ballasted may be refused transit or may be delayed.

§ 401.103–23 Landing booms.

Vessels exceeding one hundred feet in overall length shall be equipped with adequate landing booms.

§ 401.103–24 Anchor marking buoys.

A small marker buoy with 50 feet of suitable line shall be secured directly to each anchor so that it will mark the location of the anchor when it is dropped.

§ 401.103–25 Recommended equipment.

It is strongly recommended that vessels over three hundred and fifty feet in overall length be equipped with a stern anchor rigged and ready for immediate use. Stern anchors may be winch-operated and controlled by a wire cable.

§ 401.103–26 Wrong-way propeller direction alarm system.

While vessels are not required to carry "visible and audible wrong-way propeller direction alarm systems", this equipment is strongly recommended for vessels exceeding two hundred and sixty feet in overall length.

§ 401.103–27 Septic tanks.

Septic tanks are also recommended where vessels are not already equipped with containers for their ordures.

NOTICE OF ARRIVAL AND RADIO COMMUNICATIONS

§ 401.104–1 Radio-telephone frequencies.

The Seaway radio-telephone stations are equipped to operate on the following frequencies:

2182 Kcs. Safety and Calling.
2003 Kcs. Working.
156.8 Mcs. Safety and Calling.
156.7 Mcs. Working (Canadian stations only).
156.6 Mcs. Working (Eisenhower station only).

§ 401.104–2 Radio-telephone stations.

The Seaway radio-telephone stations are located as follows:

(a) Upper Beauharnois Lock—Beauharnois Canal. VDX20.
(b) Eisenhower Lock. KEF.
(c) Iroquois. VDX21.

(d) Welland Canal (Guard Gate). VDX22.
(e) Sault Ste. Marie Canal (Canadian). VDX23.

§ 401.104–3 Radio reporting to dispatcher.

With the exception of Montreal and the Sault Ste. Marie Canal (Canadian), all vessels intending to enter or transit the Seaway in whole or in part must report to the nearest dispatcher when opposite the calling-in point of the respective control area, giving the following information:

Name of vessel.
Position.
Destination.
Draft, fore and aft.
Cargo (if dangerous, see § 401.107–1).

§ 401.104–4 Radio reporting to Montreal Harbour; calling-in point No. 2.

All vessels intending to enter the Seaway at Montreal shall transmit to the Montreal Harbour Dispatch Station the following information:

Name of vessel.
Position.
Draft, fore and aft (sailing draft).

Such vessels, upon arrival at calling-in point No. 2, must report the following information to Seaway Station VDX20:

Name of vessel.
Position.
Cargo.
Destination.

§ 401.104–5 Sault Ste. Marie (Canadian) Canal; visual signals.

All vessels intending to enter the Canadian Sault Ste. Marie Canal will be directed to the canal by arrangements with the lockmaster at the United States St. Mary's Falls Canal—normally by means of visual signals. The radio marine transmitter-receiver set at the Canadian Sault Canal is primarily intended for comunications from the lockmaster to the vessel and is not continuously attended for receiving communications from the vessel.

§ 401.104–6 Radio reporting by downbound vessels.

The masters of downbound vessels leaving the Seaway at Montreal shall report to Seaway Station VDX20 when opposite calling-in point No. 2 giving the name of the vessel and its position.

§ 401.104–7 Listening or standby watch.

Unless otherwise permitted by the dispatcher, a listening or standby watch shall be maintained by every vessel while within a Seaway dispatch area.

§ 401.104–8 Calling-in points.

The Seaway calling-in points are located as follows:

	Dispatch area	Call sign
UPBOUND		
No. 2—North end of the west Seaway dyke—one-quarter mile downstream from the Jacques Cartier Bridge (lockage turn established here).	No. 1	VDX20.
No. 3—Windmill Point—Buoy No. 38A—Lake St. Louis (lockage turn established here).	No. 1	VDX20.
No. 7—Pointe Mouillee—Pier Light No. 63F—Lake St. Francis	No. 2	KEF.
No. 8—Raquette River Range—Buoy No. 139F—Lake St. Francis (lockage turn established here).	No. 2	KEF.
No. 11—Bradford Island—Light No. 71—Lake St. Lawrence	No. 3	VDX21.
No. 12—Robertson's Point—Buoy No. 98—Lake St. Lawrence (lockage turn established here).	No. 3	VDX21.
No. 15—Reporting buoy 2½ miles off entrance piers Port Weller—Lake Ontario (lockage turn established here).	No. 4	VDX22.
DOWNBOUND		
No. 16—Three mile Fairway Buoy—off Port Colborne Harbour—Lake Erie (lockage turn established here).	No. 4	VDX22.
No. 14—Maitland—Fairway Buoy—St. Lawrence River	No. 3	VDX21.
No. 13—Sparrowhawk Point—Light No. 115—St. Lawrence River (lockage turn established here).	No. 3	VDX21.
No. 10—Bradford Island—Light No. 71—Lake St. Lawrence	No. 2	KEF.
No. 9—Richards Point—Light No. 55—Lake St. Lawrence (lockage turn established here).	No. 2	KEF.
No. 6—Pointe Mouillee—Pier Light No. 63F—Lake St. Francis	No. 1	VDX20.
No. 5—Entrance to Beauharnois Canal—Buoy No. 24F—Lake St. Francis (lockage turn established here).	No. 1	VDX20.
No. 4—Lower Beauharnois Lock—when leaving	No. 1	VDX20.
No. 2—North end of the west Seaway dyke—one-quarter mile downstream from the Jacques Cartier Bridge (downbound vessels leave the Seaway control and go to Montreal Harbour control).	No. 1	VDX20.

SEAWAY NAVIGATION INSTRUCTIONS

§ 401.105–1 Navigation instructions.

Sections 401.105–1 to 401.105–21 detail the specific navigation instructions which must be followed by masters of vessels transiting the Seaway.

The master of every vessel shall direct his crew to comply promptly with all instructions in connection with transiting given by Seaway personnel in charge.

§ 401.105–2 Speed.

Every vessel transiting a canal shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

§ 401.105–3 Maximum speed.

Subject to such other speed as may be provided for in Seaway Notices, the maximum speed for vessels moving in any Seaway Canal shall be six miles per hour over the bottom for vessels exceeding 260 feet in length and eight miles per hour for vessels under 260 feet long.

§ 401.105–4 Passing and meeting.

The passing and meeting of vessels in a canal shall be governed by the Rules of the Road for the Great Lakes except when two vessels, either one of which exceeds one hundred feet in length, are approaching a bend in the Lachine Canal from opposite directions, the downbound vessel shall have the right of way and the upbound vessel shall check its speed so as to avoid meeting in the bend.

§ 401.105–5 Overtaking; prohibited areas.

Vessels shall not attempt to overtake other vessels in any canal, nor while within two thousand feet of a canal entrance structure, or after the order of passing through has been established by the dispatcher.

§ 401.105–6 Overtaking; Vidal Shoal Cut; Sault Ste. Marie Lock.

Vessels shall not attempt to overtake other vessels between the western end of the Vidal Shoal Cut and the upper entrance to the Sault Ste. Marie Lock.

§ 401.105–7 Speed when passing moored vessel, etc.

A vessel passing a moored vessel or equipment working in a canal shall proceed at dead slow speed.

§ 401.105–8 Turning basins.

Except at the following turning basins, vessels shall not be turned in any canal, and in the South Shore Canal and Welland Canal, a vessel shall not be turned without authorization from the dispatcher:

South Shore Canal, Montreal:
(a) Turning Basin No. 1—for any vessel.
(b) Turning Basin No. 2—for any vessel.
Lachine Canal: Between locks 2 and 3 and below lock 4.
Cornwall Canal:
(a) Above lock 19.
(b) Subject to permission of the Canal Superintendent about 1,900 feet west of the swing span of the Cornwall-Massena International Bridge.
Welland Canal:
(a) Opposite the St. Catharines Wharf—for vessels not exceeding three hundred and fifty feet in overall length.
(b) Thorold—for vessels up to five hundred and fifty feet in overall length.
(c) South of Port Robinson for vessels up to six hundred feet in overall length.
(d) Opposite Welland Centre Wharf—for vessels up to two hundred and sixty feet in overall length.
(e) Opposite Welland South Wharf—for vessels up to two hundred and sixty feet in overall length.
(f) North of Lock 8 (Robin Hood Mill)—for vessels up to five hundred and fifty feet in overall length.
Third Welland Canal:
Above lock 1 at Port Dalhousie.

§ 401.105–9 Dropping anchor.

(a) Unless an emergency exists anchors shall not be dropped in any canal.

(b) The master of every vessel anchoring in any designated anchorage grounds shall immediately report to the dispatcher giving his location. The designated anchorage grounds are as follows:

Windmill Point	Lake St. Louis.
St. Zotique	Lake St. Francis.
Dickerson Island	Lake St. Francis.
Wilson Hill Island	Lake St. Lawrence.
Morrisburg	Lake St. Lawrence.
Prescott	St. Lawrence River.
Lake Ontario—off Port Weller.	Lake Ontario.
Lake Erie—off Port Colborne.	Lake Erie.

§ 401.105–10 Dropping and weighing anchor.

The dropping of an anchor shall be reported immediately to the dispatcher advising him of its precise location. The anchor shall not be weighed to continue the vessel's voyage without permission from the dispatcher.

§ 401.105–11 Procedures at locks and bridges.

(a) Three distinct blasts of a whistle or horn signal shall be sounded by a vessel when it comes abreast of the bridge whistle sign marked W, unless the bridgemaster recognizes the vessel's approach by flashing the red signal light.

(b) On the South Shore Canal whistle signs have been placed 4,600 feet upstream and 3,600 feet downstream from the movable bridges.

(c) On the Beauharnois Canal, whistle signs have been placed 4,600 feet upstream and 3,600 feet downstream from the movable bridges at St. Louis and Valleyfield.

(d) On the Welland Canal, whistle signs have been placed at distances varying from 1,600 to 3,850 feet from the bridges.

§ 401.105–12 Limit of approach signs; signal lights.

A vessel shall not pass the "Limit of Approach" sign of any movable bridge until such bridge is in the fully open position and the light thereon shows green, and in the case of the two railway bridges at Caughnawaga and bridges Nos. 17 and 18 and 20 and 21 on the Welland Canal, until both bridges are in the fully open position and both are showing the green light.

§ 401.105–13 Red and flashing red signal lights.

When approaching a lock or guard gate, the stem of the vessel shall not pass the sign marked "Limit of Approach" while the signal light shows red or if there is no light showing. At a lock or bridge, a flashing red light indicates that the structure is being made ready to receive the vessel. If the flashing light changes to solid red or there is no light showing, it indicates that trouble has developed on the structure and the master must be prepared to stop his vessel before passing the "Limit of Approach."

§ 401.105–14 Mooring to await clearing of lock.

Except in the case of a tandem lockage, all vessels approaching a lock, while another vessel is in or about to enter the same, shall be moored until directed by the dispatcher or the officer in charge to proceed.

§ 401.105–15 Manner of mooring.

When several vessels are waiting to enter a lock they shall moor in single tier and the bow of the leading vessel shall not pass the sign marked "Limit of Approach," unless otherwise directed by the dispatcher or the officer in charge. Following vessels shall keep well closed up to the vessel ahead.

§ 401.105–16 Lachine Canal; Lock 1; lower entrance clearance.

At the lower entrance to Lock No. 1 on the Lachine Canal, vessels shall keep clear of the entrance while the signal light shows red or when no light is shown.

§ 401.105–17 Responsibility of master to avoid collisions with lock facilities.

The master of any vessel within a lock or approaching or leaving any lock, guard gate or bridge shall ascertain for himself whether or not such lock, guard gate or bridge is prepared to allow his vessel to enter or pass and he shall control his vessel so as to avoid collision with Seaway works or other vessel and no vessel shall attempt to enter or leave a lock until the gates, fender boom and bridge, if any, are fully opened.

§ 401.105–18 Searchlights.

Vessels shall not use searchlights in such manner that the rays of the searchlight will interfere with the operation of a Seaway structure.

§ 401.105–19 Smoke.

Vessels within canal waters shall take the necessary precautions to avoid the emission of sparks or excessive smoke. Vessels shall not blow boiler tubes in any canal.

§ 401.105–20 Refuse.

No person shall deposit oil, oil sludge or other flammable or dangerous substance, or garbage, ashes, paper, ordure, litter or other materials in canal waters or on canal property, nor deposit any such substance or material so that pollution of canal waters could result.

§ 401.105–21 Failure to comply with orders.

In the event of noncompliance with an order given by an officer of the Authority, the Authority may remove and relocate the vessel with respect to which the order was not carried out and such removal and relocation shall be at the cost of the vessel's owner.

Passing Through

§ 401.106–1 Locking.

Each vessel shall advance to the lock in the order in which it arrives, unless otherwise instructed by the dispatcher or lockmaster. If so instructed, a vessel small enough to pass through with a preceding vessel shall advance for that purpose ahead of its regular turn.

Mooring Table

Showing the side on which the vessel shall normally moor at the tie-up walls and in the locks, unless otherwise directed by the dispatcher.

S—Starboard.
P—Port.
Upb—Upbound.
Dnb—Downbound.

Montreal to Iroquois

	St. Lambert	Cote St. Catherine	Beauharnois			Snell	Eisenhower	Iroquois
			Lower	Pool	Upper			
Locks:								
Upbound	P	P	S	----------	S	S	S	P
Downbound	S	S	P	----------	P	P	P	S
Tie-up walls:								
Upbound	S	S	P	P	----------	S	S	S
Downbound	P	P	----------	S	P	P	P	P

Welland Canal

Locks	1	2	3	4	5	6	7	Guard gate.	8
Upbound	S	P	P	P	P	P	P	----------	S
Downbound	P	S	S	P	P	P	S	P	P
Tie-up walls:									
Upbound	S	S	S	S	----------	----------	S	----------	S
Downbound	P	P	P	----------	----------	----------	S	----------	S

§ 401.106–2 Mooring procedure for passing through.

When preparing mooring lines for passing through a lock, the lines shall be drawn off the winch drums outwards through the fairleads in the vessel's side and will be laid out on the vessel's deck in sufficient length to reach the mooring posts. The lines shall be placed on the mooring posts as directed by the lockmaster. Normally, the two lines leading astern shall be placed on the mooring posts first.

§ 401.106–3 Attendance of lines.

All lines must be attended by members of the vessel's crew during the whole period that the vessel is passing through a lock. Where lines are hand-held for tension control, each line shall be attended by at least one member of the vessel's crew.

§ 401.106–4 Casting over mooring lines.

Mooring lines shall not be cast over the side of the vessel in a manner that will endanger the lock crew.

§ 401.106–5 Operation of mooring line winches.

The winches from which the mooring lines run shall not be operated until a signal is received from the lockmaster or linesman that the line has been placed on a mooring post.

§ 401.106–6 Working vessel into lock; use of engines and winches.

When a vessel is proceeding into a lock her engines shall be stopped before her stem reaches a point fifty feet from the

sign marked "Stop" on the lock wall near the closed gates and she shall be moved into her mooring position by means of her lines and winches only, without working her engines except to check her speed or stop.

§ 401.106–7 Limits of entry within lock.

Vessels shall not proceed into a lock so far that her stem passes the "Stop" sign near the closed gates nor be moored in such a position that her stern extends beyond the "Stop" sign near the open gates.

§ 401.106–8 Leaving a lock; procedure.

When preparing to leave the lock, none of the vessel's mooring lines shall be cast off until the exit gates and fenders of the lock and the bridge, if any, are in a fully open position. A signal that the vessel may proceed will be given by the lockmaster to the master of the vessel.

§ 401.106–9 Line handling procedure downbound.

Downbound vessels shall use their own heaving lines and attach them to the mooring lines prior to entry into the lock ready to be passed to the linesman as soon as the vessel passes the open gates.

§ 401.106–10 Line handling procedure upbound.

For upbound vessels heaving lines will be cast down from the mooring wall as soon as the vessel passes the open lock gates and shall be secured to the mooring lines two feet back of the splice of the eye by means of a clove hitch.

§ 401.106–11 Iroquois Lock and Lock 8 at Welland Canal, entering.

A vessel whose deck level at the bow extends less than twelve feet above water surface when entering the Iroquois Lock or Lock 8 of the Welland Canal, shall stop before her bow has reached a point one hundred feet from the sign marked "Stop" on the lock wall. Beyond this point the vessel shall maneuver into mooring position by means of her lines and winches only, but her stem shall not pass the "Stop" sign near the closed gates.

§ 401.106–12 Lachine, Cornwall, or Sault Ste. Marie Canals, stopping engines.

The engines of any vessel on the Lachine, Cornwall or Sault Ste. Marie Canals shall be stopped while the propeller wheel is passing over the mitre sills.

§ 401.106–13 Lachine Canal, etc., using lines to get mooring position.

The engines of a vessel entering a lock on the Lachine, Cornwall or Sault Ste. Marie Canals shall be stopped when her bow reaches the middle of the lock between the upper and lower gates and she shall then be moved into mooring position by her lines alone.

§ 401.106–14 Tandem lockages.

When two or more vessels are being locked together, the vessels astern of the leading vessel shall come to a full stop a sufficient distance from the preceding vessel to avoid collision.

§ 401.106–15 Emergency procedure.

In case of emergency, when the vessel's speed has to be checked immediately, all mooring lines shall, upon the order of either the lockmaster or the master of the vessel, be put out as soon as possible in sufficient length that they may be placed on the nearest mooring post. Under such circumstances, the vessel's captain shall signal a full check by sounding a series of five or more short blasts.

§ 401.106–16 Vessels in tow.

A vessel that is not self-propelled shall not be underway in any canal unless it is securely tied to its towing vessel or vessels and unless it complies with special instructions provided for under § 401.103–2 where applicable and with other conditions contained in these regulations.

§ 401.106–17 Tugs.

A vessel whose overall length exceeds two hundred and sixty feet shall be towed by at least two adequate tugs, one forward and one aft.

§ 401.106–18 Conditions for use of towing vessels.

Vessels shall not be towed in any canal by another vessel fastened alongside or astern of the towed vessel, unless:

(a) The wheelsman of the towing vessel has an unobstructed view of the full outline of the deck at the bow of the towed vessel and of the water surface four hundred feet in advance of its bow, or

(b) When underway there is at all times on the deck of the vessel being towed, a deck officer to signal directions to the wheelsman.

§ 401.106–19 Tug control of towed vessel.

When more than one vessel is being towed by one tug, the tug shall have adequate power and shall be securely tied alongside or astern to insure that the tug will fully control the towed vessels.

§ 401.106–20 Beam limitation on vessel or vessels under tow.

No vessel shall be fastened alongside of its towing vessel so that the total beam exceeds forty feet in the Cornwall Canal, or fifty-five feet in the Sault Ste. Marie Canal, or seventy-two feet on any other Seaway Canal.

§ 401.106–21 Consent for tow of more than one vessel.

No vessel shall tow more than one vessel in any canal except with the express approval of the Superintending Engineer. When required by the Superintending Engineer, two adequate tugs or other vessels shall be provided for towing any vessel.

§ 401.106–22 Mooring of towed vessels at lock entrance, etc.

The master of a vessel or tug arriving at the entrance of any canal with two or more vessels in tow for passage through the canal shall arrange with the dispatcher for the mooring of such vessels of the tow which cannot proceed immediately through the canal. Each vessel moored shall be in charge of a competent person appointed by the master who shall obey the orders of the Seaway officer in any matter relating to the position of the vessel and the accommodation or fastenings thereof.

§ 401.106–23 Line handling on towed vessels.

When vessels that are towed or propelled by an accompanying tug and are not equipped with deck winches, one of the crew shall be detailed to attend to each of the mooring lines at the vessel's cleats or mooring bitts while the vessel is within a lock. The crew members so assigned shall take up the slack as the vessel rises or pay out lines as the vessel lowers, in order to control the vessel properly while the lock is being filled or emptied.

§ 401.106–24 Mooring and fastening.

No vessel shall be fastened or moored so as to obstruct navigation.

§ 401.106–25 Disembarkment and boarding of crew members.

Crew members may board or disembark if so directed by the master for the purpose of carrying out essential duties.

§ 401.106–26 Consent for movement of moored vessels.

Vessels that have moored at a wharf or tie-up wall on any canal shall not proceed further until permitted to do so by the dispatcher or the lockmaster.

§ 401.106–27 Vessels tied to a bank.

Vessels shall not tie to a canal bank except in cases of emergency, or if so instructed by the dispatcher, and if a master has to tie to a bank or is otherwise held on a bank, he shall advise the dispatcher without delay and shall conform with the instructions of the dispatcher.

DANGEROUS CARGO

§ 401.107–1 Dangerous cargo.

Subject to § 401.107–2 in the case of a vessel carrying dangerous goods defined as requiring a permit in the Dangerous Goods Shipping Regulations made under the Canada Shipping Act or carrying fuel oil, crude oil, gasoline or other flammable goods, and in the case of a vessel engaged in carrying such goods whether it is loaded, partly loaded or empty, the master shall advise the dispatcher of the nature of the cargo when the vessel arrives at the calling-in point and shall comply with all instructions issued by the dispatcher, and in the case of such a vessel, intending to enter the Seaway at Montreal, the master shall, prior to requesting Seaway entry, report from the Harbour by radio-telephone or by telephone to Seaway Station VDX20 the following information:

Name of vessel.

Nature of cargo at time of entry (if explosive giving permit number).

§ 401.107–2 Permit.

When the dangerous cargo consists in whole or in part of explosives as defined in the said Dangerous Goods Shipping Regulations, the vessel carrying it shall

not enter or transit any canal except with the written permission of the Director of Operation and Maintenance and subject to the conditions and restrictions specified in the permit. A copy of the permit shall be kept on board the vessel and the master shall advise the dispatcher of the exact nature of the cargo and the permit number when the vessel arrives at the calling-in point.

§ 401.107–3 Red flag and red light.

Vessels engaged in carrying explosives or dangerous goods shall fly a red flag by day and at night shall show a red light. The red flag and the red light shall be displayed at the masthead or at another conspicuous position and shall be visible all around the horizon for a distance of at least one mile.

§ 401.107–4 Fenders.

As specified in § 401.103–12, all vessels carrying dangerous goods shall be equipped with a sufficient number of non-metallic fenders to prevent any metallic portion of the vessel from touching the side of the dock or lock wall.

§ 401.107–5 Packing, marking, etc., of dangerous cargo.

No dangerous goods shall be moved by vessel within the Seaway unless they are packed, marked, labeled, described, certified, stowed and otherwise in accordance with the said Dangerous Goods Shipping Regulations, nor moved by vessel from a place outside Canada into the Seaway unless they are packed, marked, labeled, described, certified, stowed and otherwise in conformity with all relevant regulations of the country in which it was loaded in the vessel and in no case in a manner less effective than that prescribed in the said Dangerous Goods Shipping Regulations.

§ 401.107–6 Storage, etc.

The storage, transportation and distribution of explosives upon Seaway lands and property shall be subject to the Explosives Act of Canada, and to the Regulations made under that Act, as well as to all applicable provincial and municipal legislation.

DOCUMENTARY EVIDENCE

§ 401.108–1 Documentary evidence.

The Authority may, at any time, request that documentary evidence relating to the vessel, its crew or its cargo be made available by the master, the representative or the owner.

§ 401.108–2 Certified copies.

If so required by the Authority, certified copies of any documentary evidence shall also be furnished. The Authority may also cause any vessel to stop in the manner and where indicated for the purpose of examining or securing any documentary evidence that is required to be kept on board a vessel.

§ 401.108–3 Manifests, certificates.

With respect to the vessel or its crew, the master, the owner or the representative may be called upon to produce any of the vessel's manifests or inspection certificates, including safety certificates as well as crew lists or evidence of qualifications.

§ 401.108–4 Requests to furnish.

The master, the representative or the owner may be requested to furnish the passenger manifest, cargo manifest, bills of lading, weigh-scale slips or any other documentary evidence relating to the passengers or the cargo of a transiting vessel.

§ 401.108–5 Inspection of dangerous cargo certificate.

Where dangerous cargo has been placed aboard within a port or a country that issues certificates as to the loading of dangerous cargo in accordance with the relevant international conventions, these certificates should be available for inspection by the Authority, at all times.

ACCIDENTS AND REPORTS

§ 401.109–1 Reporting accidents.

An incident or accident involving any vessels, occurring within a canal or an area included between calling-in points and involving damages or injury, shall be reported immediately to the nearest Seaway radio-telephone station. When required, this initial report shall be followed by a written report signed by the master; the master's written report shall be given to the Canal Superintendent before the vessel leaves the canal and any further reports or information required shall be submitted by the representative to the Director of Operation and Maintenance.[6]

§ 401.109–2 Procedure following accidents.

Where the damages or injury are to Seaway property or personnel, the master shall immediately report the incident to the dispatcher and shall follow all special instructions such as mooring the vessel until such times as security satisfactory to the Authority has been furnished.

§ 401.109–3 Clearing of channel.

Where a vessel founders or runs aground or is otherwise placed in such a position as to obstruct any part of the Seaway, the Authority may cause it to be removed in any way deemed to be expedient, and the cost of removal shall be chargeable to the owner of the vessel or recoverable from a sale of the vessel. If the proceeds of a sale are insufficient for the latter purpose, then the difference is chargeable to the owner.

USE OF BRIDGES, ROADS, WHARVES AND OTHER SEAWAY PROPERTY

§ 401.110–1 Trespassing.

Any unauthorized use of Seaway property is a trespass, punishable as a summary offense.

§ 401.110–2 Passes.

Upon application to the Superintending Engineer,[6] passes may be issued to persons having bona fide business on Seaway property.

[6] Note to § 401.101–6.

§ 401.110–3 Access to property.

Where access is permitted, the right shall be exercised in strict compliance with instructions and orders. Vehicular traffic shall be restricted to roads and other designated places and no person shall allow a vehicle to stand or park except at a designated place. Notice of the designation of vehicle stands or of general instructions and orders may be given by placing signs indicating such instructions.

§ 401.110–4 Defacement of property.

No person shall wilfully damage or deface any Seaway installation, and the master of every transiting vessel shall prevent any such damage being inflicted by any member of the crew of the vessel.

§ 401.110–5 Interference with navigation aids.

No unauthorized person shall interfer with or moor to any aid to navigation or set out buoys or navigation markers on the Seaway.

TOLL ASSESSMENT AND COLLECTION

§ 401.111–1 Cargo Declaration Form.

For each transit of vessels other than pleasure craft, the representative of the vessel who has obtained pre-clearance must arrange to have the Seaway Passenger and Cargo Declaration Form completed and forwarded to the Seaway Headquarters at Cornwall, Ontario. The Declaration must be mailed within fourteen days from the time that the vessel first enters the Seaway.

§ 401.111–2 New Declaration Form

Where a change or modification takes place with respect to the particulars contained in the Declaration either as concerns the destination, nature and quantity of the cargo or the number and destination of passengers, the representative must immediately forward a new Declaration revised accordingly.

§ 401.111–3 Use of Declaration Form.

The Declaration will be used for the purpose of assessing tolls and preparing accounts in accordance with the Tariff of Tolls.

§ 401.111–4 Statistics.

The information given in the Declaration will be transmitted to the Bureau of Statistics at Ottawa by the Authority. This arrangement permits the owners to satisfy the requirements of the Statistics Act of Canada. In respect of the United States, the Saint Lawrence Seaway Development Corporation will maintain and furnish such statistical data as may be required.

§ 401.111–5 Assessment of tolls.

Upon receipt of the Declaration, the Authority shall assess the tolls in accordance with the information given. The account will be forwarded to the representative in two copies. Where the representative has requested in Item 3 of the vessel's Pre-clearance Form, that accounts be sent to a bank or financial institution, the two copies of the account will be sent accordingly. The

representative shall remain responsible for all payments even though he has indicated a bank or financial institution as his paying agent and if he wishes to receive a copy of the assessment or account, he must make arrangements with such bank or financial institution.

§ 401.111–6 Payment; surcharge.

The amount shown on an account is payable upon receipt of the account; unless it is paid within 14 days from the date shown on the account, a surcharge for nonpayment in an amount not to exceed 5 percent of the amount due, may be added. The payments should be made as indicated on the account, that is, in Canadian funds or American funds as the case may be in accordance with instructions shown on the account. All assessments and accounts will be adjusted periodically, and the adjustment will be reflected in the subsequent accounts or in an adjustment account.

§ 401.111–7 Failure to file Declaration; surcharge.

Where a Declaration is not mailed within fourteen days from the time a vessel enters the Seaway, the Authority may antedate the account as of the date when it would have been prepared if the Declaration had been forwarded within the time allowed, and the surcharge for nonpayment within fourteen days may be added as if the account had been received by the representative at the time to which it is antedated.

§ 401.111–8 Weigh-Scale Certificate.

The Authority may request that a copy of the cargo manifests duly certified by the representative be filed with the Authority. In all cases where a Weigh-Scale Certificate or similar document takes the place of the cargo manifest, it may be accepted in lieu of this manifest and copies of these documents may be attached to the declaration.

§ 401.111–9 Security.

References is made to §§ 401.102–5 to 401.102–8 concerning security required by the Authority with respect to the payment of tolls.

§ 401.111–10 Special conditions; pleasure craft.

The method of paying tolls under special conditions for pleasure craft is outlined in §§ 401.112–1 to 401.112–9.

PLEASURE CRAFT

§ 401.112–1 Pleasure craft.

Subject to the applicable conditions and except as hereinafter prescribed, pleasure craft may transit the Seaway.

§ 401.112–2 Prohibited transits.

Pleasure craft of less than twenty feet in overall length or two tons in dead weight shall not be permitted to pass through the locks in the following canals:

South Shore Canal.
Beauharnois Canal.
Welland Canal.

§ 401.112–3 Pre-clearance.

Every pleasure craft must be precleared with the Authority before it may use the Seaway which, for these purposes, includes the South Shore, Beauharnois, Wiley-Dondero, Iroquois and Welland Canals, but excludes the Lachine, Cornwall and Sault Ste. Marie (Canada) Canals. Form SLS 429A shall be completed where the gross registered tonnage of the pleasure craft does not exceed 350 (gross) tons. Where the gross registered tonnage is in excess of 350 tons, pre-clearance shall be made on Form SLS 429. Copies of these forms may be obtained by applying in person or by writing to The St. Lawrence Seaway Authority, "re: Pre-clearance," corner of Pitt and Second Streets, Cornwall, Ontario, or to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York.

§ 401.112–4 New pre-clearance.

Any change in the information or details provided in the Pre-clearance Form requires that another form be completed and submitted to the Authority before any further transit.

§ 401.112–5 Tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft regardless of size. Payment shall be made for the transit of each lock by means of $2.00 tickets that may be purchased at The St. Lawrence Seaway Authority, corner of Pitt and Second Streets, Cornwall, Ontario, or from the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York, or at the office of the Superintending Engineers, whose addresses are:

Eastern District: District Superintending Engineer, The St. Lawrence Seaway Authority, 465 Victoria Avenue, St. Lambert, Province of Quebec.

Central District: District Superintending Engineer, The St. Lawrence Seaway Authority, P.O. Box 98, Cornwall, Ontario.

Western District: District Superintending Engineer, The St. Lawrence Seaway Authority, Welland Canal Building, Yates Street, St. Catharines, Ontario.

Tickets may also be purchased from pleasure craft organizations, or yacht clubs that have pre-purchased them from the Authority. Payments for such pleasure craft as are pre-cleared on Form 429 shall also be paid by ticket at each lock, provided that any balance in toll payable by reason of the craft having a gross registered tonnage in excess of 350 tons in the case of the St. Lawrence Canals, or 800 tons in the case of the Welland Canal, shall be assessed by the Authority. The amount shown on an Excess Balance Account is payable upon receipt of the account and unless it is paid within 14 days from the date shown on the account, a surcharge in an amount not to exceed 5 percent of the amount due may be added.

§ 401.112–6 Payment by ticket at locks.

Payment by ticket shall be made by the person in charge of a pleasure craft, who shall pass a ticket to the lockmaster while his craft is within the lock chamber.

§ 401.112–7 Cash not accepted at locks.

No cash payments will be accepted at a lock, and unless a ticket is presented, the owner shall be liable to be assessed $4.00 for each lock transited.

§ 401.112–8 Surcharges.

The owner and person in charge of a pleasure craft which transits without proper pre-clearance shall be liable to be assessed $4.00 for each lock transited, and in addition, they will become liable to a penalty of $10.00.

§ 401.112–9 Additional surcharge.

Unless the amount assessed is paid within 7 days of the date of the notice of assessment, an additional penalty surcharge of $50.00 may be added.

§ 401.112–10 Scheduling of pleasure craft transits.

The transit of pleasure craft shall be scheduled so as to avoid interference with other shipping and may be delayed until a lockmaster considers that the craft may pass through safely.

§ 401.112–11 Custody requirement of rules and regulations.

Section 401.18 provides that a copy of the Regulations shall be kept on board every vessel, including a pleasure craft, transiting the Seaway.

FORMS

§ 401.120–1 Pre-clearance Form.

The St. Lawrence Seaway Vessel Pre-clearance Form. Form S.L.S. 429.

INSTRUCTIONS

This form is to be completed for each vessel by its representative as defined in the Seaway Regulations. The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the undertaking unless this document is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new form will be required for each change in representative or his address and for any major revision in the description of the characteristics of the vessel.

NOTICE

NO VESSEL IS PRE-CLEARED UNTIL RECEIPT OF THIS FORM HAS BEEN ACKNOWLEDGED BY THE AUTHORITY

Seaway No. ------

PART I—SECURITY

1. Registration of vessel:
   (a) Name ----------
   (b) Country of registry----------
   (c) Port ----------
   (d) Official number or letters ----------
   (e) Gross registered tonnage ----------
2. Managing owner or operator of the vessel:
   (a) Name of company ----------
   (b) Address ----------
   (c) Name of line: if not same as above ----------
3. Representative in Canada or the United States responsible for payment of tolls and charges:
   (a) Name ----------
   (b) Address ----------
   (c) Telephone No. ----------
4. Security Deposit:* Type ----------

   ---------- Amount $------

*Not required for the Saulte Ste. Marie Canal only or the Third Welland Canal only.

(Cash; bonds of Canadian or U.S. Government; bank letter of credit or bank guarantee)

NOTE: (The minimum security is $1.00 for every gross registered ton, per transit)

5. Insurance: (It is required that liability insurance be equal to or exceed $40.00 per gross registered ton.)
   (a) List the liability insurance coverage on the vessel (P & I): _____
   _____
   _____ Amount $_____
   (b) Names of underwriters: _____
   _____

PART II—INFORMATION ON VESSEL

NOTE: Pre-clearance relates primarily to money security. Acknowledgement of pre-clearance does not constitute a guarantee that the vessel is in a condition satisfactory to the Authority and does not grant permission to transit. The information on the vessel must be given and will facilitate scheduling.

1. Type of vessel:
   (a) Cargo _____ ☐
   (b) Tanker _____ ☐
   (c) Passenger only _____ ☐
   (d) Cargo-passenger (more than 12 passengers) _____ ☐
   (e) Cargo-passenger (under 12 passengers) _____ ☐
   (f) Under Tow _____ ☐
   (g) Dredge _____ ☐
   (h) Scow _____ ☐ Barge _____ ☐
   Tank barge _____ ☐
   (i) Tug _____ ☐
   (j) Naval (Mil.) _____ ☐
   (k) Government _____ ☐
   (l) Other (specify) _____ ☐
2. Type of service:
   (a) For which constructed:
   (i) Inland _____ ☐
   (ii) Ocean _____ ☐
   (b) In which employed:
   (i) Foreign _____ ☐
   (ii) Coastal _____ ☐
   (iii) Inland _____ ☐
3. Specifications:
   (a) Gross tons _____
   (b) Net tons _____
   (c) Deadweight _____
   (d) Length (overall) _____
   (e) Extreme breadth (including fenders) _____
4. Machinery:
   Steam _____
   Diesel _____
   Turbine _____
   Is vessel fitted with adjustable pitch propeller?
   Yes ☐ No ☐
   Is vessel fitted with stern anchor?
   Yes ☐ No ☐
   Bridge control?
   Yes ☐ No ☐
   †Is vessel fitted with wrong way propeller direction alarm?
   Yes ☐ No ☐
5. Radio-telephone equipment:
   V.H.F. Yes ☐ No ☐
   Frequency: 156.8 ☐, 156.7 ☐, 156.6 ☐
   M.F. Yes ☐ No ☐
   Frequency: 2182 ☐, 2003 ☐

CERTIFICATE

The undersigned certifies that he is the representative of the vessel described in this form.

The undersigned shall be fully responsible for the carrying out of the obligations of the representative pursuant to the Seaway Regulations and for all the monies that may become due by this vessel during the full term of this certificate, and notwithstanding the expiration of this certificate.

The security filed by the undersigned with the Authority shall be maintained during the full currency of this certificate and will be subject to summary forfeiture in the event of default or infringement of the Seaway Regulations or Circulars, by the undersigned.

This certificate shall be good and binding:
☐ (a) Until the Authority is otherwise advised in writing by the undersigned: or
☐ (b) For the following voyage:

_____
_____
_____

Dated at _____ this _____ day of _____ 19__.

Signed _____
Print name _____

† Locking device, or any system which ensures correct propeller direction as signalled from the bridge, other than a revolution indicator.

No. 66——4

§ 401.120–2 Pre-clearance Form (Pleasure Craft).

The St. Lawrence Seaway Vessel Pre-clearance Form (Pleasure Craft). Form S.L.S. 429A.

INSTRUCTIONS

This form is to be completed for each pleasure craft by its owner or representatives as defined in the Seaway Regulations. The owner or representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

A new form will be required for each change in ownership or address and for any major revision in the description of the characteristics of the vessel.

NOTICE

NO VESSEL IS PRE-CLEARED UNTIL RECEIPT OF THIS FORM HAS BEEN ACKNOWLEDGED BY THE AUTHORITY

Seaway No. _____

DESCRIPTION

1. Registered name of vessel _____
2. Operator or owner _____
   Address _____
3. National registry:
   (a) Country of registry _____
   (b) Port _____
   (c) Official number or letters _____
4. Description of vessel:
   (a) Tonnage: Gross registered tons _____
   (b) Overal length _____ feet _____
   (c) Beam (breadth) _____ feet _____
   (d) Maximum draught _____ feet _____
5. Insurance: The Seaway regulations require that vessels be adequately insured. List the insurance coverage on the vessel:
   _____
   _____
   _____

CERTIFICATE

The undersigned certifies that he is the owner of the vessel described in this form.

The undersigned shall be fully responsible for the carrying out of the obligations of the representative pursuant to the Seaway Regulations and for all the monies that may become due by this vessel during the full term of this certificate.

This certificate shall be good and binding continuously until the Authority is otherwise advised in writing by the undersigned.

Dated at _____ this _____ day of _____ 19__.

Signed _____
Print name _____

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] M. W. OETTERSHAGEN,
Acting Administrator.

[F.R. Doc. 61–3036; Filed, Apr. 6, 1961; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

SUBCHAPTER G—DEBENTURES

PART 271—TRANSACTIONS AND OPERATIONS IN MUTUAL MORTGAGE INSURANCE FUND AND HOUSING INSURANCE FUND DEBENTURES

Miscellaneous Amendments to Chapter

The following miscellaneous amendments have been made to this chapter:

1. In Part 200 the table of contents is amended by adding new section headings as follows:

Sec.
200.157 Provisions and characteristics of debentures.
200.158 Applicability of Treasury regulations to debenture transactions.
200.159 Relief on account of lost, stolen, destroyed, mutilated or defaced debentures.
200.160 Redemption of debentures prior to maturity.
200.161 Administration of debenture transactions.
200.162 Certificates of claim.

2. Part 271 and §§ 200.157 and 200.158 of Part 200 are hereby superseded by the following §§ 200.157 through 200.162.

Subpart E—Mortgage Insurance Procedures and Processing

* * * * * *

§ 200.157 Provisions and characteristics of debentures.

(a) *Series and fund.* Debentures are issued in appropriate series and are the obligation of and issued in the name of the particular mortgage insurance fund under which the mortgage is insured.

(b) *Registration, denomination and execution.* Debentures are issued in registered form and in denominations of $50, $100, $500, $1,000, $5,000 and $10,000. Debentures are signed by the Federal Housing Commissioner by facsimile signature and imprinted with the seal of the Federal Housing Administration.

(c) *Rate of interest and interchangeability.* Debentures carry a rate of in-

terest prescribed by the Commissioner but not in excess of an annual rate determined by the Secretary of the Treasury in accordance with a prescribed statutory formula involving yields or prices of outstanding marketable obligations of the United States. Debentures of the same series bearing the same interest rate and having the same maturity date shall be freely interchangeable between the various authorized denominations.

(d) *Negotiability and redemption.* Debentures are negotiable and are fully guaranteed as to principal and interest by the United States. Debentures are redeemable on call issued by the Commissioner.

(e) *Payment of principal and interest.* Principal and interest of debentures shall be payable when due at the Treasury Department, Washington, D.C., or at any Government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for that purpose. The principal and interest shall be payable to the registered owner whose name shall be inscribed on the debentures or to the assignee as shown by executed assignments.

(f) *Transfer and use.* Debentures are fully transferable and may be freely sold or assigned. Debentures may be used by approved mortgagees in lieu of cash for payment of FHA mortgage insurance relating to the same mortgage insurance fund under which the debentures are issued.

§ 200.158 Applicability of Treasury regulations to debenture transactions.

The United States Treasury Department is the agent for the Commissioner in connection with transactions and operations relating to debentures. The general regulations of the United States Treasury Department governing transactions and operations in United States registered bonds, and the payment of interest thereon, are adopted, so far as applicable, as the regulations of the Commissioner for similar transactions and operations in debentures, including the payment of interest on, with the following exceptions:

(a) *Payment of final interest on maturing or called debentures.* If the notice of maturity or call for redemption shall so provide, the final installment of interest payable on any debentures at maturity or earlier redemption date may be paid with the principal in accordance with the assignments on the debentures instead of by separate check drawn to the order of the registered payee and forwarded to him at his address of record.

(b) *Closing of transfer books.* If the call for redemption shall so provide, the books maintained by the Treasury Department may be closed against transfers and denominational exchanges in debentures for three full months preceding any interest payment date with respect to any debentures called for redemption on such interest payment date.

(c) *Detached assignments.* Detached assignments shall be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debentures is considered a detached assignment.

(d) *Assignments by corporations for redemption for their own account.* A debenture registered in the name of, or assigned to, a corporation will be paid to such corporation, at maturity or earlier redemption date, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested to in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases within this exception, payment will be made only by check drawn to the order of the corporation.

§ 200.159 Relief on account of lost, stolen, destroyed, mutilated or defaced debentures.

The statutes of the United States and the regulations of the Treasury Department governing relief on account of the loss, theft, destruction, mutilation or defacement of United States securities, so far as applicable and as necessarily modified to relate to debentures, are adopted as the regulations of the Commissioner for the issuance of substitute debentures or the payment of lost, stolen, destroyed, mutilated or defaced debentures.

§ 200.160 Redemption of debentures prior to maturity.

Debentures of any series, if so provided in the text thereof, may be redeemed at the option of the Federal Housing Commissioner, with the approval of the Secretary of the Treasury, in whole or in part, at par and accrued interest on any interest day or days on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe. In case of partial redemption, the debentures to be redeemed shall be determined by such method as may be prescribed by the Commissioner.

§ 200.161 Administration of debenture transactions.

The Secretary of the Treasury or the Acting Secretary of the Treasury is authorized and empowered, on behalf of the Commissioner, to administer the regulations governing any transactions and operations in debentures, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. At his discretion the Secretary, the Under Secretary, or any Assistant Secretary of the Treasury acting by direction of the Secretary, is authorized to waive any such regulation on behalf of the Commissioner in any particular case where a similar regulation of the Treasury Department with respect to United States bonds or interest thereon would be waived.

§ 200.162 Certificates of claim.

The certificate of claim issued to the mortgagee at the time debentures are issued constitutes an agreement by the FHA that after the FHA has recovered its investment in a particular property any excess over and above such investment is available for payment on the certificate of claim. Certificates of claim bear interest at the rate of 3 percent per annum.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 3, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-3068; Filed, Apr. 6, 1961; 8:45 a.m.]

Title 26—INTERNAL REVENUE

[T.D. 6559]

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Carryovers in Certain Corporate Acquisitions of Method of Computing Depreciation Allowance, Installment Method, and Recovery of Bad Debts, Prior Taxes, or Delinquency Amounts

On December 30, 1960, notice of proposed rule making prescribing regulations under section 381(c) (6), (8), and (12) of the Internal Revenue Code of 1954, relating respectively to the carryovers in certain corporate acquisitions of method of computing depreciation allowance, installment method, and recovery of bad debts, prior taxes, or delinquency amounts, was published in the FEDERAL REGISTER (25 F.R. 13978). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the change set forth below:

Paragraph (a)(1) of § 1.381(c)(8)-1 is revised.

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

Approved: April 3, 1961.

HENRY H. FOWLER,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 381(c) (6), (8), and (12) of the Internal Revenue Code of 1954, relating respectively to the carryovers of method of computing depreciation allowance, installment method, and recovery of bad debts, prior taxes, or delinquency amounts:

Sec.
1.381(c)(6) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; method of computing depreciation allowance.
1.381(c)(6)-1 Depreciation method.

AUTHORITY: §§ 1.381(c)(6), 1.381(c)(6)-1, 1.381(c)(8), 1.381(c)(8)-1, 1.381(c)(12), 1.381(c)(12)-1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 1.381(c)(6) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; method of computing depreciation allowance.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(6) *Method of computing depreciation allowance.* The acquiring corporation shall be treated as the distributor or transferor corporation for purposes of computing the depreciation allowance under paragraphs (2), (3), and (4) of section 167 (b) on property acquired in a distribution or transfer with respect to that part or all of the basis in the hands of the acquiring corporation as does not exceed the basis in the hands of the distributor or transferor corporation.

§ 1.381(c)(6)-1 Depreciation method.

(a) *Carryover requirement.* (1) Section 381(c)(6) provides that if, in a transaction to which section 381(a) applies, an acquiring corporation acquires depreciable property from a distributor or transferor corporation which computes its allowance for the depreciation of the property under section 167(b)(2), (3), or (4), then the acquiring corporation shall compute its depreciation allowance by the same method used by the distributor or transferor corporation with respect to such property. Thus, if the distributor or transferor corporation used the sum of the years-digits method under section 167(b)(3) with respect to an asset distributed or transferred to an acquiring corporation, then the acquiring corporation shall be required to use the sum of the years-digits method with respect to such asset acquired. The computation of the depreciation allowance with respect to the property acquired shall be made under the provisions of section 167 and the regulations thereunder.

(2) The rules provided in section 381(c)(6) and subparagraph (1) of this paragraph shall apply only with respect to that part or all of the basis of the property in the hands of the acquiring corporation immediately after the date of distribution or transfer as does not exceed the basis of the property in the hands of the distributor or transferor corporation on the date of distribution or transfer. For this purpose, the basis of the property in the hands of the distributor or transferor corporation shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. For provisions defining the date of distribution or transfer see § 1.381(b)-1(b).

(b) *Portion in excess of distributor or transferor corporation's basis.* With respect to that part of the basis of the depreciable property which in the hands of the acquiring corporation exceeds the adjusted basis to the distributor or transferor corporation, the acquiring corporation may use any reasonable method of computing depreciation, other than the methods provided in section 167(b)(2), (3), or (4). See paragraph (b) of § 1.167(b)-0 for methods which are acceptable under section 167(a). See also sections 334(b)(1) and 362(b) for the determination of basis of property in the hands of the acquiring corporation in connection with a transaction to which section 381(a) applies.

(c) *Records required.* Records shall be maintained in sufficient detail to identify any depreciable property to which this section applies, and to establish the basis thereof.

(d) *Agreement under section 167(d).* To the extent not inconsistent with paragraph (b) of this section, an acquiring corporation shall be treated as the distributor or transferor corporation in the case of an agreement between the distributor or transferor corporation and the district director under section 167(d) and § 1.167(d)-1 with respect to property to which section 381(c)(6) and this section apply. Thus, in the case where the basis of an asset in the hands of an acquiring corporation exceeds the basis of such asset in the hands of the distributor or transferor corporation, such an agreement will not have the effect of permitting the acquiring corporation to compute its depreciation allowance with respect to such excess basis under the methods provided in section 167(b)(2), (3), or (4). However, the provisions of the agreement will continue to apply with respect to the useful life of the asset.

(e) *Change of method of depreciation.* Although the acquiring corporation is required to use the method of computing depreciation used by the distributor or transferor with respect to depreciable property to which this section applies, such acquiring corporation may use another method with respect to such property if consent of the Commissioner is obtained in accordance with paragraph (e) of § 1.446-1. Further, subject to the provisions of paragraph (b) of § 1.167(e)-1 the acquiring corporation may change from the declining balance method described in section 167(b)(2) to the straight line method without consent of the Commissioner.

(f) *Successive transactions to which section 381(a) applies.* The provisions of this section shall apply in the case of successive transactions to which section 381(a) applies. Thus, for example, if X Corporation, a transferor corporation, used the sum of the years-digits method under section 167(b)(3) with respect to an asset transferred to Y Corporation, an acquiring corporation, in a transaction to which section 381(a) applies, and subsequently Y Corporation, using the same method, transfers such asset to Z Corporation in a transaction to which section 381(a) also applies, then Z Corporation shall be required to use the sum of the years-digits method with respect to such asset.

(g) *Illustration.* The application of this section may be illustrated by the following example:

Example. M and N Corporations compute their taxable incomes on the basis of the calendar year. On December 31, 1959, M Corporation transfers all of its assets to N Corporation in a transaction to which section 381(a) applies. Included among these assets is an item of depreciable property which on that date has an adjusted basis (for determining gain) of $800,000 after M Corporation takes into account for 1959 its allowance for depreciation under section 167(b)(2). The basis attributable to the asset under section 362(b) is determined to be $900,000 in the hands of N Corporation. Under the provisions of section 381(c)(6) and paragraph (a) of this section, N Corporation is required to compute its allowance for the depreciation of the asset under section 167(b)(2) for 1960 and subsequent years but only in respect of $800,000 of its basis. N Corporation may use any reasonable method other than the methods provided in section 167(b)(2), (3), or (4) in computing its depreciation allowance of the remaining $100,000.

§ 1.381(c)(7) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; prepaid income.

[Sec. 381(c)(7) deleted by Act of June 15, 1955 (Pub. Law 74, 84th Cong., 69 Stat. 134), effective with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954]

§ 1.381(c)(8) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; installment method.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(8) *Installment method.* If the acquiring corporation acquires installment obligations (the income from which the distributor or transferor corporation has elected, under section 453, to report on the installment basis) the acquiring corporation shall, for purposes of section 453, be treated as if it were the distributor or transferor corporation.

§ 1.381(c)(8)-1 Installment method.

(a) *Carryover requirement.* (1) Section 381(c)(8) provides that if, in a transaction to which section 381(a) applies, an acquiring corporation acquires installment obligations, the income from which the distributor or transferor corporation has elected under section 453 and the regulations thereunder to report on the installment method, then the acquiring corporation shall be treated as the distributor or transferor corporation would have been treated under section 453 had it not transferred the installment obligations. Thus, if the distributor or transferor corporation had properly elected to return income from the sale or other disposition of property

giving rise to the obligations on the installment method, then the acquiring corporation shall be required to return the income from all such installment obligations in the same manner and to the same extent as the distributor or transferor corporation, unless consent of the Commissioner to use another method is obtained in accordance with paragraph (e) of § 1.446–1. Amounts received by the acquiring corporation on or after the date of distribution or transfer with respect to an installment sale made by the distributor or transferor corporation will not be taken into account in applying the limitation under section 453(b)(2) with respect to the amount of payments received in the year of sale or other disposition.

(2) Section 381(c)(8) and this section have no application to sales or other dispositions of property made by the acquiring corporation on or after the date of distribution or transfer. For provisions defining the date of distribution or transfer, see § 1.381(b)–1(b). See section 381(c)(4) and the regulations thereunder for rules relating to the proper method or combination of methods of accounting to be used by the acquiring corporation.

(b) *Basis of obligations.* The basis in the hands of an acquiring corporation of installment obligations described in section 381(c)(8) and paragraph (a) of this section shall be the same as in the hands of the distributor or transferor corporation.

(c) *Repossession of property sold in prior years.* If the acquiring corporation repossesses property, previously sold by the distributor or transferor corporation, by reason of default by the purchaser in payment of the acquired installment obligations, then the acquiring corporation shall be treated as though it were the vendor corporation for purposes of determining, under section 453 and the regulations thereunder, the gain, loss, income, or deduction with respect to the property repossessed.

§ 1.381(c)(12) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; recovery of bad debts, prior taxes, or delinquency amounts.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(12) *Recovery of bad debts, prior taxes, or delinquency amounts.* If the acquiring corporation is entitled to the recovery of bad debts, prior taxes, or delinquency amounts previously deducted or credited by the distributor or transferor corporation, the acquiring corporation shall include in its income such amounts as would have been includible by the distributor or transferor corporation in accordance with section 111 (relating to the recovery of bad debts, prior taxes, and delinquency amounts).

§ 1.381(c)(12)–1 Recovery of bad debts, prior taxes, or delinquency amounts.

(a) *Carryover requirement.* (1) If, as a result of a distribution or transfer to which section 381(a) applies, the acquiring corporation is entitled to the recovery of a bad debt, prior tax, or delinquency amount on account of which a deduction or credit was allowed to a distributor or transferor corporation for a prior taxable year, and such debt, tax, or amount is recovered by the acquiring corporation after the date of distribution or transfer, then under the provisions of section 381(c)(12) the acquiring corporation is required to include in its gross income for the taxable year of recovery the same amount of income attributable to the recovery as the distributor or transferor corporation would have been required to include under section 111 and the regulations thereunder had the distribution or transfer not occurred.

(2) The rule prescribed by paragraph (a)(1) of this section and by section 381(c)(12) with respect to bad debts, prior taxes, and delinquency amounts applies equally with respect to the recovery by the acquiring corporation of all other losses, expenditures, and accruals made the basis of deductions from the gross income of a distributor or transferor corporation for prior taxable years, including war losses referred to in section 127 of the Internal Revenue Code of 1939, but not including deductions with respect to depreciation, depletion, amortization, or amortizable bond premiums. An item which is not a "section 111 item" for purposes of the regulations under section 111 is not subject to the provisions of section 381(c)(12). The provisions of section 111(c) shall be applied with respect to a recovery by the acquiring corporation in the same manner as they would have been applied by the distributor or transferor corporation.

(b) *Amount of recovery exclusion allowable for year of recovery.* For the year of any recovery by the acquiring corporation, the amount of the recovery exclusion for the original taxable year shall be determined in accordance with paragraph (b) of § 1.111–1. For the purpose of this paragraph and section 381(c)(12), the recovery exclusion for any year with respect to section 111 items of the acquiring corporation shall be kept separate from the recovery exclusion for any year with respect to section 111 items of each distributor or transferor corporation. The recovery by the acquiring corporation of any section 111 item of such corporation after the date of the distribution or transfer shall be considered separately from recoveries by the acquiring corporation of any such item which was deducted or credited by a distributor or transferor corporation. Any recovery by the acquiring corporation of a section 111 item shall be excluded from the gross income of the acquiring corporation to the extent of the recovery exclusion (1) determined for the original year for which that item was deducted or credited by the specific corporation which claimed the deduction or credit and (2) reduced by the excludable recoveries (whether made by the acquiring corporation, or by the distributor or transferor corporation) in intervening years with respect to the recovery exclusion of such corporation for such original year. There shall be taken into account the effect of net operating loss carryovers and carrybacks or capital loss carryovers.

(c) *Illustration of carryover of recovery exclusion.*—(1) *Facts.* (i) The application of section 381(c)(12) may be illustrated by the following example. M and N Corporations are both organized on January 1, 1957, and both corporations compute their taxable income on the basis of the calendar year. On December 31, 1959, M Corporation transfers all its assets to N Corporation in a reorganization to which section 381(a) applies.

(ii) The section 111 items of the two corporations for the following taxable years are as follows, identification of such items being made by an appropriate letter:

Taxable year of deduction or credit	M Corporation (transferor)	N Corporation (acquirer)
1957	$500 (g)	$200 (h)
1958	300 (i)	400 (j)
1959	600 (k)	100 (m)

(iii) The recovery exclusions in respect of such taxable years, computed in accordance with § 1.111–1(b)(2), are assumed to be as follows:

Taxable year	M Corporation (transferor)	N Corporation (acquirer)
1957	$400	$150
1958	200	300
1959	500	75

(iv) The recoveries of the abovementioned section 111 items by the two corporations are as follows:

Taxable year of recovery	M Corporation (transferor)	N Corporation (acquirer)
1958	$25 (g)	$50 (h)
1959	50 (g)	20 (h)
	30 (i)	15 (j)
1960		350 (g)
		225 (i)
		550 (k)
		100 (h)
		350 (j)
		85 (m)

(2) *M Corporation's 1958 recovery.*

Total recovery of section 111 items for 1957	$25
Less: Recovery exclusion for 1957	400
Amount included in gross income of M Corporation for 1958	0

(3) *M Corporation's 1959 recoveries.*

(i) Total recovery of section 111 items for 1957		$50
Less: Recovery exclusion for 1957	$400	
Minus excludable recovery	25	
		375
Amount included in gross income of M Corporation for 1959		0
(ii) Total recovery of section 111 items for 1958		30
Less: Recovery exclusion for 1958		200
Amount included in gross income of M Corporation for 1959		0

(4) *N Corporation's 1958 recovery.*

Total recovery of section 111 items for 1957		$50
Less: Recovery exclusion for 1957		150
Amount included in gross income of N Corporation for 1958		0

(5) *N Corporation's 1959 recoveries.*

(i) Total recovery of section 111 items for 1957		$20
Less: Recovery exclusion for 1957	$150	
Minus excludable recovery in 1958	50	
		100
Amount included in gross income of N Corporation for 1959		0
(ii) Total recovery of section 111 items for 1958		15
Less: Recovery exclusion for 1958		300
Amount included in gross income of N Corporation for 1959		0

(6) *N Corporation's 1960 recoveries.*

(i) Total recovery of section 111 items of M Corporation for 1957		$350
Less: Recovery exclusion of M Corporation for 1957	$400	
Minus: Excludable recovery in 1959	$50	
Excludable recovery in 1958	25	
	75	
		325
Amount included in gross income of N Corporation for 1960		25
(ii) Total recovery of section 111 items of M Corporation for 1958		225
Less: Recovery exclusion of M Corporation for 1958	200	
Minus excludable recovery in 1959	30	
		170
Amount included in gross income of N Corporation for 1960		55
(iii) Total recovery of section 111 items of M Corporation for 1959		550
Less: Recovery exclusion of M Corporation for 1959		500
Amount included in gross income of N Corporation for 1960		50
(iv) Total recovery of section 111 items of N Corporation for 1957		100
Less: Recovery exclusion of N Corporation for 1957	$150	
Minus: Excludable recovery in 1959	$20	
Excludable recovery in 1958	50	
	70	
		80
Amount included in gross income of N Corporation for 1960		20
(v) Total recovery of section 111 items of N Corporation for 1958		350
Less: Recovery exclusion of N Corporation for 1958	300	
Minus excludable recovery in 1959	15	
		285
Amount included in gross income of N Corporation for 1960		65
(vi) Total recovery of section 111 items of N Corporation for 1959		$85
Less: Recovery exclusion of N Corporation for 1959		75
Amount included in gross income of N Corporation for 1960		10

(7) *Summary of recoveries included in gross income of N Corporation for 1960.*

(i) Recovery of M Corporation items for:		
1957	$25	
1958	55	
1959	50	
		$130
(ii) Recovery of N Corporation items for:		
1957	20	
1958	65	
1959	10	
		95
Total amount included in gross income		225

[F.R. Doc. 61-3096; Filed, Apr. 6, 1961; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER U—STATE AND RAILROAD GRANTS

[Circular No. 2059]

PART 270—STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

Miscellaneous Amendments

In order to incorporate in the regulations the provisions of the act of September 14, 1960 (74 Stat. 1024), and the fact that the preference provisions of the act of September 27, 1944 (43 U.S.C. 282), as amended, have terminated, it is proposed to amend portions of 43 CFR Part 270 to read as set forth below.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1002), and although the Department of the Interior customarily observes the rule making requirements voluntarily, that procedure was not followed in this case since this change in the regulations is merely a reflection of the changes in the law. The provisions of the change in § 270.1 (d) became effective September 27, 1959, and the other changes in the regulations became effective on the effective date of the act, September 14, 1960.

Sections 270.1 (a), (c), and (d), 270.3 (b), (c), and (d) (3), 270.5(b), and 270.9(a) are amended all to read as follows:

§ 270.1 Statutory authority.

(a) Sections 2275 and 2276 of the Revised Statutes, as amended August 27, 1958, and September 14, 1960 (43 U.S.C. 851, 852), referred to in §§ 270.1 to 270.6 as "the law" authorize the public land States except Alaska to select lands (or the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals, or any specified mineral or minerals, which interest is referred to in §§ 270.1 to 270.6 as the "mineral estate") of equal acreage within the boundaries as indemnity for grant lands in place lost to the States because of appropriation prior to survey or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

* * * * *

(c) The law also provides that lands subject to a mineral lease or permit may be selected, but only if the lands are otherwise available for selection, and if none of the lands subject to that lease or permit are in producing or producible status. It permits the selection of lands withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur and lands withdrawn by Executive Order No. 5327 of April 15, 1930, if such lands are otherwise available for, and subject to, selection, provided that, except where the base lands are mineral in character, such minerals are reserved to the United States in accordance with and subject to the regulations in Part 102 of this chapter. Except for the withdrawals mentioned in this paragraph and for lands subject to classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, the law does not permit the selection of withdrawn or reserved lands.

(d) The law further provides that upon the revocation not later than 10 years after August 27, 1958, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under the law, except as against prior existing valid settlement and preference rights conferred by existing law or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

§ 270.3 Applications for selection.

* * * * *

(b) Applications for selection under the law will be made by the proper selecting agent of the State and will be filed, in duplicate, in the proper land office in the State or for lands or mineral estate in a State in which there is no land office, will be filed with the Bureau of Land Management, Washington 25, D.C., except that applications for lands or mineral estate in North Dakota or South Dakota shall be filed in the land office at Billings, Montana, applications for lands or mineral estate in Kansas or Nebraska shall be filed in the land office at Cheyenne, Wyoming, and for lands or mineral estate in Oklahoma in the land office at Santa Fe, New Mexico.

(c) No special form of application is required but it must be typewritten and must contain, or be accompanied by, the following information:

(1) A reference to the act of August 27, 1958 (72 Stat. 928), as amended.

(2) A certificate by the selecting agent showing

(i) That the selection is made under and pursuant to the laws of the State.

(ii) His official title and his authority to make the selection in behalf of the State.

(iii) That no portion of the selected land is occupied for any purpose by the United States and the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant.[1]

(iv) All facts relative to medicinal or hot springs or other waters upon the selected lands.[1]

(v) That indemnity has not been previously granted for the assigned base lands and that no other selection is pending for such assigned base.

(3) A statement describing the mineral or nonmineral character of each smallest legal subdivision of the base and selected lands or mineral estate.

(4) A certificate by the officer or officers charged with the care and disposal of school lands that no instrument purporting to convey, or in any way incumber, the title to any of the land used as base or bases, has been issued by the State or its agents.

(d) * * *

(3) Separate base or bases must be assigned to each smallest legal subdivision of selected land or mineral estate and such base or bases must correspond in area with each subdivision. A portion of a smallest actual or probable legal subdivision may be assigned as base but such assignment is an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance may be used as base for future selections.

[1] This provision does not apply insofar as the application involves the selection of the mineral estate.

§ 270.5 Certifications; mineral leases and permits.

* * * * * *

(b) Where all the lands subject to a mineral lease or permit are certified to a State, or if, where the State has previously acquired title to a portion of the lands subject to a mineral lease or permit, the remaining lands in the lease or permit are certified to the State, the State shall succeed to the position of the United States thereunder. Where a portion of the lands subject to any mineral lease or permit are certified to a State, the United States shall retain for the duration of the lease or permit the mineral or minerals for which the lease or permit was issued.

§ 270.9 Applicable regulations.

(a) Sections 270.5(b) and 270.3(c)(4), (d)(3) and (4), and all references to base lands and to mineral estate do not apply.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 3, 1961.

[F.R. Doc. 61-3082; Filed, Apr. 6, 1961; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 255—FISHING VESSEL MORTGAGE INSURANCE PROCEDURES

Inclusion of Reference to Public Law 86-577

Incident to the transfer to the Department of the Interior of all functions of the Maritime Administration, Department of Commerce, which pertain to Federal Ship mortgage insurance of fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended, the act of July 5, 1960 (74 Stat. 314), clarified authority of the Secretary of the Interior under amendments to the Merchant Marine Act of 1936 enacted subsequent to March 22, 1958, citing in particular the amendment enacted July 15, 1958 (72 Stat. 358; 46 U.S.C. 1275). The following amendment is made to 50 CFR 255.1(a) to reflect these provisions.

Since this change is made as the result of act of Congress and is clarifying in nature notice and public procedure thereon is deemed unnecessary and the amendment shall become effective upon publication in the FEDERAL REGISTER.

As amended paragraph (a) of § 255.1 reads as follows:

§ 255.1 Basis and purpose.

(a) Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279), authorizes the Secretary of Commerce to insure certain eligible loans and mortgages on vessels owned by citizens of the United States. As found and determined by the Director of the Bureau of the Budget on March 22, 1958 (23 F.R. 2304), all functions of the Maritime Administration, Department of Commerce, which pertain to Federal Ship mortgage insurance of fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), were transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e). The Act of July 5, 1960, Public Law 86-577 (46 U.S.C. 1275—Note), among other things, clarified authority of the Secretary of the Interior under amendments to the Merchant Marine Act of 1936 enacted subsequent to March 22, 1958, citing in particular the amendment enacted July 15, 1958 (72 Stat. 358).

STEWART L. UDALL,
Secretary of the Interior.

APRIL 3, 1961.

[F.R. Doc. 61-3081; Filed, Apr. 6, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Taxation of Proceeds of Life Insurance Contracts

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

The Income Tax Regulations (26 CFR Part 1) under section 101 of the Internal Revenue Code of 1954 are hereby amended to prescribe rules for the taxation of amounts received under family income riders.

PARAGRAPH 1. Paragraph (a) of § 1.101–3 is amended to read as follows:

§ 1.101–3 Interest payments.

(a) *Applicability of section 101(c).* Section 101(c) provides that if any amount excluded from gross income by section 101(a) (relating to life insurance proceeds) or section 101(b) (relating to employees' death benefits) is held under an agreement to pay interest thereon, the interest payments shall be included in gross income. This provision applies to payments made (either by an insurer or by or on behalf of an employer) of interest earned on any amount so excluded from gross income which is held without substantial diminution of the principal amount during the period when such interest payments are being made or credited to the beneficiaries or estate of the insured or the employee. For example, if a monthly payment is $100, of which $99 represents interests and $1 represents diminution of the principal amount, the principal amount shall be considered held under an agreement to pay interest thereon and the interest payment shall be included in the gross income of the recipient. Section 101(c) applies whether the election to have an amount held under an agreement to pay interest thereon is made by the insured or employee or by his beneficiaries or estate, and whether or not an interest rate is explicitly stated in the agreement. Section 101(d), relating to the payment of life insurance proceeds at a date later than death, shall not apply to any amount to which section 101(c) applies. See section 101(d)(4). However, both section 101(c) and section 101(d) may apply to payments received under a single life insurance contract. For provisions relating to the application of this rule to payments received under a permanent life insurance policy with a family income rider attached, see paragraph (h) of § 1.101–4.

PAR. 2. Paragraph (h) of § 1.101–4 is amended to read as follows:

§ 1.101–4 Payment of life insurance proceeds at a date later than death.

* * * * *

(h) *Applicability of both section 101(c) and 101(d) to payments under a single life insurance contract*—(1) *In general.* Section 101(d) shall not apply to interest payments on any amount held by an insurer under an agreement to pay interest thereon (see sections 101(c) and 101(d)(4) and § 1.101–3). On the other hand, both section 101(c) and section 101(d) may be applicable to payments received under a single life insurance contract, if such payments consist both of interest on an amount held by an insurer under an agreement to pay interest thereon and of amounts held by the insurer and paid on a date or dates later than the death of the insured. One instance when both section 101(c) and section 101(d) may be applicable to payments received under a single life insurance contract is in the case of a permanent life insurance policy with a family income rider attached. A typical family income rider is one which provides additional term insurance coverage for a specified number of years from the register date of the basic policy. Under the policy with such a rider, if the insured dies at any time during the term period, the beneficiary is entitled to receive (i) monthly payments of a specified amount commencing as of the date of death and continuing for the balance of the term period, and (ii) a lump sum payment of the proceeds under the basic policy to be paid at the end of the term period. If the insured dies after the expiration of the term period, the beneficiary receives only the proceeds under the basic policy. If the insured dies before the expiration of the term period, part of each monthly payment received by the beneficiary during the term period consists of interest on the proceeds of the basic policy (such proceeds being retained by the insurer until the end of the term period). The remaining part consists of an installment (principal plus interest) of the proceeds of the term insurance purchased under the family income rider. The amount of term insurance which is provided under the family income rider is, therefore, that amount which, at the date of the insured's death, will provide proceeds sufficient to fund such remaining part of each monthly payment. Since the proceeds under the basic policy are held by the insurer until the end of the term period, that portion of each monthly payment which consists of interest on such proceeds is interest on an amount held by an insurer under an agreement to pay interest thereon and is includible in gross income under section 101(c). On the other hand, since the remaining portion of each monthly payment consists of an installment payment (principal plus interest) of the proceeds of the term insurance, it is a payment of an amount held by the insurer and paid on a date later than the death of the insured to which section 101(d) and this section applies (including the $1,000 exclusion allowed the surviving spouse under section 101(d)(1)(B)). The proceeds of the basic policy, when received in a lump sum at the end of the term period, are excludable from gross income under section 101(a).

(2) *Example of tax treatment of amounts received under a family income rider.* The following example illustrates the application of the principles contained in subparagraph (1) of this paragraph to payments received under a permanent life insurance policy with a family income rider attached:

Example. The sole life insurance policy of the insured provides for the payment of $100,000 to the beneficiary (the insured's spouse) on his death. In addition, there is attached to the policy a family income rider which provides that, if the insured dies before the 20th anniversary of the basic policy, the beneficiary shall receive (i) monthly payments of $1,000 commencing on the date of the insured's death and ending with the payment prior to the 20th anniversary of the basic policy, and (ii) a single payment of $100,000 payable on the 20th anniversary of the basic policy. On the date of the insured's death, the beneficiary (surviving spouse of the insured) is entitled to 36 monthly payments of $1,000 and to the single payment of $100,000 on the 20th anniversary of the basic policy. The value of the proceeds of the term insurance at the date of the insured's death is $28,409.00 (the present value of the portion of the monthly payments to which section 101(d) applies computed on the basis that the interest rate used by the insurer in determining the benefits to be paid under the contract is 2¼ percent). The amount of each monthly payment of $1,000

which is includible in the beneficiary's gross income is determined in the following manner:

(*a*) Total amount of monthly payment	$1,000.00
(*b*) Amount includible in gross income under section 101(c) as interest on the $100,000 proceeds under the basic policy held by the insurer until 20th anniversary of the basic policy (computed on the basis that the interest rate used by the insurer in determining the benefits to be paid under the contract is 2¼ percent)	185.00
(*c*) Amount to which section 101(d) applies ((*a*) minus (*b*))	815.00
(*d*) Amount excludable from gross income under section 101(d) ($28,409 ÷ 36)	789.14
(*e*) Amount includible in gross income under section 101 (d) without taking into account the $1,000 exclusion allowed the beneficiary as the surviving spouse ((*c*) minus (*d*))	25.86

The beneficiary, as the surviving spouse of the insured, is entitled to exclude the amounts otherwise includible in gross income under section 101(d) (item (*e*)) to the extent such amounts do not exceed $1,000 in the taxable year of receipt. This exclusion is not applicable, however, with respect to the amount of each payment which is includible in gross income under section 101(c) (item (*b*)). In this example, therefore, the beneficiary must include $185 of each monthly payment in gross income (amount includible under section 101(c)), but may exclude the $25.86 which is otherwise includible under section 101(d). The payment of $100,000 which is payable to the beneficiary on the 20th anniversary of the basic policy will be entirely excludable from gross income under section 101(a).

(3) *Limitation on amount considered to be an "amount held by an insurer".* See paragraph (b) (3) of this section for a limitation on the amount which shall be considered an "amount held by an insurer" in the case of proceeds of life insurance which are paid subsequent to the transfer of the policy for a valuable consideration.

[F.R. Doc. 61-3103; Filed, Apr. 6, 1961; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1019]

[Docket No. AO-305 A4]

MILK IN CONNECTICUT MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Bond Hotel, Hartford, Connecticut, beginning at 10:00 a.m., on April 26, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Connecticut marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Connecticut Milk Producers Association:

Proposal No. 1. Replace § 1019.2(e) with the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order, a dairy farmer with respect to exempt milk delivered, or a dairy farmer who is a producer under another Federal order) who produces milk which is received at a pool plant, or is diverted by a pool handler from a pool plant to which the dairy farmer delivered his milk on more than one-half of the delivery days during the month, to another pool plant in the same zone as the plant from which diversion is claimed; or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1019.30, reports such milk as received from a producer at such pool plant: *Provided,* That the dairy farmer producing such milk shall have held producer status throughout the two months immediately preceding such month and delivered all his pool milk to a pool plant(s) in the same zone or a nearer zone location to Hartford as the plant from which diversion is claimed, except that this requirement shall not be applicable in the case of a dairy farmer whose milk is moved from the farm in a tank truck in which it is commingled with milk from other producers, the majority of whom meet such requirement: *And provided further,* That any dairy farmer whose milk is diverted to a nonpool plant during any month of July through March, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month.

(2) To a nonpool plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month.

(3) To a nonpool plant during any month of April through June.

Proposal No. 2. In § 1019.2(i) immediately after the first proviso, insert the following proviso: "*Also provided,* That for the purpose of determining whether such person's sources of receipts meet the requirements of this subparagraph any fluid milk products which he acquired from others (other than at his own plant) for distribution to retail or wholesale outlets and any fluid milk products received (other than from his own plant) at retail or wholesale outlets (including vending machines) located in any Federal marketing area and operated by such person, by an affiliate, or by any person who controls or is controlled by such persons, shall be considered as a part of such person's supply of fluid milk products:"

Proposal No. 3. At the end of § 1019.4(f) add the following provisos:

"*Provided,* That milk which is moved from the farm in a tank truck shall be considered as having been received as of the date the milk was taken into the truck: *And provided further,* That in instances where it can be established to the satisfaction of the market administrator that milk was transferred by a handler or his agent or by a cooperative association of producers from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment enroute to the plant, such milk shall be accounted for (i) as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month whenever the milk was transferred from the producer's farm tank by that handler or his agent; (ii) as a receipt of producer milk by the cooperative association of producers' (at the same plant zone location as the pool plant at which milk from the same farm was received as producer milk during the month) whenever the milk was transferred from the producer's farm tank by the cooperative association of producers."

Proposal No. 4. In § 1019.4 add a new subparagraph (j) as follows:

(j) "Diverted milk" means milk which a pool handler caused to be moved from a dairy farmer's farm under one of the following conditions:

(i) During the months of July through March, milk was moved during the month directly to a nonpool plant (other than the plant of a producer-handler) from a dairy farm from which milk was received directly at the handler's pool plant earlier in the month or from a dairy farmer who held producer status during the preceding month;

(ii) During the months of April through June, milk was moved during the month directly to a nonpool plant (other than the plant of a producer-handler) from a dairy farmer's farm;

(iii) Milk was moved directly to a pool plant, other than the pool plant at which the milk from such farm was received directly on more than one-half of the delivery days during the month: *Provided,* That the pool plant to which diversion is claimed is in the same plant zone location as the plant from which diversion is claimed.

Proposal No. 5. In § 1019.24(b) (7) replace "through November" with "and

August"; and replace the period at the end of the subparagraph with: ", and during the months of September through November subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or 10 percent of the pounds of skim milk in receipts of producer milk, whichever is less."

Proposal No. 6. Replace the table in § 1019.40(b)(3) with the following:

Month:	Amount
January and February	$0.700
March and April	.750
May and June	.7775
July	.525
August and September	.590
October, November, and December	.625

Proposal No. 7. Replace the table in § 1019.40(c)(2) with the following:

Month:	Amount
January	+$0.095
February	+ .095
March	— .005
April	— .055
May	— .080
June	— .005
July	+ .345
September	+ .245
October	+ .220
November	+ .220
December	+ .195

Proposal No. 8. In the proviso in § 1019.42(b) replace "five percent" with "15 percent in July and August and 10 percent in September, October, and November."

Proposal No. 9. Amend § 1019.50(d) to provide for preferential assignment to Class I of milk received from country pool plans over direct-delivery producer milk in accordance with the intent of the proposed §§ 1019.24(b)(7) and 1019.42(b).

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 10. Replace § 1019.2(i) with:

(i) "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk on routes in the marketing area and whose own farm production does not exceed 1075 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and packaged fluid milk products, not to exceed five percent of his own farm production from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person: *And further provided,* That a State owned and operated institution or establishment meeting this definition which processes and packages milk produced by another such institution or establishment may receive such milk without having it regarded as a source of supply for fluid milk products.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 11. Amend § 1019.2(e) to read as it did prior to the September 1, 1960 amendment to allow broader diversion privileges than at present.

Proposal No. 12. Replace § 1019.4(e) with:

(e) "Fluid milk product" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk in fluid form, or any mixture in fluid form of milk, skim milk and cream containing less than 12 percent of butterfat (except eggnog, yogurt, ice cream, ice milk mix, milk shake base mix, evaporated or condensed milk or skim milk (plain or sweetened) liquid dietary foods and sterilized products in hermetically sealed containers.)

Proposal No. 13. Add a new § 1019.4 (j) to read:

(j) "Liquid Dietary Food" means a product containing at least 900 calories, not less than 20 percent total solids content, not more than 2.5 percent fat, and purporting to be or represented for special dietary uses, and bearing a label containing specific information concerning its vitamin, calorie, and other dietary and nutritional properties.

Proposal No. 14. Replace § 1019.21(a) with:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted skim milk), and butterfat in milk: (1) Sold, distributed or disposed of in the form of fluid milk products (except as provided in paragraph (b) of this section) and (2) not accounted for as Class II milk.

Proposal No. 15. Replace § 1019.24(a) with:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat in producer milk in each class: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler to produce concentrated milk and reconstituted skim milk, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

Proposal No. 16. Revise § 1019.42(b) to provide that the Class I and uniform price differentials set forth in column "C" of the schedule apply to all milk moved in the form of fluid milk to the marketing area, whether or not such milk is assigned to Class I and that the Class II price differentials set forth in column "D" of the schedule apply only to milk moved to the marketing area in forms other than fluid milk.

Proposed by the Dairymen's League Cooperative Association, Inc.:

Proposal No. 17. Amend § 1019.3(c) to provide that two or more plants operated by the same handler may be qualified as a pool unit if the combined shipments from such plants meet the shipping requirements required of individual plants.

Proposal No. 18. Amend § 1019.3(c) to provide that a plant that was qualified as a Connecticut pool plant on January 1, 1961, and either individually or as a part of a pool unit meets the shipping requirements at least 3 months of the 5 qualifying months of July through November and qualifies as a pool plant under the New York-New Jersey order for the balance of such period, shall have pool status under the Connecticut order during the subsequent months of December through June.

Proposal No. 19. Amend § 1019.3(c) to provide that the plant of an association of producers that has been qualified continuously as a pool plant under the Connecticut order from its inception on April 1, 1959, shall have automatic pool status as long as 95 percent of its receipts are shipped from farms located in the Connecticut order nearby farm location differential area.

Proposal No. 20. Amend § 1019.2(e) to provide for diversions on 12 days (6 days for every-other-day delivery) from July through November, and no limitation on number of days of diversion during the subsequent months of December through June.

Proposal No. 21. Amend §§ 1019.24 and 1019.42(b) to provide that zone price differentials for fluid milk products transferred in bulk between pool plants or between pool plants and regulated handlers shall be assigned to Class I to the extent possible.

Proposed by Knudsen Brothers Dairy, Inc.:

Proposal No. 22. Replace § 1019.31(b)(1) and (2) with:

(b) Each handler dumping pursuant to § 1019.21(b)(3) shall maintain detailed records showing the milk and milk products dumped, and the respective quantities of skim milk and butterfat contained therein.

Proposed by Berkshire County Farm Bureau:

Proposal No. 23. Amend § 1019.63 of the Connecticut order to include in the nearby farm location differential area those remaining portions of Berkshire County, Massachusetts, not now specified in such section.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 24. Amend § 1019.22(a)(2) by deleting subparagraphs (i) and (ii) and substituting the following:

(i) In no event shall the quantity classified in either class exceed the remainder of use in such class at the transferee plant after making the calculations prescribed in § 1019.24(b) (1) through (12) and the comparable steps in § 1019.24(c), and (ii) in the case of transfers from a plant subject to a zone price differential, the quantity classified as Class II milk shall not be less than that on which the Class II zone price differential is applicable pursuant to § 1019.42(b).

Proposal No. 25. Amend § 1019.2(e), Producer, by inserting a comma after the

word "order" where it first appears in the parenthetical clause which follows the opening phrase "Producer" means any dairy farmer.

Proposal No. 26. Amend § 1019.33(a) by adding a comma after the word "receipts" where it first appears in such paragraph.

Proposal No. 27. Amend § 1019.51(a) by deleting the word "were" and substituting "was" therefor.

Proposal No. 28. Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 1049 Asylum Avenue, Hartford, Connecticut, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., April 4, 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-3094; Filed, Apr. 6, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on raw agricultural commodities, as follows:

100 parts per million in the green forage of alfalfa, bean, clovers, cotton, cowpea, grasses, sorghums, soybeans, and sugar beet tops.

100 parts per million in the cured hay of alfalfa, bean, clovers, cowpea, grasses, peanut, rice straw, and soybean.

10 parts per million in sorghum grain.

5 parts per million in peanuts (nut plus hull), rice, soybeans, and cowpeas.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), except that the method determines simultaneously the total residues of 1-naphthyl *N*-methylcarbamate and accompanying residues of its degradation product 1-naphthol.

Dated: March 30, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3092; Filed, Apr. 6, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Johnson and Johnson, 4949 West 65th Street, Chicago 38, Illinois, proposing the issuance of a regulation to provide for the safe use of a synthetic rubber in-line milk filter holder for the filtering of milk consisting of transparent plastic cups made from a copolymer of styrene and acrylonitrile and a flexible base gasket made from synthetic rubber whose composition is as follows:

Channel black.
Magnesium oxide.
2-Mercaptoimedazoline or di-beta-naphthyl-para-phenylenediamine.
Naphthalene base oil.
Neoprene rubber.
Petrolatum.
Polyethylene.
Zinc oxide.

Dated: March 30, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3088; Filed, Apr. 6, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the Kendall Company, Walpole, Massachusetts, proposing the issuance of a regulation to provide for the safe use of components of a filter media used for the filtration of milk and related dairy fluids.

Dated: Mar. 30, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3089; Filed, Apr. 6, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provsions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by West Virginia Pulp and Paper Company, 230 Park Avenue, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of a sizing consisting of modified tall oil rosin, sodium hydroxide, carboxymethylcellulose, and sodium tripolyphosphate in paper and paperboard used for packaging foods.

Dated: March 30, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3090; Filed, Apr. 6, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetics Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has ben filed by W. R. Grace and Company, Dewey and Almy Chemical Division, Cambridge 40, Massachusetts, proposing the issuance of a regulation to provide for the safe use of polyamide cements to seal the side seams of metal food containers when the polyamide cements are made from the following substances:

Diethylenetriamine.
Dimerized linoleic acid.
Ethylenediamine.
Oleic acid.
Sebacic acid.
Silicone grease.
Stearic acid.
Trisodium polyphosphate.

Dated: March 30, 1961.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 61-3091; Filed, Apr. 6, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.44]

CERTAIN PLASTIC BATHROOM FIXTURES

Tariff Classification

MARCH 31, 1961.

The Bureau of Customs published in the FEDERAL REGISTER of November 15, 1960 (25 F.R. 10853), notice that it had under review the existing practice of assessing duty on certain bathroom fixtures, such as bathroom hooks, tooth brush racks, curtain rod brackets, towel bar brackets, backplates for bathroom fixtures, and toilet roll holders, in chief value of a plastic the manufactures of which are not enumerated in the Tariff Act of 1930, by virtue of the similitude clause in paragraph 1559(a), as amended, at the rate of 17 percent ad valorem, the rate applicable to articles in chief value of cellulose acetate under paragraph 31(a)(2), as modified.

The Bureau, by letter dated March 31, 1961 addressed to the collector of customs, Chicago, Illinois, held that this merchandise (except the toilet roll holders) is properly dutiable by virtue of the similitude clause (paragraph 1599 (a)) at the rate of 19 percent ad valorem, the rate applicable to manufactured articles, not specially provided for, in chief value of iron, steel, brass, bronze, zinc, or aluminum, under paragraph 397, as modified, and that the toilet roll holders are dutiable by virtue of the similitude clause at the rate of 30 percent ad valorem, the rate applicable to porcelain sanitary ware under paragraph 212, as modified.

Inasmuch as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

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

[F.R. Doc. 61-3069; Filed, Apr. 6, 1961; 8:45 a.m.]

Office of the Secretary

[AA 643.3-0]

PORTLAND CEMENT FROM WEST GERMANY

Determination of No Sales at Less Than Fair Value

MARCH 30, 1961.

A complaint was received that Portland cement, other than white, nonstaining Portland cement, from West Germany was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement, other than white, nonstaining Portland cement, from West Germany is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information received established that the appropriate fair value comparison is between purchase price and adjusted home market price.

As the terms of delivery to United States purchasers varied, purchase price was calculated by the deduction from the invoiced price of ocean freight, insurance, stowage, and inland freight, as applicable, and the cost of spare bags included in shipments. Uncollected and remitted taxes were added as required by law.

The adjusted home market price was computed on the basis of a weighted-average, ex-mill, unpacked price. From this price were deducted cash and quantity discounts. Adjustment was also made for the costs of technical assistance, advertising, association dues, and servicing costs on shipments imported prior to July 5, 1960. The cost of export packing was added.

It was determined that purchase price was less than home market price. Shipments were discontinued early in March 1960. The manufacturers have given assurance that future sales to the United States will not be at less than fair value.

This determination and the statements of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-3072; Filed, Apr. 6, 1961; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER) (DoD DIRECTIVE 5118.3)

Organizational Statement

The following organizational statement has been approved by the Secretary of Defense:

I. *General.* Pursuant to the authority vested in the Secretary of Defense, and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is designated the Assistant Secretary of Defense (Comptroller) with responsibilities, functions and authorities as prescribed herein. The Assistant Secretary of Defense (Comptroller) shall be the Comptroller of the Department of Defense.

II. *Responsibilities.* The Assistant Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense in the performance of the Secretary's budgetary and fiscal functions.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Comptroller) shall perform the following functions in his assigned area of responsibility:

1. Supervise and direct the preparation of the budget estimates of the Department of Defense.

2. Establish and supervise the execution of:

a. Principles, policies and procedures to be followed in connection with organizational and administrative matters relating to:

(1) The preparation and execution of the budgets;

(2) Fiscal, cost, operating and capital property accounting;

(3) Progress and statistical reporting; and

(4) Internal audit.

b. Policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense.

3. Establish uniform terminologies, classifications and procedures in all such matters.

4. Evaluate (including audit and inspection in the field in accordance with Secretary of Defense memorandum dated August 17, 1957) the administration and management of approved policies and programs.

5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication or will contribute to improved military preparedness.

6. Assist the Secretary of Defense, the several components of the Department of Defense, and other agencies of the Government in evaluating defense programs by:

a. Developing measures of resource utilizations and methods of characterizing resource limitations and availabilities, in such a way as to make it possible to answer quickly and accurately questions about the costs and feasibility of a variety of alternative programs of force structures, weapons systems, and other military capabilities projected over a period of several years;

b. Assembling and consolidating data as to pertinent non-financial programs of the Department of Defense and trans-

lating them into financial programs which can be presented in various forms so as to show the total financial implications of currently approved, new, or alternative programs; and

c. Presenting the information so obtained so as to point up the fiscal implications of alternative programs, and the problems of choice involved.

7. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Comptroller) shall:

1. Coordinate actions, as appropriate, with the military departments and other DoD agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other DoD officials or agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments, and other DoD agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Comptroller) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority, and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Comptroller), in the course of exercising full staff functions and those assigned by Title IV of the National Security Act of 1947, as amended, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other DoD agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Comptroller) in other directives will be referenced in an inclosure to this directive.

Assistant Secretary of Defense (Comptroller) (DoD Directive 5118.3), published at 24 F.R. 6097, is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-3093; Filed, Apr. 6, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-292]

COMMERCE BULGARE, S.A.

In re: Fund owned by Commerce Bulgare, S.A.; F-11-195.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: A fund in the sum of $66,610.00 held by the Treasury Department in Account 11X6040, Compensation Awards, Property Requisitioned for National Defense, Executive Office of the President, subject to the administrative control of the Office of Budget and Management, Department of Commerce, together with any and all accruals thereto and any and all rights to demand, enforce, and collect the same, is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Commerce Bulgare, S.A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on April 3, 1961.

[SEAL] ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-3100; Filed, Apr. 6, 1961; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-187]

NORTHROP CORP.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Northrop Corporation, Beverly Hills, California, under section 104 of the Atomic Energy Act of 1954, as amended, has submitted an application for license authorizing construction and operation of a TRIGA MARK F reactor at its site in Hawthorne, California. The reactor has been designated by the applicant as the Northrop Pulse Radiation Facility and is proposed to be operated at steady state power levels up to 100 kilowatts (thermal) and in pulses, the maximum of which is estimated to correspond to an energy release of 18 megawatt-seconds.

A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-3073; Filed, Apr. 6, 1961 8:45 a.m.]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on October 27, 1960, the Atomic Energy Commission has issued Facility License No. R-73 authorizing University of Washington to possess and operate an Argonaut-type nuclear reactor at power levels up to 10 kilowatts (thermal) on its campus in Seattle, Washington. Notice of the proposed action was published in the FEDERAL REGISTER on October 28, 1960, 25 F.R. 10371.

Dated at Germantown, Md., this 31st day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-3074; Filed, Apr. 6, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12127]

NORTH CENTRAL AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to Orders E–16373 and E–16540, that a prehearing conference on the above-entitled matter is assigned to be held on April 20, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Franklin M. Stone.

Dated at Washington, D.C., April 3, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–3104; Filed, Apr. 6, 1961; 8:51 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR.—4]

MERRITT-CHAPMAN AND SCOTT CORP.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941(d)) and the provisions of 29 CFR 9.5 and 11.6, a variation from particular provisions of 29 CFR Part 9 is hereby granted to Merritt-Chapman and Scott Corporation, 260 Madison Avenue, New York 16, New York, to the extent prescribed.

Provisions of 29 CFR Part 9 varied. The provisions of 29 CFR 9.12(a) (published in the FEDERAL REGISTER on February 20, 1960 (25 F.R. 1567)), requiring that loose gear on certain of the firm's heavy lift derricks in the ports of New York and Philadelphia be tested with a 50 percent overload, as prescribed in Form 4 of Appendix 1 (25 F.R. 1577), are varied by this order.

Conditions of variation. 1. Merritt-Chapman and Scott Corporation will submit to the Department of Labor data indicating the design, material specifications and stress analyses by which the designed strength and safety factors of the equipment to which the variation applies may be checked by the Department of Labor.

2. In lieu of the 50 percent overload test prescribed in Form 4 of Appendix 1 to 29 CFR Part 9, the proof test of the derrick as a whole, made in accordance with Form 2 of Appendix 1 of that Part, shall be supplemented by a thorough visual examination of disassembled parts, and an electronic or ultrasonic test of those parts which are not disassembled to assure that such parts are in satisfactory condition. Such tests and examinations will be performed to the satisfaction of a certificating agency approved by the Department of Labor.

Period of variation. The variation shall be effective until terminated. See 29 CFR 11.11.

Equipment to which the variation applies. The variation will apply to the components of the boom fall purchase (topping lift), the main fall purchase, the two side fall purchases and the two trimmer purchases (vangs) of each of the following derricks:

	Capacity (net tons)
Monarch	250
Constitution	150
Commerce	100
Conqueror	100
Colossus	90
California	90
Challenger	85
Commonwealth	65
Capitol	50
Concord	40

Signed at Washington, D.C., this 31st day of March 1961.

ARTHUR W. MOTLEY,
Director,
Bureau of Labor Standards.

[F.R. Doc. 61–3083; Filed, Apr. 6, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12769; FCC 61M–569]

STANLEY BLUMENTHAL

Order Scheduling Hearing

In the matter of Stanley Blumenthal, 215 Cozine Avenue, Brooklyn 7, New York, Docket No. 12769; application for renewal of radiotelegraph second class operator license No. T2–2–1626.

It is ordered, This 30th day of March 1961, pursuant to agreements reached during prehearing conference with the Examiner's approval, that the hearing in the above-entitled proceeding is hereby scheduled to commence at 11 a.m., Tuesday, April 18, 1961, at the Commission's Offices, Washington, D.C.

Released: April 3, 1961.

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

[F.R. Doc. 61–3105; Filed, Apr. 6, 1961; 8:51 a.m.]

[Docket Nos. 13882, 13883; FCC 61M–574]

EUGENE BROADCASTERS AND W. GORDON ALLEN

Order Continuing Hearing

In re applications of Diana Crocker Redington, William H. Crocker II, Thomas J. Davis, Jr., and Robert Sherman, d/b as Eugene Broadcasters (a Joint Venture), Eugene, Oregon, Docket No. 13882, File No. BP–12954; W. Gordon Allen, Eugene, Oregon, Docket No. 13883, File No. BP–13214; for construction permits.

The Hearing Examiner having under consideration the informal request filed in the above-entitled proceeding on behalf of W. Gordon Allen that each of the pertinent dates governing the conduct of this proceeding be extended for a period of sixty days;

It appearing that all parties have consented to immediate consideration and grant of said request and good cause for a grant thereof is shown in that the applicants have entered into negotiations looking toward possible termination of the proceeding without hearing;

It is ordered, This 30th day of March 1961, that the said request is granted; that the date for exchange of written exhibits is continued from March 30, 1961, to May 29, 1961; that the date for notification of witnesses for cross-examination is continued from April 5, 1961, to June 5, 1961; and that formal hearing is continued from April 13, 1961, to June 13, 1961, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: April 3, 1961.

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

[F.R. Doc. 61–3106; Filed, Apr. 6, 1961; 8:51 a.m.]

[Docket No. 13656; FCC 61M–572]

LESTER OSBAND

Order Scheduling Hearing

In the matter of Lester Osband, 445 Chestnut Ridge Road, Woodcliff Lake, New Jersey, Docket No. 13656; applications for renewal of radiotelephone first-class and radiotelegraph second-class operator licenses (PL–2–7940, T2–2–1842).

It is ordered, This 30th day of March 1961, pursuant to agreements reached during prehearing conference with the Examiner's approval, that the hearing in the above-entilted proceeding is hereby scheduled to commence at 10 a.m., Tuesday, April 18, 1961, at the Commission's Offices, Washington, D.C.

Released: April 3, 1961.

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

[F.R. Doc. 61–3107; Filed, Apr. 6, 1961; 8:51 a.m.]

[Docket Nos. 14010–14013; FCC 61–418]

PEE DEE BROADCASTING CO. (WLSC) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pee Dee Broadcasting Company (WLSC), Loris, South Carolina, has: 1570 kc, 1 kw, Day, req: 1480 kc, 1 kw, Day, Docket No. 14010, File No. BP–12958; F. K. Graham, tr/as Coast Broadcasting Company, Georgetown, South Carolia, req: 1470 kc, 500 w, Day, Docket No. 14011, File No. BP–13384; Coastal Carolina Broadcasting Corpora-

tion (WMYB), Myrtle Beach, South Carolina, has: 1450 kc, 250 w, U, req: 1480 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 14012, File No. BP-13437; Radio Charlotte, Inc. (WWOK), Charlotte, North Carolina, has: 1480 kc, 1 kw, Day, req: 1480 kc, 5 kw, DA-2, U, Docket No. 14013, File No. BP-14127; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March, 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants herein is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that in a prehearing letter dated August 16, 1960, and incorporated herein by reference, the Commission notified each of the instant applicants except Radio Charlotte, Inc., and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the application of Jack Siegel for a new station at Cocoa, Florida, File No. BP-12711, formerly was considered concurrently with the group of applications notified by the aforementioned letter of August 16, 1960; that said application of Jack Siegel has since been dismissed; that, accordingly, the cut-off date for concurrent consideration was advanced to May 13, 1960; and that, therefore, the subject application of Radio Charlotte, Inc., filed May 6, 1960, is timely filed for concurrent consideration herein; and

It further appearing that the subject application of Radio Charlotte causes interference to the subject proposed operations of Pee Dee Broadcasting Company and Coastal Carolina Broadcasting Company and would raise the nighttime RSS limitation of the latter proposal to 34.7 mv/m, thereby, raising questions as to whether the proposed Coastal Carolina proposal contravenes §§ 3.188 (a)(1), (b)(1), and 3.24(b) of the Commission rules.

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Coast Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations WLSC, WMYB, and WWOK and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the nighttime limitation of the Coastal Carolina Broadcasting Company, as determined in Issue Number 3, would cause the proposed nighttime operation to violate the provisions of § 3.188 (a)(1) and (b)(1) of the Commission rules, concerning coverage of the city sought to be served and whether the said nighttime operation would be consistent with § 3.24(b) of the rules.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which, if any, of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That should the proposal of Pee Dee Broadcasting Company receive favorable consideration, final action will be withheld pending resolution of the problems causing the renewal of the WLCS broadcast license to be deferred December 1, 1960.

It is further ordered, That, in the event of a grant of the proposal of Coastal Carolina Broadcasting Corporation, the Construction permit shall contain the condition that permittee shall accept any interference which may result from a subsequent grant of the application of Jeffery Broadcasting Corporation, File No. BP-13727, for a new station at Wilmington, North Carolina.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 4, 1961.

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

[F.R. Doc. 61-3108; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket Nos. 12210, 14019; FCC 61-424]

KENNETH G. PRATHER ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, requests: 1360 kc, 500 w, DA-D, Day, Docket No. 12210, File No. BP-13380; KDEN Broadcasting Company (KDEN), Denver, Colorado, has: 1340 kc, 250 w, U, requests: 1340 kc, 250 w, 1 kw-LS, U, Docket No. 14019, File No. BP-13119; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation of Kenneth G. and Misha S. Prather causes interference to and receives interference from both the existing and the subject proposed operation of Station KDEN, Denver, Colorado.

2. The subject proposed operation of Station KDEN both causes interference to and receives interference from the existing operation of Station KGHF, Pueblo, Colorado.

4. The two subject proposals are twenty kilocycles removed in frequency. Based on measurement data from both applicants, it appears that the 2 mv/m contour of the KDEN Broadcasting Company proposed operation would overlap the 25 mv/m contour of the Kenneth and Misha Prather proposed operation (in contravention of § 3.37 of the rules), and additional measurement data would be required to establish that such overlap would also not occur in the opposite direction.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Kenneth G. and Misha S. Prather and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDEN and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Kenneth G. and Misha S. Prather would cause objectionable interference to the existing operation of Station KDEN, Denver, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of KDEN Broadcasting Company would cause objectionable interference to Station KGHF, Pueblo, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposals in contravention of § 3.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, KDEN Broadcasting Company, licensee of Station KDEN, is made a party to the proceeding with respect to its existing operation.

It is further ordered, That KGHF, Inc., licensee of station KGHF, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 4, 1961.

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

[F.R. Doc. 61-3109; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket Nos. 14007-14009; FCC 61-415]

VERNON E. PRESSLEY ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vernon E. Pressley, Canton, North Carolina, requests: 920 kc, 500 w, Day, Docket No. 14007, File No. BP-12872; Folkways Broadcasting Company, Inc. (WTCW), Whitesburg, Kentucky, has: 920 kc, 1 kw, D, requests: 920 kc, 5 kw, D, Docket No. 14008, File No. BP-13526; B. E. Bryant, Asheville, North Carolina, requests: 920 kc, 1 kw, DA-D, Docket No. 14009, File No. BP-14104; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that the Commission, in a prehearing letter dated October 14, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Vernon E. Pressley and of B. E. Bryant and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTCW and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of Folkways Broadcasting Company, Inc. (WTCW) would cause objectionable interference to Stations WLIV and WJCW, Livingston, Tennessee and Jackson City, Tennessee, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Audio Broadcasters and Tri-Cities Broadcasting, Inc., licensees of Stations WLIV and WJCW, respectively, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the Vernon E. Pressley proposal, permittee shall be responsible for the installation and adjustment of any filter networks which may be necessary to eliminate any objectionable problem of reradiation or cross modulation which may occur with Station WWIT, Canton, North Carolina.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 4, 1961.

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

[F.R. Doc. 61-3110; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket Nos. 13856, 13857; FCC 61-403]

QUEEN CITY BROADCASTING CO. AND VAL VERDE BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Queen City Broadcasting Company, Del Rio, Texas, Docket No. 13856, File No. BP-12115; Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Texas, Docket No. 13857, File No. BP-13050; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge the issues, filed December 27, 1960, by Queen City Broadcasting Company, Del Rio, Texas; (2) a reply in opposition, filed January 9, 1961, by the Broadcast Bureau; (3) a reply in opposition, filed January 11, 1961, by Eugene Albert Houghton and Alton W. Stewart, d/b as Val Verde Broadcasting Company, Del Rio, Texas; and (4) a reply in opposition, filed January 17, 1961, by Don R. Howard, tr/as Del Rio Broadcasting Company, licensee of Station KDLK, Del Rio, Texas.

2. Queen City Broadcasting Company has petitioned the Commission to enlarge the issues for hearing beyond those designated in the Commission's Order released December 7, 1960 (FCC 60-1419; Mimeo No. 96708) to add character qualification and strike application issues, and any other issues the Commission deems appropriate, as to the competing applicant, Val Verde.

3. Petitioner Queen City Broadcasting Company and Val Verde Broadcasting Company are mutually exclusive applicants for construction permits for a new station to operate on 1490 kc in Del Rio, Texas. Queen City's application was filed on June 24, 1958, and in a letter to the Commission dated February 3, 1959, the grant of this application was opposed by Station KDLK on the ground that Del Rio could not support a second station. On May 5, 1959, Val Verde filed its application. By Order released December 7, 1960, these applications were designated for hearing. Don R. Howard, tr/as Del Rio Broadcasting Company, licensee of Station KDLK, Del Rio, Texas, was made a party to the proceeding.

4. In support of its request for an issue to determine whether the Val Verde application is a strike application, petitioner alleges that the site upon which Val Verde proposes to construct its station is owned by R. D. Howard and Phil B. Foster, and further alleges that the former is the father of the owner of Station KDLK. It further alleges that KDLK, though opposing petitioner's applications on economic grounds, did not file a similar opposition to the Val Verde application until after petitioner had pointed out such failure to the Commission. These facts, petitioner argues, clearly suggests that since Station KDLK does not believe that the market will support a second station, the father of the owner of that station would not lease his property to Val Verde except for the sole purpose of blocking petitioner's application for the benefit of Station KDLK. As further evidence that Station KDLK was using Val Verde to block the grant of Queen City's application, petitioner cites the fact that Station KDLK questioned Queen City's ability to obtain as many spot announcements as it proposed, but did not question the ability of Val Verde to obtain the twice as many spot announcements proposed in its application. It is further pointed out by Queen City that R. D. Howard, father of the owner of Station KDLK, is also the owner of the Don Howard Advertising Agency in Del Rio, Texas, which acts as Station KDLK's sales representative.

5. While Queen City does not specifically allege that Val Verde has been acting in collusion with Station KDLK, we think that the facts outlined above suggest that Station KDLK regarded the Val Verde application as a vehicle for preventing the early institution of a second service in Del Rio. In view of the part which a parent of the owner of Station KDLK played in furthering the prosecution of the Val Verde application (i.e., by the lease of land for a transmitter site), together with the fact that Val Verde's application was filed after Station KDLK filed objections to the Queen City application without similar objections being filed by KDLK against the Val Verde application until the failure to file such objections was pointed out by Queen City, we think that an issue should be added to permit the adduction of evidence as to what part Val Verde had, if any, in attempting to block the grant of the Queen City application. Instead of the issue proposed by Queen City, the issue which is being added is that customarily used in connection with alleged strike applications. The scope of that issue renders unnecessary a separate issue as to Val Verde's character qualifications, its request for which was based upon substantially the same facts underlying its request for the issue which we are adding.

Accordingly, it is ordered, This 29th day of March 1961, that the petition to enlarge issues, filed December 27, 1960, by Queen City Broadcasting Company, is granted, to the extent indicated herein, and in all other respects, is denied; and that the issues in this proceeding are enlarged as follows:

5. To determine whether the application of Eugene Albert Houghton and Alton W. Stewart d/b as Val Verde Broadcasting Company was filed in good faith, or was filed solely or in part to strike or block the application of Queen City Broadcasting Company, in the instant proceeding.

Released: April 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-3111; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket Nos. 14015-14018; FCC 61-422]

SANDS BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sands Broadcasting Corporation, Indianapolis, Indiana, requests: 1150 kc, 1 kw, DA, Day, Docket No. 14015, File No. BP-12700; WIFE Corporation, Indianapolis, Indi-

[1] Commissioner Cross dissenting.

ana, requests: 1150 kc, 1 kw, DA, Day, Docket No. 14016, File No. BP–13288; Hoosier Broadcasting Corporation, Indianapolis, Indiana, requests: 1150 kc, 1 kw, DA, Day, Docket No. 14017, File No. BP–14000; Independent Indianapolis Broadcasting Corporation, Indianapolis, Indiana, requests: 1150 kc, 1 kw, DA, Day, Docket No. 14018, File No. BP–14032; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that in a prehearing letter dated October 25, 1960, and incorporated herein by reference, the Commission notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, each applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 4, 1961.

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

[F.R. Doc. 61–3112; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket No. 14014; FCC 61–420]

SUNSHINE STATE BROADCASTING CO., INC. (WBRD)

Order Designating Application for Hearing on Stated Issues

In re application of Sunshine State Broadcasting Company, Inc. (WBRD), Bradenton, Florida, has: 1420 kc, 1 kw, DA–D, Class III, requests: 1420 kc, 500 w, 1 kw–LS, DA–D, U, Class III, Docket No. 14014, File No. BP–13440; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposed operation will apparently be limited to an interference-free nighttime contour of 20.7 mv/m by interference received from WBRL, Columbus, Georgia. With this nighttime limitation, the subject proposal would suffer an area loss of approximately 83 percent and a population loss of approximately 40 percent within its normally protected nighttime contour. The applicant has requested a waiver of § 3.28(c)(3) of the rules. Accordingly, a question obtains as to whether circumstances exist which would warrant waiver of the rule. An additional question obtains as to whether, in any event, the proposed nighttime operation represents an efficient utilization of the channel, pursuant to § 3.24(b) of the rules.

It further appearing that the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBRD and the availability of other primary service to such areas and populations.

2. To determine whether nighttime interference received from Station WBRL, Columbus, Georgia, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of WBRD, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether, because of interference received, the proposed nighttime operation would be consistent with § 3.24(b) of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether, a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence of the issues specified in this order.

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

[F.R. Doc. 61–3113; Filed, Apr. 6, 1961; 8:52 a.m.]

[Docket No. 13910; FCC 61M–573]

WACO BROADCASTING CORP. (WACO–FM)

Memorandum Opinion and Order Continuing Hearing

In re appreciation of Waco Broadcasting Corporation (WACO–FM), Waco, Texas, Docket No. 13910, File No. BPH–3136; for construction permit.

1. Counsel for the applicant, Waco Broadcasting Corporation (WACO–FM),

has by letter dated March 22, 1961, advised the Hearing Examiner that Centex Radio Co. (Centex), protestant, has advised that it does not desire to pursue its protest in the proceeding and intends to request that the proceeding be dismissed. By letter dated March 23, 1961, addressed to the Secretary of the Commission, Centex advised inter alia that it was withdrawing its protest in the instant proceeding. This proceeding arose as a result of protest and petition for reconsideration filed by Centex, directed against the Commission's action dated November 2, 1960, granting without hearing the above-captioned application.

2. Prehearing conference was held on February 6, 1961, and the hearing now is presently scheduled for April 5, 1961.

3. In view of the contents of the letters referred to above, it is deemed advisable to postpone indefinitely the hearing herein, pending further developments in this proceeding.

Accordingly, it is ordered, This 31st day of March 1961, that the hearing now scheduled for April 5, 1961, be, and the same is hereby continued to a date to be hereafter determined.

Released: April 3, 1961.

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

[F.R. Doc. 61-3114; Filed, Apr. 6, 1961; 8:52 a.m.]

[FCC 61-444]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

Providing for a New Data Processing Division and Re-Statement of Functions of Units in Office of Administration

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of March 1961;

The Commission having under consideration the above-captioned matter; and

It appearing that a study of the feasibility of processing segments of data in the Commission by means of an electronic computer has been completed and has shown the possibilities for computer applications in some areas of operations in the Commission, and, that detailed analysis of data processing systems in the Commission is under way and will continue, and

It further appearing that efficient management requires the establishment of a new Data Processing Division in the Office of Administration to handle the functions of study and administration of computer operations, and

It further appearing that the Data Processing Group of the Organization and Methods Division and the Tabulating Branch of the Administrative Services Division should be transferred to the new Division, and

It further appearing that the existing Part O—Statement of Organization and Delegation of Authority does not show the detailed functions of all Divisions included in the Office of Administration and that the inclusion of such functions will make such statement more complete and meaningful; and

It further appearing that the amendment herein adopted pertains to matters of Commission management and procedure, and that, therefore, compliance with the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendments herein adopted are issued pursuant to the authority contained in sections 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That a Data Processing Division be established in the Office of Administration, with functions as contained in the Appendix to this Order, and

It is further ordered, That the functions and personnel of the Data Processing Group of the Organization and Methods Division and the Tabulating Branch of the Administrative Services Division be transferred to the Data Processing Division, and

It is further ordered, That Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below, and

It is further ordered, That these actions become effective March 29, 1961, and supersede the Commission's Order of May 16, 1956 (FCC 56-461).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 3, 1961.

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

1. Section 0.91(b) is amended to read as follows:

SEC. 0.91 *Functions of the Office.* * * *

(b) To plan, direct, coordinate, and manage the administrative affairs of the Commission with respect to the functions of budget, organization and procedures, personnel, administrative services, and data processing.

2. Section 0.92 is amended and redesignated as section 0.93; new section 0.92 is added as follows:

SEC. 0.92 *Responsibilities of the Executive Officer.* The Executive Officer, under the direction of and subject to the decisions and policy determinations of the Chairman, has the following duties and responsibilities:

(a) To plan, direct, coordinate, and manage the functions of the Office of Administration.

(b) To assist the Chairman in such other areas of his internal executive responsibility as he may direct.

(c) To preside at weekly meetings of bureau heads and staff officers held to report, review, advise, and consult on administrative matters, and to assist the Chairman in the conduct of the Commission's Monthly Workload Review meetings.

3. Section 0.93 is redesignated as section 0.99; new section 0.93 (derived from former section 0.92) is added as follows:

SEC. 0.93 *Units in the Office.* The Office of Administration is divided into the following units:

(a) Budget and Finance Division.
(b) Organization and Methods Division.
(c) Personnel Division.
(d) Administrative Services Division.
(e) Data Processing Division.
(f) Defense Coordination Division.

4. Section 0.94 is added to read as follows:

SEC. 0.94 *Budget and Finance Division.* The Budget and Finance Division has the following duties and responsibilities:

(a) To develop policies, procedures, and practices governing administration of the budget and fiscal activities of the Commission, to issue such instructions as may be necessary, and to maintain the Budget and Finance Handbook and Travel Manual.

(b) To advise and assist the constituent units of the Commission in the preparation of budget estimates and supporting data and in the administration of the budget program; to analyze budget estimates from the constituent units of the Commission and to make recommendations to the Chairman with respect thereto; and to advise and assist the Commission in determining budget policies and estimates.

(c) To coordinate budget estimates and justifications for presentation to the Bureau of the Budget and Congressional appropriation committees; and to arrange and participate in the presentation of estimates at hearings before the Bureau of the Budget and Congressional appropriations committees.

(d) To serve as liaison between the Commission and the Bureau of the Budget and the appropriations committees on budgetary matters.

(e) To prescribe systems of records and reports for budget purposes.

(f) To prepare for the Chairman proposed allotments and apportionments of the Commission's appropriations.

(g) To maintain necessary fiscal controls.

(h) To determine significant workload factors, to establish procedures for collecting workload data, to collect and make available to the Commission workload data, and to make workload evaluations of activities.

(i) To audit and authorize by certification expenditures of Commission funds, to maintain the Commission's central fiscal and leave records, to prepare financial reports, and to perform the payroll functions of the Commission.

5. Section 0.95 is added to read as follows:

SEC. 0.95 *Organization and Methods Division.* The Organization and Methods Division has the following duties and responsibilities:

(a) To serve in an advisory capacity to the Chairman on administrative management matters.

(b) To continuously study the effectiveness of existing organization, review proposals for changes, and develop and recommend improvements in organization and functional responsibility.

(c) To make studies of programs and procedures for use in reviewing Commission activities; to conduct a periodic detailed examination of all phases of the work of the Commission and make recommendations based on findings.

(d) To determine the information needed by management to measure performance; to develop systems for collecting and presenting performance data; and to analyze performance reports in order to ascertain operating difficulties and to evaluate operating deficiencies.

(e) To develop and maintain, in cooperation with the operating bureaus and offices, effective measures designed to improve administrative procedures of the Commission including: the operation of a Forms Control Program, a Records Management Program, an Issuances Control Program, a Reports Control Program, and the maintenance of the Correspondence and Communications Manual.

(f) To study, analyze, and plan operating procedures and methods; to investigate specific operating problems; and to recommend the installation of office machines, filing equipment, and similar labor saving devices with a view toward coordination, simplification, standardization, reduction of costs, and increased efficiency.

(g) To develop plans for and advise on the procurement, utilization, and allocation of space and its related problems, including negotiation with other agencies on space matters.

(h) To serve as liaison between the Commission and the Bureau of the Budget in the clearance of all matters covered by the Federal Reports Act of 1942.

6. Section 0.96 is added to read as follows:

SEC. 0.96 *Personnel Division.* The Personnel Division has the following duties and responsibilities:

(a) To administer all phases of the personnel program of the Commission, including: classification and wage administration, recruitment, selection, and placement; special examining boards; training; grievance procedures; employee relations; performance evaluation; incentive awards and employee recognition; employee health and safety; employee conduct; employee utilization; reduction-in-force; and such other personnel programs as may be established by the Chairman or the Commission or required by executive order, legislation, or rules or regulations of the Civil Service Commission.

(b) To develop policies, practices, and procedures governing personnel administration in the Commission, and to issue such instructions as may be necessary, including the maintenance of a Personnel Manual.

(c) To assist and advise the several bureaus and constituent units of the Commission in attaining the objectives of personnel administration and to enforce uniform observance of approved personnel practices and procedures throughout the Commission.

(d) To supervise all personnel records of the Commission, to maintain the central personnel records, and to compile personnel statistics.

(e) To keep Commission employees informed concerning personnel policies, programs, and matters of general interest.

(f) To serve as the central point of contact and collaboration for the Commission in its relationships with the Civil Service Commission and other agencies concerned with personnel administration in the Federal Government.

7. Section 0.97 is added to read as follows:

SEC. 0.97 *Administrative Services Division.*

The Administrative Services Division has the following duties and responsibilities:

(a) To act for the Commission in the procurement, maintenance, disposal, and administration of supplies, equipment, real and personal property, contractual services, and printed matter, and to maintain a Service, Supplies and Property Manual.

(b) To establish and maintain duplicating facilities and to perform all duplicating required for Commission activities.

(c) To establish and maintain telephone facilities and to provide telephone service.

(d) To provide for all building management services and related facilities required by the Commission at the seat of Government.

8. Section 0.98 is added to read as follows:

SEC. 0.98 *Data Processing Division.*

The Data Processing Division has the following duties and responsibilities:

(a) To review and analyze the data processing system requirements of the Commission.

(b) To develop and recommend electronic or other data processing systems needed to fulfill the objectives of the Commission in the most efficient manner.

(c) To operate the computer installation and associated peripheral and tabulating equipment in accordance with approved systems.

(d) To measure the effectiveness of the installed systems against anticipated results.

(e) To continuously re-evaluate changing Commission responsibilities and information needs to determine the data processing systems most appropriate for the Commission.

[F.R. Doc. 61-3060; Filed, Apr. 5, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3196 etc.]

BATEX, INC., ET AL.

Notice of Severance

MARCH 31, 1961.

Batex, Inc., et al., formerly W. D. Kennard, et al., Docket Nos. G-3196, et al.

Pioneer Oil and Gas Co., Inc., et al., Docket No. G-14358; Union Producing Company, Docket No. G-14370; James M. Forgotson, Docket No. G-16530; El Paso Natural Gas Company, Docket No. G-18685; Cities Service Oil Company, Docket No. G-19559; Shell Oil Company, Docket No. G-19571; Gulf Oil Corporation, Docket No. G-20383; Gulf Oil Corporation, Docket No. CI60-54; Sun Oil Company, Docket No. CI60-75; Isaac Arnold, et al., Docket No. CI60-237; Socony Mobile Oil Company, Inc., Docket No. CI60-310; The British American Oil Producing Company, Docket No. CI60-322; James A. Wood, Trustee, Operator, Docket No. CI60-383; Socony Mobile Oil Company, Inc., Docket No. CI60-392; Tidewater Oil Company, Operator, Docket No. CI60-430; Hunt Oil Company, Operator, Docket No. CI60-457; The Atlantic Refining Company, Docket No. C160-459; Robert W. O'Meara, Operator, Docket No. C160-469; Woods Exploration and Producing Company, Inc., et al., Docket No CI60-495; C. W. Coffey, et al., Docket No CI60-496; Sohio Petroleum Company, Docket No. CI60-501; Discovery Oil and Gas Company, Inc., Operator, et al., Docket No. CI60-834; Texaco, Inc., Docket No. CI61-60; Skelly Oil Company, Docket No. CI61-469; North Central Oil Corporation, Docket No. CI61-553; Texas Eastern Transmission Corporation, Docket No. CP61-65.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on April 11, 1961, at 9:30 a.m., e.s.t., in the consolidated proceedings entitled Batex, Inc., formerly W. D. Kennard, et al., Docket Nos. G-3196, et al., are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-3076; Filed, Apr. 6, 1961; 8:46 a.m.]

[Docket Nos. RI61-408—RI61-415]

JAKE L. HAMON ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

MARCH 31, 1961.

Jake L. Hamon, Docket No. RI61-408; United Producing Company, Inc., Docket No. RI61-409; D. C. Latimer, Docket No. RI61-410; F. Julius Fohs, et al., Docket

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

No. RI61–411; N. Appleman Company, et al., Docket No. RI61–412; The Ohio Oil Company, Docket No. RI61–413; Crescent Production Company, Inc., et al., Docket No. RI61–414; Harway Producers, Inc., Docket No. RI61–415.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61–408	Jake L. Hamon, Vaughn Building, Dallas, Tex.	17	2	Northern Natural Gas Co. (Beaver County, Okla.).	$655	3–2–61	[1] 4–2–61	9–2–61	15.5	[2] [2] 16.5	
RI61–409	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	24	2	Natural Gas Pipeline Co. of America (Beaver County, Okla.).	156	3–1–61	[1] 4–1–61	9–1–61	15.5	[2] [4] 16.5	
RI61–410	D. C. Latimer, P.O. Box 2524, West Jackson, Miss.	1	3	United Gas Pipe Line Co. (Pistol Ridge Field, Pearl River County, Miss.).	16,006	3–1–61	[1] 4–1–61	9–1–61	20.0	[5] 24.0	
RI61–411	F. Julius Fohs, et al., 1077 San Jacinto Building, Houston 2, Tex.	4	3	Tennessee Gas Trans. Co. (East Bay City Field, Matagorda County, Tex.) (R.R. Dist. No. 3).	6,068	3–6–61	[6] 4–6–61	9–6–61	13.49751	[2] 16.16947	
RI61–412	N. Appleman Co., et al., 654 Madison Avenue, New York 21, N.Y.	7	2	Colorado Interstate Gas Co. (Hugoton Field, Grant County, Kans.).	1,199	3–8–61	[6] 4–8–61	9–8–61	11.0	[2] 12.5	
RI61–413	The Ohio Oil Co., 539 S. Main Street, Findlay, Ohio.	[7] 56	-------	Northern Natural Gas Co. (Beaver County, Okla.) (Oklahoma Panhandle Area).	1,801	3–9–61	[1] 4–9–61	9–9–61	15.0	[10] [2] 17.0	
	Do	[8] 56	1	-----do-----	-------	3–9–61	4–9–61	9–9–61	-------	-------	-------
	Do	[9] 56	2	-----do-----	-------	3–9–61	4–9–61	9–9–61	-------	-------	-------
RI61–414	Crescent Production Co., Inc., et al., 812 Ouachita National Bank Building, Monroe, La.	7	5	Arkansas Louisiana Gas Co. (North Ruston Field, Lincoln Parish, La.) (North Louisiana).	87	3–9–61	[1] 4–26–61	[12] 4–27–61	13.32	[5] 13.32	[11] G–17685
RI61–414	Crescent Production Co., Inc., et al.	3	5	-----do-----	1,364	3–9–61	[1] 4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17685
	Do	4	5	-----do-----	123	3–9–61	[1] 4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17685
	Do	5	6	-----do-----	988	3–9–61	[1] 4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17685
RI61–415	Harway Producers, Inc., 812 Ouachita National Bank Building, Monroe, La.	2	5	-----do-----	308	3–9–61	4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17694
RI61–415	Harway Producers, Inc.	3	6	-----do-----	87	3–9–61	4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17694
RI61–415	Do	4	6	-----do-----	1,075	3–9–61	4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17694
RI61–415	Do	6	5	-----do-----	688	3–9–61	4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17694
RI61–415	Do	7	5	-----do-----	38	3–9–61	4–26–61	[12] 4–27–61	13.32	[5] 13.77	[11] G–17694

[1] The stated effective date is the effective date proposed by respondent.
[2] The pressure base is 14.65 psia.
[3] Rate increase based on seller relinquishing his rights to buyer to process gas for liquid hydrocarbons.
[4] Includes 0.5 cent per Mcf for gas of over 1060 Btu per cubic foot.
[5] Pressure base is 15.025 psia.
[6] The stated effective date is the first day after expiration of the required 30 days' notice.
[7] Supersedes The Ohio Oil Company's FPC Gas Rate Schedule No. 40. (The filing consist of a ratification.)
[8] Contract, dated March 17, 1960.
[9] Notice of change, dated March 3, 1961.
[10] Subject to upward or downward Btu adjustment.
[11] Subject to refund insofar as it pertains to tax reimbursement.
[12] Suspended for one day with only the tax reimbursement portion of the rate to be made effective subject to refund.

The proposed periodic rate increases of 0.45 cents per Mcf (from 13.32 cents to 13.77 cents per Mcf at 15.025 psia) filed by Crescent Production Company, Inc., et al. (Crescent) and Harway Producers, Inc. (Harway), are below the Commission's area price level (Statement of General Policy No. 61–1) for gas sold in North Ruston, Lincoln Parish, Louisiana. However, such rates include 0.5 cents per Mcf reimbursement for the Louisiana severance tax. The producers and the purchaser, Arkansas Louisiana Gas Company (Arkansas Louisiana), have different interpretations of the contract tax reimbursement provisions. By letter dated March 10, 1961, Arkansas Louisiana advised the producers that it disagreed with the claimed tax reimbursement. The tax portions of the producers' currently effective rates are subject to refund having been suspended for one day because of the questionable amount of such reimbursement. It is believed that the proposed rates are subject to the same treatment and should be suspended for one day from April 26, 1961, the proposed effective date for each, with only the tax reimbursement portions of the rates to be made effective subject to refund.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate schedule and supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 5 to Crescent's FPC Gas Rate Schedules Nos. 7, 3 and 4, respectively, and Supplement No. 6 to Crescent's FPC Gas Rate Schedule No. 5; and Supplement No. 5 to Harway's FPC Gas Rate Schedules Nos. 2, 6, and 7, and Supplement No. 6 to Harway's FPC Gas Rate Schedules Nos. 3 and 4, respectively, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Crescent and Harway shall

execute and file under Docket No. RI61–414 (Crescent) and Docket No. RI61–415 (Harway) with the Secretary of the Commission their respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Crescent and Harway are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate schedule and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 15, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–3077; Filed, Apr. 6, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863), the following table lists additional establishments operated under Federal Inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (26 F.R. 2531) for March and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Names of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co	2AG	(*)					
Do	2AU	(*)		(*)			
Do	2B	(*)	(*)			(*)	
Swift and Co	3A	(*)	(*)	(*)		(*)	
Do	3NN	(*)	(*)	(*)		(*)	
Wilson and Co., Inc	20A	(*)				(*)	
Swift and Co	23	(*)		(*)			
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Empire Packing Corp	65					(*)	
Somerville Packing Co	66					(*)	
The Cudahy Packing Co	81	(*)	(*)			(*)	
Hill Packing Co	83E						(*)
Shonyo Packing Co	93	(*)					
Liberty Packing Co	101	(*)	(*)				
City Dressed Beef	125	(*)					
Ottawa Packing Co	135	(*)					
R. B. Rice Sausage Co., Inc	144					(*)	
Kansas City Dressed Beef Co	156	(*)					
Carr Packing Co., Inc	160	(*)					
Southern Packing Co., Inc	164	(*)	(*)			(*)	
Camp Packing Co., Inc	174	(*)					
Swift and Co	184		(*)	(*)			
Hynes Packing Co	197	(*)	(*)				
George A. Hormel and Co	199	(*)	(*)	(*)			
Do	199A	(*)					
Do	199D					(*)	
S. Adams Packing Co	211	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
P D and J Meats	240	(*)	(*)				
System Meat Co	269	(*)					
American Stores Co	279	(*)		(*)			
Westport Packing Corp	369	(*)					
Oldhams Farm Sausage Co., Inc	392					(*)	
Dewitt Packing Corp	456	(*)	(*)				
Litvak Packing Co	465	(*)					
Armour and Co	477	(*)	(*)	(*)			
Eldridge Packing Co	478	(*)					
Capitol Packing Co	513	(*)	(*)	(*)			
Pepper Packing Co	536	(*)				(*)	
Greendell Packing Corp	542	(*)	(*)				
Swift and Co	548	(*)	(*)			(*)	
Perretta Packing Co., Inc	571	(*)					
Stahl Meyer, Inc	583						
Andrew Peterman Co., Inc	583						
Coffeyville Packing Co., Inc	583						
F. A. Ferris & Co., Inc	583						
Peoria Packing Co., Inc	583	(*)					
Swift and Co	608	(*)					
Eastern Oregon Meat Co., Inc	611	(*)					
Donner Packing Co	614	(*)					
H. H. Keim Co	630	(*)	(*)	(*)		(*)	
Auburn Packing Co., Inc	636	(*)					
Wilson and Co., Inc	655	(*)		(*)			
McCook Packing Corp	660	(*)	(*)				
Scottsbluff Packing Co	667	(*)		(*)			
E. S. Read and Sons, Inc	672	(*)	(*)				
Marco Packing Co	692	(*)					
Carter Packing Co	698	(*)	(*)				
Central Nebraska Packing Co	713E						(*)
Decker and Son	727					(*)	
Schaake Packing Co., Inc	761	(*)					
Granite State Packing Co	785	(*)	(*)				
Hibbs Packing Co	825	(*)	(*)				
John Morrell and Co	836	(*)					
Wells and Davies Packing Co	860	(*)	(*)			(*)	
Midwestern Packing Co., Inc	878	(*)	(*)				
Pahler Packing Corp	880	(*)					
Vermont Dressed Beef Co., Inc	883	(*)					
Sambol Packing Co	892	(*)					
Tobin Packing Co., Inc	893					(*)	
Sigman Meat Co., Inc	901	(*)	(*)				
Chiapetti Packing Co	916			(*)			
Cappellino Abattoir, Inc	939	(*)					
Grecley Capitol Packing Co	969	(*)		(*)			
National Food Stores, Inc	981	(*)					
Reitz Meat Products Co	983	(*)				(*)	
H and H Packing Co	1315	(*)	(*)				
Greater New York Packing Co., Inc	317A					(*)	

Done at Washington, D.C., this 30th day of March 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61–3065; Filed, Apr. 6, 1961; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 52]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS

Application To Expand the Boundaries of Foreign-Trade Zone No. 2

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, as Grantee of Foreign-Trade Zone No. 2, filed an application dated February 17, 1961, for permission to extend the boundaries of Foreign-Trade Zone No. 2 to include Upper Wharf Section No. 3 to conform with present needs of the zone. Upper Wharf Section No. 3 is located just west of, and adjoins Wharf Section No. 4 which is included in the present zone area.

Now, Therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby re-

established, to include within the zone Upper Wharf Section No. 3 containing approximately 25,000 square feet, which is west of and adjoins Wharf Section No. 4 now included in the zone area, in conformity with Exhibits Nos. 1, 8, 10(b), dated February 17, 1961.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecesary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 31st day of March, 1961.

FOREIGN-TRADE ZONES BOARD,
[SEAL] LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

JOSEPH M. MARRONE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 61-3075; Filed, Apr. 6, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4336]

TELECTRO INDUSTRIES CORP.

Order Summarily Suspending Trading

APRIL 3, 1961.

In the matter of trading on the American Stock Exchange in the common stock, 10¢ par value of Telectro Industries Corp.; File No. 1-4336.

The common stock, 10 cents par value, of Telectro Industries Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

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

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

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, April 4, 1961, to April 13, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-3084; Filed, Apr. 6, 1961; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-16]

PORTLAND CEMENT FROM SWEDEN

Determination of Injury

APRIL 4, 1961.

On January 4, 1961, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that portland cement, other than white nonstaining portland cement, from Sweden is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on February 28 and March 1, 1961. Notices of the investigation and hearing were published in the FEDERAL REGISTER (26 F.R. 241 and 26 F.R. 632).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured by reason of the importation of portland cement, other than white nonstaining portland cement, from Sweden at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Portland cement is a standardized or fungible product the sale of which in a given market is generally contingent upon its price not being higher than the price of like competitive cement. It is a heavy, low-valued product which, by reason of transportation costs, can be sold economically only to users located within a relatively short distance from the cement plants (or port of entry in the case of imported cement). The imports of Swedish portland cement which are injuring the domestic industry concerned are entering at the ports of Fall River, Massachusetts, and Providence, Rhode Island, and are being sold in a limited geographical area that is supplied with domestic portland cement by plants adjacent to the same area. This area, consisting of Rhode Island, eastern Massachusetts, and eastern Connecticut, is referred to herein as the "competitive market area." The domestic portland cement plants that have historically supplied such cement in that area and that have in recent years sold substantial quantities of such cement there, are considered to constitute "an industry" for the purposes of the Antidumping Act.

As a result of the sale of portland cement (other than white non-staining portland cement) by Swedish exporters at less than fair value, substantial quantities of such cement have been sold and continue to be sold in the "competitive market area" at prices which forced the domestic producers to lower their prices of like domestic cement below those that prevailed prior to the sales of Swedish cement at less than fair value.

The industry concerned has lost a substantial volume of sales of such cement in such areas, which loss is directly attributable to the price of the imported cement made possible by reason of its sale at less than fair value by the exporters. As a result of the sales at less than fair value, annual imports of such Swedish cement into the "competitive market area" in 1959 and 1960 were about twice as large as in each of the years 1957 and 1958.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-3101; Filed, Apr. 6, 1961; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

VERN I. McCARTHY, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: Lionel Corp.

This statement is made as of March 14, 1961.

Dated: March 27, 1961.

VERN I. MCCARTHY, JR.

[F.R. Doc. 61-3085; Filed, Apr. 6, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 477]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 4, 1961.

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

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

No. MC–FC 63700. By order of March 30, 1961, the Transfer Board approved the transfer to William C. Bonner, Inc., Philadelphia, Pa., of Certificate in No. MC 27442, issued June 20, 1941, to William C. Bonner, Philadelphia, Pa., authorizing the transportation of: Such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging because of size or weight, between Philadelphia, Pa., and points in Pennsylvania within 150 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland, Ralph C. Busser, Jr., 1607 Morris Building, 1421 Chestnut Street, Philadelphia, Pa., attorney for applicants.

No. MC–FC 63968. By order of March 30, 1961, the Transfer Board approved the transfer to Evan C. Roberts, Garrett, Ind., of Certificate No. MC 118617, issued August 10, 1959, to E. A. Howard, Garrett, Ind., authorizing the transportation of: General commodities, excluding household goods and other specified commodities, restricted to service auxiliary to or supplemental of rail service of the Baltimore and Ohio Railroad Company, from and to points in Indiana as specified. Robert S. McCain, 403 Standard Building, Fort Wayne, Ind., attorney for applicants.

No. MC–FC 63999. By order of March 30, 1961, the Transfer Board approved the transfer to Earl A. Foster, doing business as Lincoln-Helena Transportation Line, Lincoln, Mont., of Certificates in Nos. MC 35251 and MC 35252, issued March 21, 1942 and June 11, 1942, respectively, to George J. Stoner, doing business as Lincoln-Helena Transportation Line, Lincoln, Montana, authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle, with passengers, over a regular route, between Helena, Mont., and Lincoln, Mont., and general commodities, over a regular route, between Helena, Mont., and Lincoln, Mont. Thelma S. Hines, Lincoln, Montana, attorney in Fact.

No. MC–FC 64003. By order of March 30, 1961, the Transfer Board approved the transfer to Sidney Gilbert, doing business as Inter-Metro Trucking Co., New Milford, N.J., of Permit in No. MC 117067, issued May 12, 1959, to Sidney Gilbert and Charles Pellicane, a partnership, doing business as Inter-Metro Trucking Co., New Milford, N.J., authorizing the transportation of: New furniture, uncrated, from Danbury, Conn., to Paramus, N.J., with no transportation for compensation on return except as otherwise authorized; and from Paramus, N.J., to points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, New Jersey, attorney for applicants.

No. MC–FC 64033. By order of March 30, 1961, the Transfer Board approved the transfer to Cook Moving & Storage, Inc., Colonie, N.Y., of Certificate No. MC 76462, issued June 7, 1949, to Richard C. Darling, doing business as R. C. Darling, authorizing the transportation of household goods, between Schenectady, N.Y., and points within 35 miles of Schenectady, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, New Jersey, Pennsylvania, Maryland, Ohio, and the District of Columbia. John J. Brady, Jr., 75 State Street, Albany, New York, attorney for applicants.

No. MC–FC 64053. By order of March 30, 1961, the Transfer Board approved the transfer to Gases County Refrigerated Service, Inc., Gatesville, N.C., of portion of Certificate No. MC 115056 Sub 2, issued June 9, 1960, to Bundy Truck Line, Inc., Gatesville, N.C., authorizing the transportation, over irregular routes, of fresh fruits and vegetables, in packages, from Gatesville, N.C., to points in Wisconsin, Minnesota, Illinois, Tennessee, Mississippi, Louisiana, Michigan, Indiana, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia, and unfrozen meat and meat products, from Gatesville, N.C., to points in Wisconsin, Minnesota, Illinois, Tennessee, Michigan, Indiana, Kentucky, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia. Philip P. Godwin, Gatesville, N.C., attorney for applicants.

No. MC–FC 64058. By order of March 30, 1961, the Transfer Board approved the transfer to Elias F. Peck, doing business as E. F. Peck Trucking, Monson, Mass., of portion of Certificate No. MC 83726 Sub 1, issued June 22, 1955, to Cummings, Incorporated, authorizing the transportation, over irregular routes, of road construction and grading materials, between Springfield, Mass., and points in Massachusetts within 25 miles of Springfield, on the one hand, and, on the other, points in Litchfield, Tolland, Windham, and Hartford (except brick from Berlin, Windsor Locks, Hartford, and East Windsor Hill, Conn., to Springfield, Mass., and points in Massachusetts within 25 miles thereof). William L. Mobley, 1694 Main Street, Springfield 3, Mass., practitioner for applicants.

No. MC–FC 64070. By order of March 30, 1961, the Transfer Board approved the transfer to Kale Truck Service Corporation, San Antonio, Tex., of Certificate in No. MC 118123, as authorized under the "grandfather clause" in the Report of the Commission, Division 1, March 9, 1961, authorizing the transportation of: Bananas from New Orleans, La., to San Antonio, Tex., and El Paso, Tex., and Los Angeles, Calif., over irregular routes. Robert L. Strickland, 715 Frost National Bank Building, San Antonio, Texas, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–3099; Filed, Apr. 6, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.