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FEDERAL REGISTER

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Home Leave

Effective the first day of the first pay period after September 6, 1960, § 30.603 is amended as set out below.

§ 30.603 Computation of creditable service.

Creditable service begins with the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty if recruited abroad, and ends on the date of the employee's departure from the post for separation or for assignment in the United States, or upon his separation from duty in case of separation abroad. Full credit shall be given for the day of arrival and the day of departure. Creditable service includes: (a) Absence in a nonpay status up to a maximum of two workweeks within each 12 months of service abroad; (b) authorized leave with pay; (c) time spent in the Armed Forces of the United States which interrupts otherwise creditable service; and (d) any period of detail.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7337; Filed, Aug. 3, 1961; 8:45 a.m.]

Chapter III—Foreign and Territorial Compensation

PART 350—DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES PAYABLE IN NON-FOREIGN AREAS

Effective September 3, 1961, Part 350 is amended as set out below.

Sec.

AUTHORITY: §§ 350.1 to 350.12 issued under sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1948 Supp.; E.O. 10,636, 20 F.R. 7025, 3 CFR, 1955 Supp.

§ 350.1 Definitions.

As used in this part, the following terms have the meanings stated:

(a) "Act" means section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948 (Public Law 491, 80th Cong.), as amended by section 104 of the Supplemental Independent Offices Appropriation Act, approved June 30, 1948 (Public Law 862, 80th Cong.).

(b) "Contract" means a legally binding document specifying, for an employee whose rate of basic compensation is fixed by statute, the compensation to be paid during his employment in a non-foreign area. An employment agreement which does not include terms controlling payment of compensation due to service in a non-foreign area is not a contract as here defined.

(c) "Date of arrival" means the beginning of business on the workday of the employee's arrival at the post, or other place designated. When the employee's arrival is on a nonworkday, "date of arrival" means the beginning of business on the first workday following arrival.

(d) "Date of departure" means the close of business on the workday of the employee's departure from the post or other place designated. When the employee's departure is on a nonworkday, "date of departure" means the close of business on the last workday preceding departure.

(e) "Day" or "calendar day" means any day of the year. Fractional days shall be considered whole days.

(f) "Detail" means the temporary assignment or temporary duty of an employee away from his post of regular assignment, including all periods of leave while serving at the post of detail.

(g) "Non-foreign allowance" or "allowance" is a cost-of-living allowance payable under authority of the Act at a post in a non-foreign area where living costs are substantially higher than in the District of Columbia.

(h) "Non-foreign area" means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories of the United States, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of Part II of Executive Order 10,000, as amended, and as listed in Part 326 of this chapter.

(i) "Non-foreign differential" or "differential" is additional compensation payable under authority of the Act at a post in a non-foreign area when conditions of environment differ substantially from conditions of environment in the States and warrant additional compensation as a recruitment incentive.

(j) "On assignment" or "on transfer" at a post of duty means officially occupying a position located at the post, geographically and organizationally, and having official headquarters at the post for travel and other administrative purposes.

(k) "Rate of basic compensation" means the rate of compensation fixed by law for the position held by an individual, before any deductions and exclusive of additional compensation of any kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances or differentials.

§ 350.2 Employees and agencies covered.

(a) The Act, Part II of Executive Order 10,000, as amended, and the regulations in this part apply to civilian employees of the United States Government whose rates of basic compensation are fixed by statute. They do not apply to employees in the Panama Canal Zone whose rates of basic compensation are fixed by statute, or to any other groups of employees for whom additional compensation or salary differentials for service outside the continental United States or in Alaska are otherwise specifically authorized by law.

(b) Subject to the provisions of the Act, Part II of Executive Order 10,000, as amended, and the regulations in this part, every executive department, independent establishment, and wholly owned Government corporation shall pay (1) a differential to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which a differential has been established, and who is otherwise eligible to receive differential payments, and (2) an allowance to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which an allowance has been established, and who is otherwise eligible to receive allowance payments.

§ 350.3 Exclusion of certain employees.

(a) *Governors of territories.* No differential or allowance shall be paid to Governors of territories in non-foreign areas, except that upon specific request of the department or agency concerned, the Commission may authorize the payment of a differential to any Governor whose compensation is fixed under the provisions of the Classification Act of 1949, as amended, if he is otherwise eligible to receive a differential and the Commission determines that payment is warranted in the circumstances.

(b) *Contract employees.* No differential or allowance shall be paid during

the period of his contract to any employee serving under a contract, as defined in § 350.1(b), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of the contract for the period thereof.

§ 350.4 Areas covered.

The following areas are subject to the regulations in this part:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich).
Hawaii (including Ocean or Kure Island).
Puerto Rico.
Virgin Islands of the United States.
American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island).
Guam.
Kingman Reef.
Johnston or Cornwallis Island, and Sand Island.
Midway Islands.
Palmyra Island.
Wake Island.
Howland, Baker and Jarvis Islands.
Navassa Island.
Swan Islands.
Canton and Enderbury Islands.
Any small guano islands, rocks, or keys which, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as appertaining to the United States.
Any other islands to which the United States Government reserves claim, such as Christmas Island.

§ 350.5 Eligibility for differential.

(a) In order for an employee to be eligible to receive a differential, (1) he shall be a citizen or national of the United States, (2) his residence in the area to which the differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence in the area over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests or organizations.

(b) Subject to the provisions of paragraph (a) of this section, the classes of persons eligible to receive differentials include but are not limited to:

(1) Persons recruited or transferred from outside the area to which the differential concerned is applicable, except that the department or agency concerned shall exclude from those eligible to receive a differential the spouse of an individual who is stationed, employed, or resident in the differential area when the department or agency determines that the spouse is there primarily to be near the individual.

(2) Persons employed in the area to which the differential concerned is applicable but (i) who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the United States Government participates, and whose conditions of employment provide for their return transportation to places outside the differential area concerned; or (ii) who were at the time of employment temporarily present in the differential area concerned for purposes of travel or formal study and maintained residence outside the area during the period so present.

(3) Persons who are not normally residents of the area to which the differential concerned is applicable and who are discharged from the military service of the United States in the area to accept employment therein with an agency of the Federal Government.

(c) Eligibility to receive a differential of any person not included in a class enumerated in paragraph (b) of this section is to be determined by the department or agency concerned in accordance with the provisions of paragraph (a) of this section.

§ 350.6 Payment of differentials and allowances.

(a) Additional compensation paid under authority of the Act and these regulations shall not exceed in any instance 25 percent of the rate of basic compensation.

(b) (1) *Post of regular assignment.* Payment of allowances and differentials shall begin as of the date of arrival at the post of duty on regular assignment or transfer, or on the date of entrance on duty in the case of local recruitment. Where an employee is en route to, or returning from, his post of regular assignment, and he is required to perform work in an area where payment of allowances or differentials is authorized, he shall be paid the allowances or differentials for his post of regular assignment while he is performing such work. Payment of allowances and differentials shall cease upon separation, or as of the date of departure on transfer to a new post of regular assignment.

(2) *Leave.* Payment of allowances at the rate prescribed for the post of regular assignment shall continue for all periods of absence from the post on leave, including transit time. Payment of differentials at the rate prescribed for the post of regular assignment shall continue for the first 42 consecutive days of absence from the post on leave, including transit time. Payment of allowances and differentials under this subparagraph is authorized only if the employee returns to a post of regular assignment in a foreign or non-foreign area.

(3) *Detail.* An allowance at the rate prescribed for the post of regular assignment shall continue to be paid for all periods of detail, including transit time. A differential shall continue to be paid to an employee for the first 42 consecutive calendar days on detail from his post of regular assignment, including transit time. When an employee during a period of detail has aggregated 42 days in a pay status at a differential post, he shall thereafter be paid the differential prescribed for each post of detail in a non-foreign area or in a foreign area while serving at each post of detail, but not for any time in transit. In any case, the total amount of additional compensation payable under these regulations is restricted to 25 percent of the employee's rate of basic compensation as specified in the Act, paragraph (a) of this section, and § 350.7.

(4) *Leave and detail.* When an employee is temporarily absent from his post of regular assignment on leave and detail, payment of the differential for his post of regular assignment is limited to the first 42 consecutive calendar days of the temporary absence, including transit time.

(c) Payments to employees serving on a part-time basis shall be prorated to cover only those periods of time for which the employees receive basic compensation.

(d) Payment shall not be made for any time for which an employee does not receive basic compensation.

(e) Neither a differential nor an allowance shall be included in the base used in computing overtime pay, night differential, holiday pay, retirement deductions, or any other additional compensation, allowance, or pay differential.

(f) Payment of a differential or allowance shall not be construed to be an "equivalent increase" in compensation within the meaning of the Classification Act of 1949, as amended.

§ 350.7 Coordination of differentials and allowances.

At any post for which both a differential and an allowance have been established, each employee eligible to receive an allowance shall receive the full allowance otherwise payable to him under the regulations in this part. When both an allowance and a differential are authorized at one post, the eligible employee shall be paid the full allowance first and in addition, so much of the differential as will not cause the compensation for allowances and differentials to exceed a combined rate of 25 percent of his rate of basic compensation.

§ 350.8 Periodic review.

The Commission will from time to time, but at least annually, review the places designated, the rates fixed, and the regulations in this part, which are prescribed for payment of differentials and allowances, with a view to making those changes therein as will insure that payment of additional compensation shall continue only during the continuance of conditions justifying payment of differentials and allowances, and shall not in any instance exceed the amount justified.

§ 350.9 Establishment of rates for additional places.

Requests for the establishment of rates of differentials or allowances for places for which differentials or allowances have not been established by the regulations in this part should be submitted in writing to the Commission by the departments or agencies concerned.

§ 350.10 Places and rates at which differentials shall be paid.

In accordance with the Act and section 202 of Executive Order 10,000, and based on (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions, differentials are established at the following places and rates:

American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island): 25 percent of rate of basic compensation.

Guam: 25 percent of rate of basic compensation.

Johnston or Cornwallis Island, and Sand Island: 25 percent of rate of basic compensation.

Midway Islands: 25 percent of rate of basic compensation.

Wake Island: 25 percent of rate of basic compensation.

Swan Islands: 25 percent of rate of basic compensation.

Canton Island: 25 percent of rate of basic compensation.

§ 350.11 Places and rates at which allowances shall be paid.

In accordance with the Act and section 205 of Executive Order 10,000, as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island): 17½ percent of rate of basic compensation.

Puerto Rico: 12½ percent of rate of basic compensation.

Virgin Islands of the United States: 17½ percent of rate of basic compensation.

§ 350.12 Deductions from allowances.

In accordance with the provisions of section 205(b)(2) of Executive Order 10,000, deductions from allowances of the following classes of employees shall be made at the following places and rates: None.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7338; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY; DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 5195 and 5565, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

1. Section 421.178(c)(1) is amended to make barley grading No. 5 eligible for price support so that the amended subparagraph reads as follows:

§ 421.178 Eligible barley.

* * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

2. Section 421.180(c) is amended by extending the schedule therein to apply to barley testing as low as 36 pounds per bushel so that the amended paragraph reads as follows:

§ 421.180 Determination of quantity.

* * * * *

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley having a different test weight shall be adjusted by the applicable percentage in the following table:

For barley testing:	*Percent*
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 46 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 1, 1961.

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

[F.R. Doc. 61-7385; Filed, Aug. 3, 1961; 8:52 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 5193 and 5565, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(c) is amended to provide a discount for barley grading No. 5 so that the amended paragraph reads as follows:

§ 421.187 Support rates.

* * * * *

(c) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, for No. 4, 6 cents per bushel, and for No. 5, 15 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: August 1, 1961.

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

[F.R. Doc. 61-7384; Filed, Aug. 3, 1961; 8:51 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Oats Loan and Purchase Agreement Program

ELIGIBLE OATS

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 4591 and 4595, and containing the specific requirements for the 1961-crop oats price support program are hereby amended as follows:

Section 421.378(c)(1) is amended to make oats grading No. 4 because of being "Badly Stained or Materially Weathered" eligible for price support so that the amended subparagraph reads as follows:

§ 421.378 Eligible oats.

* * * * *

(c) * * *

(1) The oats must grade No. 3 or better or No. 4 because of test weight or because of being "Badly Stained or Materially Weathered" but otherwise No. 3 or better under the revised Official Grain Standards of the United States for Oats. Oats of the special grade "Garlicky" which otherwise meet these requirements shall also be eligible.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on August 1, 1961.

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

[F.R. Doc. 61-7382; Filed, Aug. 3, 1961; 8:51 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Oats Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 4591 and 4595, and containing the specific requirements for the 1961-crop oats price support program are hereby amended as follows:

Section 421.387(b)(3) is amended to provide a discount for oats grading No. 4 because of being "Badly Stained or Materially Weathered" so that the amended subparagraph reads as follows:

§ 421.387 Support rates.

* * * * *

(b) * * *

(3) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts: [2]	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	1
Garlicky	3
Grade No. 4 because of being "Badly stained or materially weathered"	7

[1] Applicable premiums shall be cumulative. Premiums, however, are not applicable to oats grading No. 4 because of being "Badly Stained or Materially Weathered."

[2] Applicable discounts shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: August 1, 1961.

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

[F.R. Doc. 61-7383; Filed Aug. 3, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

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

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 3

Findings. (a) Marketing Order No. 58, as amended (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 through 958.92. Area No. 3 Committee, pursuant to § 958.21, has recommended regulations limiting the handling of 1961 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 958.336 Limitation of shipments.

During the period from August 7, 1961, through June 30, 1962, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the following requirements.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements.* (1) All varieties: Not more than "slightly skinned."

(2) Not to exceed a total of 100 hundredweight of such potatoes may be shipped for any producer without regard to the aforesaid maturity requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph, "Producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market, and it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(c) *Special purpose shipments.* (1) The quality and maturity requirements, set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Charity.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for the following purposes:

(i) Chipping; and

(ii) Prepeeling.

(3) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for seed (§ 958.6) but such shipments shall be subject to assessments.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (c) of this section shall:

(i) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes shipped for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial table stock markets.

(e) *Definitions.* The terms "U.S. No. 2", and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling

plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in the this section shall have the same meaning as when used in Marketing Order No. 58, as amended.

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

Dated August 1, 1961, to become effective August 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7380; Filed Aug. 3, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 821; Special Civil Air Reg. SR 448]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Special Civil Air Regulation; Precautions To Prevent Hijacking of Air Carrier Aircraft and Interference With Crewmembers in Performance of Duties

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination. Because of the emergency nature of the situation and the present threat to safety of persons being carried in air transportation, I find that compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest. Therefore good cause exists for making this Special Regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted and is effective immediately:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air transportation; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State or Federal Governments who are authorized or required to carry arms and except for such other persons as may be authorized by an air carrier, no person, while a passenger aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a concealed deadly or dangerous weapon.

(Secs. 313, 601; 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on July 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–7350; Filed, Aug. 3, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 824; Amdt. 316]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Series Aircraft

As a result of further investigation of failures of the clevis on the rudder lockout cylinder of Douglas DC–8 aircraft, Amendment 267, 26 F.R. 2285, is being amended to include service information covered by the manufacturer's latest service bulletin. This includes references to kits for installation of parts specified by the directive as well as an alternative compliance method for the placard requirements of paragraph (4).

Since the amendment affords an alternative method of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and since the amendment relieves a restriction it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 267, Douglas DC–8 Series aircraft, 26 F.R. 2285, is amended as follows:

1. Change the last sentence of paragraph (1) to read: "Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031 (Kit A of Douglas Service Bulletin 27–100) or FAA approved equivalent, prior to further flight."

2. Change the third sentence of paragraph (2) to read: "Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031 (Kit A of Douglas Service Bulletin 27–100) or FAA approved equivalent, prior to further flight."

3. Change the last sentence of paragraph (3) and add an additional sentence to read: "The adjustment and creep rate check is to be accomplished in accordance with Supplement No. 1 dated February 27, 1961, to Douglas Alert Service Bulletin A27–100. Installation of new connecting rod assembly P/N 4772143–1 is optional (Kit B or Kit C of Douglas Service Bulletin 27–100)."

4. Change paragraph (4) to read:

(4) Within the next 20 hours' time in service, unless already accomplished, install a placard adjacent to the rudder reversion light to read: "When light comes on, shut off rudder hydraulic power immediately"; or, install warning placard in accordance with Kit D or Kit E of Douglas Service Bulletin 27–100.

5. Change the parenthetical reference statement to read: "(Supplement No. 1 dated February 27, 1961, to Douglas Alert Service Bulletin A27–100 and Service Bulletin 27–100 dated May 12, 1961, covers this subject.)"

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–7346; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 825; Amdt. 317]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

Three accidents involving Brantly B–2 helicopters have resulted from restriction of the collective control caused by the seat sliding forward and interfering with the collective control movement. Since this condition is likely to exist in other Model B–2 helicopters prior to Serial Number 104, it is necessary to incorporate seat safety brackets to minimize the possibility of restriction to the collective control by the seat.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all B–2 helicopters prior to Serial No. 104.

Compliance required within the next 25 hours' time in service after the effective date of this AD.

Three accidents have resulted from the restriction of collective control due to interference by the seat. This interference is caused by improper seat installation which allows the seat to slide forward of its normal position. To minimize the possibility of restriction to the collective control by the seat, all Brantly B–2 helicopters prior to Serial No. 104 shall have the left hand seat angle at the rear of each seat modified to incorporate seat safety brackets, Brantly P/N 163–22 or equivalent.

(Brantly Service Bulletin No. 13, dated June 8, 1961, pertains to this same subject.)

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7347; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 826; Amdt. 318]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–3 Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Douglas DC–3 aircraft in complying with AD 39–24–1, 21 F.R. 9449, as amended by Amendment 18, 24 F.R. 3754. Accordingly, AD 39–24–1 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 39–24–1 (21 F.R. 9449), as amended by Amendment 18 (24 F.R. 3754), is further amended by adding paragraph D. as follows:

D. Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7348; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 827; Amdt. 319]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

Failures of the right forward mount lug of the upper transmission case have occurred on three Brantly B–2 helicopters. These failures are fatigue in nature and apparently are associated with an undesirable pre-stress in the mount lug introduced during assembly procedures. Since this condition is likely to exist in other such aircraft, it is necessary to require modifications of the forward mount transmission structure.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to Model B–2 helicopters as indicated.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

Failures of the right forward mount lug of the upper transmission case have occurred on three Brantly B–2 helicopters. These failures are fatigue in nature and apparently are associated with an undesirable pre-stress in the mount lug introduced during assembly procedures. Since this condition is likely to exist in other such aircraft, it is necessary to require the following modifications:

(a) Applies to all Model B–2 helicopters prior to Serial Number 56 except Serial Numbers 16, 31, 44, 51, 52, and 53.

(1) Remove the main rotor and transmission and the three vertical control rods which protrude through the steel plate at the top of the forward firewall.

(2) Rework the upper surface of the left and right forward transmission mount pads as follows: Insert a 5/16-inch diameter bolt downward through an AN 960–516 washer into the transmission mount bolt hole. File approximately 0.015 inch from the top surface of the mount pad except where protected by the washer. Remove bolt and washer.

(3) Rework the lower surface of the left and right forward transmission mount pads as follows: Enlarge the lower 1/4 inch of the 5/16-inch diameter transmission mount bolt hole by drilling upward with a 21/64-inch drill. Use of a drill stop is strongly recommended to avoid exceeding the 1/4-inch depth of this rework.

(4) Apply zinc chromate finish to reworked areas and reinstall transmission, rotor assembly, and control rods in accordance with Brantly Maintenance Manual procedures.

(Brantly Service Bulletin No. 9 covers this same subject.)

(b) Applies to all Model B–2 helicopters prior to Serial Number 103 except those with 0.375-inch thick mount lugs on P/N B2–104–2 upper transmission case.

(1) Remove the NAS 145–22 bolt through the right forward transmission mount lug and the two AN 3–24A bolts through the upper transmission case (P/N B2–104–2) immediately inboard of the mount lug.

(2) Install transmission bracket P/N B2–151–19 on top of the right forward transmission case mount lug and attach with new bolts and nuts through mating holes in transmission case previously exposed by (b)(1). These parts are furnished by Brantly Helicopter Corporation as their Modification Kit No. 20.

(3) Insure a close fit of faying surfaces between the upper transmission case and bracket P/N B2–151–19 by accomplishing the following steps: Break sharp edges of the upper transmission case ledge to avoid interference with the inner radii of the new bracket; remove material from the upper transmission case ledge or from the lower surface of the bracket in contact with the case lug, as necessary. Failure to insure proper fit of this bracket will introduce undesirable pre-stress into the transmission mount lug.

(Brantly Service Bulletin No. 14 covers this same subject.)

This amendment shall become effective August 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7349; Filed, Aug. 3, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8142 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Meredith Milling Co. et al.

Subpart—Discriminating in price under section 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, Jack M. Rawlings, Jr., trading as Meredith Milling Company, etc., McComb, Miss., Docket 8142, June 15, 1961.]

In the Matter of Jack M. Rawlings, Jr., Trading as Meredith Milling Company and as J. M. Rawlings, Jr., Broker

Consent order requiring an individual proprietor of a feed mill at McComb, Miss., a substantial factor in the animal feed business in Mississippi and Louisiana, and also engaged as a broker in the sale of cottonseed meal and hulls, soybean meal, and related products, to cease

receiving illegal brokerage fees in violation of section 2(c) of the Clayton Act by making, in his milling capacity, substantial purchases of said products on which he received, as broker, a percentage of the net sales price as commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jack M. Rawlings, Jr., an individual trading as Meredith Milling Company and as J. M. Rawlings, Jr., Broker, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of cottonseed meal, cottonseed hulls, soybean meal, or any other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, 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 such 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 further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7360; Filed, Aug. 3, 1961; 8:48 a.m.]

[Docket 8126 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

National Tube Corp. 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, National Tube Corporation et al., South Norwalk, Conn., Docket 8126, June 16, 1961.]

In the Matter of National Tube Corporation, a Corporation, and Ernest Kochies, Frank Cooke, and Milton Mitchell, Individually and as Officers of Said Corporation

Consent order requiring South Norwalk, Conn., distributors to cease selling to dealers television tubes which were reactivated, reconditioned, or rebuilt containing used parts, without disclosing clearly on the tubes, on the carton containers, and on invoices that such was the case.

The order to cease and desist is as follows:

It is ordered, That respondents, National Tube Corporation, a corporation, and its officers, and Ernest Kochies, Frank Cooke and Milton Mitchell, 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 television picture tubes which have been reactivated or reconditioned, or rebuilt 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 reactivated or reconditioned, or rebuit and contain used parts, as the case may be.

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

Issued: June 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7361; Filed, Aug. 3, 1961; 8:48 a.m.]

[Docket 8329 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pratt Furniture Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary.

(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, Richard C. Pratt, Inc., doing business as Pratt Furniture Company et al., Spokane, Wash., Docket 8329, June 15, 1961.]

In the Matter of Richard C. Pratt, Inc., a Corporation, Doing Business as Pratt Furniture Company, and Richard C. Pratt, Individually and as an Officer of Said Corporation

Consent order requiring a Spokane, Wash., furniture dealer to cease advertising falsely in newspapers and on attached labels that excessive amounts were their usual retail prices and the customary prices in their trade area for mattresses and that the sale price afforded substantial savings; that the mattresses were guaranteed for 15 years, and were "Custom crafted".

The order to cease and desist is as follows:

It is ordered, That Richard C. Pratt, Inc., a corporation, and its officers, doing business as Pratt Furniture Company or under any other trade name or names, and Richard C. Pratt, individually or as an officer of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of furniture products including mattresses and bedding, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is respondents' usual or regular retail price of merchandise when it is in excess of the price at which said merchandise has been usually or regularly sold by respondents in the recent regular course of their business.

(b) Any amount is the price of merchandise in respondents' trade area when it is in excess of the price at which said merchandise has been usually or regularly sold in said trade area.

(c) Any amount set forth in labels or price tickets attached to merchandise, or in depictions of such merchandise, or set forth in any other manner, is the usual or regular retail price of such merchandise, when such amount is in excess of the price at which such merchandise has been usually or regularly sold at retail in the trade area or areas where the representations are made.

(d) Any savings will be afforded, to purchasers of such merchandise, from respondents' advertised price unless such price constitutes a reduction from the price at which such merchandise has been usually or regularly sold by respondents in the recent regular course of their business.

(e) Any saving is afforded in the purchase of merchandise from the price in respondents' trade area unless the price at which such merchandise is offered constitutes a reduction from the price at which such merchandise has been usually or regularly sold in said trade area.

2. Representing, directly or by implication, that guarantees are unlimited or unconditional, or from utilizing the term "guarantee" or words of similar import, unless there are set forth conspicuously and in immediate conjunction therewith the nature and extent of the guarantee, the name of the guarantor, and the manner of the guarantor's performance thereunder.

3. Representing, through the use of the term "custom crafted" or other terms of similar import, that such products were manufactured pursuant to specifications and designs furnished by respondents or their customers to the manufacturer thereof prior to manufacture.

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

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

Issued: June 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7362; Filed, Aug. 3, 1961; 8:48 a.m.]

Chapter I—Federal Trade Commission

[File No. 21-533]

PART 56—PLEASURE BOAT INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of August 4, 1961.

Statement by the Commission. Trade practice rules for the Pleasure Boat Industry, as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which trade practice rules are established consists of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consist of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet, and equipment therefor, such as, engines, propellers, rigging and tanks, which are installed on such boats when the boats are sold or offered for sale. Such equipment, when not installed on pleasure boats is not to be considered a product of the industry for which the following rules are promulgated.

Proceedings for the establishment of these rules were instituted upon joint application of the Outboard Boating Club of America and the National Association of Engine and Boat Manufacturers. A general industry conference was held under Commission auspices in Chicago, Illinois, on October 7, 1960, at which proposals for rules were submitted for consideration by the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in New York, New York, on January 17, 1961, and all matters there presented or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The practices prohibited by the provisions of these rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 56.0 to 56.11 issued under 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.

§ 56.0 The industry and its products defined.

Members of this industry are persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consists of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet, and equipment therefor, such as engines, propellers, rigging and tanks, which are installed on such boats when the boats are sold or offered for sale. Such equipment, when not installed on pleasure boats is not to be considered a product of the industry.

§ 56.1 Deception (general).

Boats, and equipment thereof, shall not be sold or offered for sale by an industry member under any representation or circumstance (including failure to adequately disclose relevant facts) having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to size, weight, accommodations, load capacity, speed, horsepower, durability, maintenance, construction, proof against, or resistance to, leakage, resistance or immunity to fire or flame, flotation, safety, or fuel consumption; or having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any other material respect.

NOTE: Among the practices to which the prohibitions of this section are applicable, are pictorial and other representations, either direct or indirect, which create a false impression as to the safe passenger and/or property load capacity of a boat, and/or the maximum weight and horsepower of motor or motors with which it may be safely equipped.

[Rule 1]

§ 56.2 Deception as to length.

Any representation as to the length of a boat, either direct, or indirect as by the use of model numbers suggesting length, or otherwise, must state the exact distance measured end to end over the deck of such boat, excluding sheer. If in addition a representation of the length of a boat measured by any other method (as for example at the water line or on the gunwale) is made, the nature of such measurement must be conspicuously disclosed. [Rule 2]

§ 56.3 Deceptive speed claims.

(a) Claims that a boat is capable of a specified speed by the use of such terms as "up to X miles per hour" or by similar representation, shall not be used unless such boat will attain the specified speed under usual conditions or as represented. If a boat is capable of attaining the claimed specified speed only under conditions such as when not having usual tools, or a reasonable quantity of water or fuel on board or under ideal water or weather conditions such as with a favorable wind or current, such speed claims shall be accompanied by conspicuous disclosure of the conditions which must be present to achieve the claimed speed.

(b) In the case of speed claims made for boats which are not equipped with engines, such claims shall be accompanied by conspicuous disclosure of the horsepower of the engine which must be used in such boat to customarily achieve the claimed speed. [Rule 3]

§ 56.4 Deception as to maintenance.

(a) No representation to the effect that a boat is "maintenance free" shall be used unless the boat so described, including installed components such as its propulsion machinery, sails, etc., will not rot, rust or otherwise deteriorate during the expected life of such boat, and will require no sanding, scraping, painting, patching, or other repair, except for accidental damage sustained, and will

require no replacement of a part or parts as a result of wear during the life expectancy of such boat.

(b) When equipped with a motor or engine, which will need replacement of a part or parts such as spark plugs, etc., the boat shall not be represented as "maintenance free" unless such motor is clearly excepted from the representation.

NOTE: It is the consensus of the industry that no boat of present manufacture is completely maintenance free under all normal conditions of use.

[Rule 4]

§ 56.5 Deceptive use of wood names.

(a) No representation to the effect that a boat is "(name of wood)" shall be used unless the boat so described is throughout, except for minor braces, etc., solidly of the named wood. When a representation regarding the wood composition of a boat is properly applicable to only certain portions of the boat, such fact shall be clearly stated, e.g., "solid cyprus planking," "teak decks."

(b) The word "Mahogany" shall not be used unqualifiedly to describe any wood other than genuine mahogany (Swietenia). However, the non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan may be called "Philippine Mahogany," and the wood of the genus Khaya may be called "African Mahogany." [Rule 5]

§ 56.6 Deceptive pricing.

(a) Members of the industry shall not make any direct or indirect representation concerning the price at which a boat is offered for sale which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect.

(b) When advertisements picture a boat with equipment (such as engine, anchor, sails, etc.) installed or attached thereto, there shall be clear and conspicuous explanation as to whether such price applies only to the boat, or the boat and only a part of the equipment shown, when such is the case.

(c) Industry members shall not make any statement or representation which has the capacity and tendency or effect of creating a false impression in the minds of purchasers or prospective purchasers that the price at which they are offering to sell a product constitutes a reduction or saving either with respect to their former usual and customary price for the product in their recent, regular course of business, or with respect to the usual and customary retail price of the product in the trade area or areas where the statement or representation is made.

(d) When a retailer compares his selling price to a higher price and the higher price is described as being a "manufacturer's list price" or a "manufacturer's suggested retail price" such higher price shall be the current and customary retail price of the product in the trade area or areas where the representation is made. He may, however, compare his selling price with a higher price which has been his usual and customary price for the product in the recent and usual and regular course of his business, and describe such higher price as a "list price" when, in immediate conjunction with such term, there is a clear explanation that such "list price" is his own and not that of the manufacturer, wholesaler or other party.

(e) Members of the industry shall not make or publish any false, misleading, or deceptive representation, through advertising, or otherwise, concerning installment sales contracts to be used in the sale of boats, the terms or conditions of such contracts, the down payment to be required, the rate of interest or the financing cost to be charged, or respecting any other matters relative to such contracts. [Rule 6]

§ 56.7 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 7]

§ 56.8 Exclusive deals.

Members of the industry shall not contract to sell or sell industry products or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 8]

§ 56.9 Prohibited forms of trade restraints (unlawful price fixing, etc.).[1]

Members of the industry, either directly or indirectly, shall not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or become a party to any such understanding, agreement, combination, or conspiracy. [Rule 9]

§ 56.10 Defamation of competitors or false disparagement of their products.

Members of the industry shall not defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, nor shall such members falsely disparage the products of competitors in any respect, nor their business methods, selling prices, values, credit terms, policies or services. [Rule 10]

§ 56.11 Prohibited discrimination.[2]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, etc., which effect unlawful price discrimination.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any of commerce, or to injure, destroy, or prevent competition with any person who either grants or

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade:

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services of facilities furnished by a competitor."

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (e) of this section. [Rule 11]

Issued: August 3, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7327; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER H—SUPPLIES AND EQUIPMENT

PART 621—LOAN OF PROPERTY

Loans To Veterans Organizations

Subparagraph (25) is added to § 621.1 (b), as follows:

§ 621.1 Loan of Army-owned property to recognized veterans' organizations for use at National and State conventions.

* * * * *

(b) *Recognized organizations.* * * *

(25) Italian American War Veterans of the United States, Inc.

[Cl, AR 725-56, 18 July 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 2541, 70A Stat. 142; 10 U.S.C. 2541)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7340; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Definitions and Standards of Identity; Temporary Permits for Interstate Shipment of Foods Varying From Legal Requirements

Following a review of the temporary permits, issued pursant to § 3.12, for the interstate shipment of experimental packs of foods varying from the requirements of definitions and standards of identity established in this chapter, the Commissioner of Food and Drugs has concluded that since the formal standard of identity for a food is a public document, any authority granted for the marketing of articles that do not conform with such standard should also be a matter of public record. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 3.12 (21 CFR 3.12) is amended by adding thereto a new paragraph (j), as follows:

§ 3.12 Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity.

* * * * *

(j) Notice of the granting or revocation of any permit shall be published in the FEDERAL REGISTER.

NOTE: These notices will appear in future daily issues of the FEDERAL REGISTER, in the Notices Section.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a))

Dated: July 28, 1961.

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

[F.R. Doc. 61-7371; Filed, Aug. 8, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico Southeast of Corpus Christi Bay, Texas

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.165 establishing and governing the use and navigation of danger zones in the Gulf of Mexico southeast of Corpus Christi Bay, Texas, is hereby revoked, effective on publication in the FEDERAL REGISTER since the areas are no longer needed, as follows:

§ 204.165 Gulf of Mexico southeast of Corpus Christi Bay; bombing, machine gunnery, and rocket firing range, Naval Air Station, Corpus Christi, Tex. [Revoked]

[Regs., 21 July 1961, 285/91 (Gulf of Mexico, Tex.)–ENGCW–ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61–7341; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 18—National Aeronautics and Space Administration

PART 18–7—CONTRACT CLAUSES

NASA Subcontracting Small Business Program; Correction

Section 18–7.101–3(g) appearing at 26 F.R. 3810 is hereby changed to § 18–7.150–3(g).

ALBERT F. SIEPERT,
Director of Administration.

[F.R. Doc. 61–7378; Filed, Aug. 3, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2450]

GRAZING DISTRICTS

Modification

By virtue of the authority vested in the Secretary of the Interior by section 1 of the act of June 28, 1934, as amended, it is ordered that all public lands under the jurisdiction of the Secretary of the Interior and administered by the Bureau of Land Management are, to the extent not previously provided for, hereby added to grazing districts when such lands are located within the exterior boundaries of such districts. This order includes, but is not limited to, public lands withdrawn under the act of December 29, 1916 (39 Stat. 862; 43 U.S.C. 300) for stock driveways, and the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, for public watering purposes, for classification or in aid of legislation, and power site reserves. All lands added to grazing districts by this order are hereby made subject to use, regulation, and administration in accordance with the applicable provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315m, 315n–315o–1), as amended, and the Federal Range Code for Grazing Districts (43 C.F.R. 161), to the extent that the primary purpose for which the withdrawals were made is not adversely affected by such use, regulation, and administration and not contrary to any express conditions or limitations in the withdrawal order.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JULY 28, 1961.

[F.R. Doc. 61–7364; Filed, Aug. 3, 1961; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods

Upon consideration of the record in the above-entitled proceeding, and of joint petition of Movers Conference of America, Household Goods Carriers' Bureau, and Movers' and Warehouseman's Association of America, Inc., filed July 27, 1961, for postponement of the effective date; and good cause appearing therefor:

It is ordered, That the date on which the rules prescribed in the order of June 19, 1961, shall become effective be, and it is hereby, postponed from August 7, 1961, to August 31, 1961.

(49 Stat. 546, as amended; 49 U.S.C. 304, Interpret or apply 49 Stat. 558, as amended, 560 as amended; 49 U.S.C. 316, 317)

Dated at Washington, D.C., this 28th day of July A.D. 1961.

By the Commission, Acting Chairman Freas.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7368; Filed, Aug. 3, 1961; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 828]

AIRWORTHINESS DIRECTIVES

Piper Model PA 24 "250" Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and reinforcement to prevent further incidents of cracks or deterioration occurring in the exhaust stack assembly of Piper PA–24 "250" aircraft. Such failures can result in loss of power and fire damage to adjacent fuel and electrical lines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316 1711 New York Avenue NW., Washington 25, D.C. All comunications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIPER. Applies to Model PA–24"250" aircraft Serial Numbers 24–103 to 24–1629 inclusive, which do not have a reinforcing plate welded to the stack in the area where the rear engine cylinder stack is welded to the exhaust stack assembly. Compliance required as indicated.

Due to incidents of cracks occurring in the exhaust stack assembly, right side, P/N 21664–03, the following inspections and reinforcement must be accomplished:

(a) Within 25 hours' time in servige after effective date of this AD, remove the carburetor heat shroud assembly and inspect the exhaust stack assembly, P/N 21664–03, for any indication of cracks or deterioration particularly in the area where the rear engine cylinder exhaust stack is welded to the exhaust stack assembly. If evidence of cracks or deterioration is noted, the assembly must be replaced with a new assembly prior to further flight. The provisions of this paragraph shall be reaccomplished at intervals of 50 hours' time in service until such time as the installation in paragraph (b) is accomplished.

(b) Within 100 hours' time in service after initial compliance with paragraph (a), a clamp-on reinforcement Piper Kit No. 754396 or equivalent, shall be installed on the exhaust stack assembly, P/N 21664–03. After installation of the clamp-on reinforcement, the provisions of paragraph (a) are no longer applicable.

(Piper Service Bulletin 202 dated May 22, 1961, applies to this subject.)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7351; Filed, Aug. 3, 1961; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 829]

Curtiss-Wright C–46 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator by amending airworthiness directive 52–17–2 (21 F.R. 9517), pertaining to tailwheel rework on Curtiss-Wright C–46 Series aircraft. It is proposed to establish an inspection time interval based on time in service rather than at each No. 3 inspection as presently required. It has been found that because of the differences between the maintenance practices of air carriers and general operators and the ambiguity of the term "No. 3 inspection", the desired degree of compliance with this AD has not been achieved. Accordingly, the proposed amendment will establish the inspection time interval for all operators at each 400 hours' time in service.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), as follows:

Airworthiness directive 52–17–2, (21 F.R. 9517), is amended by changing the first sentence in paragraph 1. to read as follows: "1. The original compliance date set was not later than December 1, 1952, and at each No. 3 inspection thereafter, however, in order to convert the inspection interval to time in service, the following inspection shall be accomplished within 400 hours' time in service after the effective date of this amendment. Subsequent compliance required at each 400 hours' time in service after initial compliance."

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7352; Filed, Aug. 3, 1961; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 830]

AIRWORTHINESS DIRECTIVES

Russell Manufacturing Co. Safety Belt

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of Russell Model RM23, P/N SB1709, safety belts equipped with D–832B buckles, manufactured from October 1959, through June 1960 which do not meet the tensile load test in the proposed directive. Since numerous service difficulties involving slippage in these belt assemblies have been reported, it is necessary to determine the airworthiness of belts of this model and date of manufacture.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958

(72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

RUSSELL MANUFACTURING COMPANY SAFETY BELT. Applies to all aircraft equipped with Rusco Model RM23 P/N SB1709 safety belts manufactured from October 1959, through June 1960, and equipped with D-832B buckles.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

Service difficulties with Rusco Model RM23, P/N SB1709, safety belt assemblies manufactured from October 1959, through June 1960, have been reported wherein the buckle cam does not securely grip the webbing thereby causing the assembly to slip.

In order to determine the airworthiness of these belts, a minimum tensil load of 100 pounds must be applied to the belt assembly. If the webbing slips through the buckle as a result of this test, the belt must be considered unairworthy and replaced with an airworthy belt assembly conforming to TSO-C22 standards prior to further flight.

(Russell Manufacturing Company Bulletin No. 61-5 covers this same subject.)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7353; Filed, Aug. 3, 1961; 8:47 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

Sodium Propionate; Notice of Proposal to Exempt from Requirement of Tolerance When Used as Preservative on Raw Agricultural Commodities for Salads

The Commissioner of Food and Drugs has concluded that sodium propionate applied to salad greens and vegetables, subsequent to harvest, as a preservative and fungicide, does not constitute a hazard to the public health. Therefore the Commissioner, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.185, 26 F.R. 2593) be amended to read as follows:

§ 120.185 Sodium propionate; exemption from the requirement of a tolerance for residues.

Sodium propionate is exempted from the requirement of a tolerance for residues when used as follows:

(a) As a fungicide in the production of garlic.

(b) From postharvest application as a preservative on salad greens and vegetables intended for consumption as salads.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sodium propionate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: July 28, 1961.

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

[F.R. Doc. 61-7376; Filed, Aug. 3, 1961; 8:50 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 was given in the FEDERAL REGISTER of May 24, 1961 (26 F.R. 4454) that a petition (FAP 302) had been filed by the American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of white mineral oil in foods from certain uses.

In accordance with the information included in the petition, it has been filed to provide also for the following uses:

(6) In plastic film.

(7) Impregnated paper.

(8) As a sealing liquid in fermentation vats.

Dated: July 28, 1961.

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

[F.R. Doc. 61-7377; Filed, Aug. 3, 1961; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 513) has been filed by Morton Salt Company, 110 Wacker Drive, Chicago 6, Illinois, to establish a tolerance of 25 parts per million (0.0025 percent) for yellow prussiate of soda when used to change the crystal structure of sodium chloride for human and animal use.

Dated: July 27, 1961.

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

[F.R. Doc. 61-7372; Filed, Aug. 3, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113, and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 992.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending on May 31, 1962, will amount to $22,863.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement and order.

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

Dated: August 1, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7381; Filed, Aug. 3, 1961; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 520]

STUDENT-LEARNERS

Minimum Wage Rates

In consideration of the new minimum wage provisions contained in the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30), and pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6, of 1950 (3 CFR 1949–53 Comp. p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend the current 75 cent an hour minimum wage rate for student-learners (29 CFR 520.6(b)) as hereinbelow set out.

Any person interested in this proposal may file a written statement of data, views or argument regarding it with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 10 days after this notice is published in the FEDERAL REGISTER.

If and when this proposal is made effective, it is my intention to make an order which shall provide for the continuation of present "student-learner" certificates until the date of their expiration with no change in the wage rate, and which will serve as a certificate authorizing temporary continuation of "student-learner" programs, at minimum wages conforming to those hereby proposed, which will require certification for the first time on September 3, 1961.

§ 520.6 Terms and conditions of employment under special student-learner certificates.

* * * * *

(b) The subminimum wage rate shall be not less than 75 per centum of the applicable minimum under section 6 of the Act.

(52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 31st day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–7379; Filed, Aug. 3, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order No. 190]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS IN THE TREASURY DEPARTMENT

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service.
Assistant to the Secretary (Congressional Relations).
Assistant to the Secretary (Public Relations).
Special Assistants to the Secretary.
Director, Executive Secretariat.

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

Under Secretary for Monetary Affairs

The Assistant Secretary (International Finance) and the Fiscal Assistant Secretary to the extent of their responsibilities for international and domestic monetary and fiscal policies.
Assistant to the Secretary (Debt Management) Office of Debt Analysis.
Assistant to the Secretary (Financial Analysis) Office of Financial Analysis.
Office of the Comptroller of the Currency.
United States Savings Bonds Division.

General Counsel

Legal Division.

Assistant Secretary

Bureau of Customs.
Bureau of Engraving and Printing.
Bureau of the Mint.
Bureau of Narcotics.
Office of Law Enforcement Coordination.
United States Coast Guard.
United States Secret Service.

Assistant Secretary (International Finance)

Office of International Finance (including Foreign Assets Control).

Assistant Secretary (Tax Policy)

Office of Tax Legislation.
Office of Tax Analysis.
Office of International Tax Affairs.

Fiscal Assistant Secretary

Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.
Office of Defense Lending.

Administrative Assistant Secretary

Office of Administrative Services.
Office of Budget.
Office of Management and Organization.
Office of Personnel.
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

(1) Under Secretary.
(2) Under Secretary for Monetary Affairs.
(3) General Counsel.
(4) Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

5. Treasury Department Orders No. 148, 183, and 183–2 are rescinded.

Dated: July 28, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–7373; Filed, Aug. 3, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA AND MINNESOTA

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arizona and Minnesota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Arizona

Entire State of Arizona.

Minnesota

Clay. Wilkin.
Grant.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7370; Filed, Aug. 3, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

NEGOTIATED CONTRACTS WITHIN LABOR SURPLUS AREAS

Redelegation of Authority

The Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), are hereby amended by adding a new section 15 thereto as follows:

15. *Negotiated contracts within labor surplus areas.* a. The Chief of Supply may exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services (24 F.R. 1921) and redelegated to the Bonneville Power Administrator by 205 DM 11.4A (26 F.R. 5584) to negotiate contracts without advertising under section 302(c)(1) of the Federal Property and Services Act of 1949, as amended, when the amount of the contract does not exceed $25,000.

b. The authority delegated by subsection a. shall be exercised in accordance with the provisions of 205 DM 11.4A(2) (26 F.R. 5584).

c. The authority delegated by subsection a. may not be redelegated.

(205 DM 11.4A)

Dated: July 28, 1961.

CHARLES F. LUCE,
Administrator.

[F.R. Doc. 61–7363; Filed, Aug. 3, 1961; 8:48 a.m.]

Office of the Secretary

NEGOTIATED CONTRACTS

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

PART 205—GENERAL DELEGATIONS

CHAPTER 11—PROCUREMENT AND CONTRACTING

205.11.4 *Negotiated contracts.*

* * * * *

C. *Negotiated contracts under section 302(c)(14) of the Federal Property and*

Administrative Services Act of 1949—(1) *Delegation.* The head of each bureau, other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4C(2), to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate contracts without advertising under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Limitation.* The authority delegated by 205 DM 11.4C(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and the Department of the Interior. The authority shall not be exercised in instances where a single successful bidder can be determined in accordance with preferences prescribed by Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing of lots. However, with approval of the head of the bureau, awards based on such preferences will not be made in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidders to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

STEWART L. UDALL,
Secretary of the Interior.

JULY 28, 1961.

[F.R. Doc. 61-7365; Filed, Aug. 3, 1961; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

EXPORTS OF PRODUCTS MANUFACTURED IN 1960

Notice of Determination for Survey

Pursuant to the Act of Congress approved August 31, 1954, Title 13, United States Code, Sections 181, 224, and 225 and due notice having been published on July 4, 1961 (26 F.R. 6004), I have determined that a survey should be conducted by the Census Bureau in which manufacturers will be requested to report the volume of products manufactured in 1960 which were exported. Total figures are to be reported for each plant. The data are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public.

The data will provide important information on the relationship of the economy of States and other geographic areas to foreign trade and are not publicly available from nongovernmental or other governmental sources.

Report forms will be furnished to firms included in the survey and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have therefore directed that a survey be conducted for the purpose of collecting these data.

[SEAL] RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 61-7339; Filed, Aug. 3, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11238 et al.]

SHULMAN, INC., ET AL.

International Airfreight Forwarder Investigation; Notice of Hearing

In the matter of applications of Shulman, Inc., and Consolidated Air Freight, Inc., for operating authorizations as international airfreight forwarders, and an application of Benjamin Shulman et al., for approval of certain control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on August 15, 1961, at 10:00 a.m., e.d.s.t., in Room 3082, U.S. Court House, 9th and Market Streets, Philadelphia, Pa., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served July 11, 1961, Board order E-16934, adopted June 13, 1961, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 31, 1961.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 61-7386; Filed, Aug. 3, 1961; 8:52 a.m.]

[Docket No. 7723 et al.]

REOPENED TRANSPACIFIC ROUTE CASE (INTERNATIONAL PHASE)

Notice of Prehearing Conference

Notice is hereby given, pursuant to Order E-17230, that a prehearing conference in the above-entitled matter is assigned to be held on August 31, 1961 at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., August 1, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7387; Filed, Aug. 3, 1961; 8:52 a.m.]

[Docket No. 12093; Order No. E-17250]

SKY COURIER, INC., ET AL.

Order of Tentative Approval

In the matter of the joint application of Sky Courier, Inc., Cross Armored Carrier Corp., Aurthur DeBevoise, Alexander C. Allen, Merritt T. Kennedy, John Kevin Murphy, Docket No. 12093; for approval under sections 408(b) and 409(a) of the Federal Aviation Act of certain common control and interlocking relationships.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of July 1961.

By application filed February 6, 1961 as amended April 3, 1961, Sky Courier, Inc. (Sky), Cross Armored Carrier Corp. (Cross), Arthur DeBevoise (DeBevoise) request (1) approval, under section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act), of the control of Sky by Cross as well as the common control by DeBevoise of Cross and certain other common carriers and (2) approval under section 409(a) of the Act of interlocking relationships resulting from DeBevoise, Alexander C. Allen (Allen), Merritt T. Kennedy (Kennedy) and John Kevin Murphy (Murphy) serving as officers and directors of some or all of the companies.[1]

Sky is an applicant for an operating authorization as a domestic air freight forwarder under Part 296 of the Board's Economic Regulations. It proposes to specialize in the transportation of currency, coin and negotiable securities. Cross, its owner, is engaged in the intrastate transportation of similar items by armored vehicle within the state of New York.

Involved in the system of affiliated companies are seven other intrastate motor carriers[2] six of whom are engaged in the transportation of commercial documents, while a seventh (New England) transports general commodities. Armored Carrier Corp. (Armored) is both an interstate[3] and intrastate motor carrier, transporting principally bank checks in process of collection. Armored is the sole owner of the Illinois intrastate operator ACC. The intrastate carrier New England is owned by Mr. DeBevoise's Pyrate Company which is not engaged in transportation.

Mr. DeBevoise is the sole owner of Cross and hence indirectly controls Sky. He is also the sole owner directly or indirectly of all of the affiliated companies. In addition to Mr. DeBevoise three other individual applicants (Messrs. Allen, Kennedy, and Murphy) seek approval of the interlocking relationships indicated in Appendix "A". However, none of them has a financial interest in any of the

[1] The control and interlocking relationships for which approval is sought are specifically set forth in Attachment "A" hereto.

[2] ACC Corp. (ACC); City Dispatch Corp. (City); Ohio Couriers, Inc. (Ohio); New England Couriers, Inc. (New England); Carolina-Virginia Couriers, Inc. (Carolina); Minnesota Couriers, Inc. (Minnesota); Southern Couriers, Inc. (Southern).

[3] As authorized by the Interstate Commerce Commission.

companies involved. The application requests that the above-named individuals be authorized to hold generally, in addition to the positions stated in the appendix, directorships and offices within the same system of affiliated and subsidiary companies, as provided in § 251.4 of the Board's Economic Regulations.

In support of their request for approval, applicants submit that the functions of the air freight forwarder, Sky, will be entirely different from, and essentially non-competitive with, its affiliated motor carriers in view of the nature of their operating authorities and the services they perform. Sky intends to specialize in the transportation of valuables, particularly negotiable securities. The applicants assert that the commercial document and general commodity services of the intrastate motor carriers would complement the services offered by Sky and would not be competitive. They also assert that the interstate operations of Armored which is limited to the movement of bank checks is essentially complementary to, and not competitive with, the services to be offered by Sky. Applicants maintain that in view of these different operations, common control of the motor carriers and the air carrier would present no conflict of interest in the generation or routing of traffic.

No objections to the application have been filed.

Upon consideration of the application the Board concludes that the control and interlocking relationships here under consideration are unlikely to subject the persons involved to conflicts of interest or unfairly affect other direct or indirect air carriers. Accordingly, the Board finds that Cross is a common carrier within the meaning of sections 408 and 409 of the Act and that the ownership of Sky by Cross and the common control of Sky and the other common carriers by Mr. DeBevoise is not adverse to the public interest, will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or tend to restrain competition, and that no person disclosing a substantial interest is currently requesting a hearing.

The Board also finds that a due showing has been made under section 409(a) that the interlocking relationships shown in the appendix are not adverse to the public interest. Approval of all such relationships therefore appears warranted. In addition, the Board intends to authorize the individual applicants to hold generally, such offices and directorships within the same system of affiliated companies to which they may be hereafter elected or appointed.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[4]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER.

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[5]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

	Arthur DeBevoise [1]	A. C. Allen	M. T. Kennedy	J. K. Murphy
Sky Courier [2]	Pres./Dir.	Sec.-Treas./Dir.	Vice-Pres./Dir.	Dir.
Cross Armored [3]	do	Treas.	do	Do.
Armored Carrier [4]	do	Treas./Dir.		Vice-Pres./Dir.
Ohio Couriers [3]	Dir.		Treas./Dir.	
Southern Couriers [3]	Pres./Dir.	Treas.		Vice-Pres./Dir.
Pyrate Sales [5]	do	do	Vice-Pres./Dir.	Dir.
City Dispatch [3]	do			Do.
Minnesota [3]	do	Treas.		Vice-Pres./Dir.
ACC Corp. [3]	do	do		Do.
Carolina-Virginia [3]	do	do		Do.
New England [3]	Dir.		Treas./Dir.	

[1] Mr. DeBevoise owns or controls all of the companies listed.
[2] Air freight forwarder owned by Cross, an intrastate motor carrier.
[3] Intrastate motor carriers—Cross, Ohio, Southern, City, Minnesota, Carolina-Virginia, New England, and ACC.
[4] An interstate motor carrier which owns ACC, an Illinois intrastate carrier.
[5] A sales company not directly engaged in transportation. However, it owns all of the stock of New England

[F.R. Doc. 61-7388; Filed, Aug. 3, 1961; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[Agency Order 3 (Rev.)]

ORDER OF PRECEDENCE TO SERVE AS ACTING ADMINISTRATOR

1. *Purpose.* This order establishes the order of precedence governing service as Acting Administrator of the Federal Aviation Agency in the absence or disability of the Administrator.

2. *Order of precedence.* In the absence or disability of the Administrator, The Deputy Administrator serves as Acting Administrator. In the absence or disability of both the Administrator and The Deputy Administrator, the Deputy Administrator for Administration serves as Acting Administrator, and in the absence or disability of all the foregoing officials, the Deputy Administrator for Plans and Development serves as Acting Administrator.

3. *Effective date.* This order is effective July 28, 1961, superseding Agency Order 3 of February 16, 1959.

N. E. HALABY, *Administrator.*

[F.R. Doc. 61-7345; Filed, Aug. 3, 1961; 8:46 a.m.]

[OE Docket No. 61-FW-65]

PROPOSED TELEVISION RECEIVING ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Western Communications Service, San Angelo, Texas, purposes to construct a television receiving antenna structure near Kerrville, Texas, at latitude 30°03'45'' north, longitude 99°08'23'' west. The overall height of the structure would be 2,310 feet above mean sea level (400 feet above ground).

An objection was made in response to the circularization on the basis that the proposed structure would interfere with the use of standard broadcast station KERV as a homing device by aircraft landing at the Kerrville Municipal Airport. Objections were made at the Regional Informal Airspace Meeting based on the height of the structure above the Kerrville Municipal Airport. No objections were made at the Washington Informal Airspace Meeting.

The structure would be located approximately 6.5 miles northwest of the Kerrville Municipal Airport, Kerrville, Texas, and would exceed the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 161 feet. However, the Agency study revealed that this factor would have no substantial adverse effect upon aeronautical operations at this airport. There are no FAA approved Instrument Flight Rules Procedures utilizing standard broadcast station KERV, and the proposed antenna structure would have no adverse effect on the utilization of this station as a VFR homing facility.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

[4] Further action on the interlocking relationships under section 409 will be deferred pending final decision of the control relationships which are subject to section 408.

[5] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7342; Filed, Aug. 3, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-19]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Star Broadcasting Corporation, Fredericksburg, Virginia, proposes to construct a radio antenna structure near Fredericksburg, Virginia, at latitude 38°18'47" north, longitude 77°26'20" west. The overall height of the structure would be 544 feet above mean sea level (354 feet above ground).

No objections were made in response to the circularization. The structure would be approximately 3.2 miles north of the Shannon Airport, Fredericksburg, Virginia, and would exceed the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 135 feet. However, the agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation: *Provided,* That the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7343; Filed, Aug. 3, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-27]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Rockford Damor Industrial Equipment Company, Aurora, Illinois, proposes to increase by 40 feet the overall height of an existing radio antenna structure in Rockford, Illinois, at latitude 42°16'33" north, longitude 89°08'04" west. The new overall height of the structure would be 935 feet above mean sea level (135 feet above ground).

The circularization of this proposal specified a site location of latitude 42°16'10" north, longitude 89°08'46" west. Subsequent to the circularization, it was determined that the correct geographical coordinates of the structure are latitude 42°16'33" north, longitude 89°08'04" west. It is located 4,550 feet south of the south end of the Cottonwood Airport north-south runway and 375 feet east of the extended runway centerline.

Aeronautical objection was made in response to the circularization on the basis that the structure would exceed Joint Industry/Government Tall Structures Committee criteria as applied to Cottonwood Airport, and would adversely affect aircraft operations in the vicinity of this airport. The proposed structure would exceed the JIGTSC runway approach surface and horizontal surface criteria, as applied to this airport, by 126 feet and 40 feet, respectively. However, the Agency study revealed that this factor would have no substantial adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed increase in structure height.

Therefore, pursuant to the authority delegated to me by the Administrator (§626.33; 26 F.R. 5292), it is concluded that the proposed increase in structure height, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this proposed increase in structure height would not be a hazard to air navigation, provided the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7344; Filed, Aug. 3, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-308]

CITY OF ADAIRSVILLE, GEORGIA

Notice of Application

JULY 28, 1961.

Take notice that on June 1, 1961, the City of Adairsville, Georgia (Applicant), filed an application in Docket No. CP61-308 for an order, pursuant to section 7(a) of the Natural Gas Act, directing Southern Natural Gas Company (Southern) to establish physical connection of its gas transportation facilities with Applicant's proposed distribution system and to sell natural gas to Applicant for resale and distribution in the City and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct, own and operate a transmission line of 10 miles of 3-inch and 7.5 miles of 2⅞-inch pipeline connecting with Southern's transmission line near Rome, Georgia, approximately 20 miles southwest of Applicant, and to construct and operate a distribution system in the City and environs.

Applicant shows the following estimate peak day and annual natural gas requirements:

(Mcf)	1st year	2d year	3d year
Annual requirements...	49,510	55,495	61,225
Peak day requirements.	364	423	490

The total estimated cost of the proposed system is $310,000, which cost is to be financed by the issuance of natural gas revenue certificates.

On June 16, 1961, Southern filed an answer consenting to the application and

stating no objection to a Commission order directing the sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7354; Filed, Aug. 3, 1961; 8:47 a.m.]

[Docket Nos. RI61-555, RI61-556]

SUN OIL CO. ET AL.

Correction

JULY 12, 1961.

Sun Oil Company, Docket No. RI61-555; Sun Oil Company (Operator), et al., Docket No. RI61-556.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rates And Allowing Rates To Become Effective Subject To Refund, issued July 3, 1961, and published in the FEDERAL REGISTER on July 8, 1961 (F.R. Doc. 61-6403; 26 F.R. 6149): In the first paragraph change "Rate Schedule No. 2" to read "Rate Schedule No. 80."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7355; Filed, Aug. 3, 1961; 8:47 a.m.]

[Docket Nos. CP61-300, CI61-1605]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND NORTH CENTRAL OIL CORP.

Notice of Applications and Date of Hearing

JULY 27, 1961.

Transcontinental Gas Pipe Line Corporation, Docket No. CP61-300; North Central Oil Corporation, Operator, Docket No. CI61-1605.

Take notice that on May 26, 1961, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 296, Houston 1, Texas, filed an application as supplemented on June 21, 1961, in Docket No. CP61-300, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to operate certain existing facilities in order to transport for Trunkline Gas Company (Trunkline), on a firm basis, up to 3,000 Mcf per day of natural gas which the latter proposes to purchase from North Central Oil Corporation, et al., in the Sabine Pass area of Jefferson County, Texas.

Take further notice that on May 5, 1961, North Central Oil Corporation, Operator (North Central), 608 Fannin Street, Houston 2, Texas, filed an application in Docket No. CI61-1605, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to sell natural gas, produced from its properties in the Sabine Pass area, to Trunkline.

The proposals of Transco and North Central are more fully set forth in the respective applications on file with the Commission and open to public inspection.

Transco states that no new facilities will be required to render the proposed transportation service since North Central's gas will be received, transported and delivered to Trunkline through existing facilities of Transco. North Central will deliver Trunkline's gas into Transco's Block 10 lateral which traverses the Sabine Pass area.[1] Transco will transport the gas through its supply lateral and mainline facilities to the interconnection with Trunkline's facilities in Beauregard Parish, Louisiana.

Pursuant to an agreement, dated May 9, 1961, between Transco and Trunkline, Trunkline will pay 2.5 cents per Mcf at 15.025 psia for all gas delivered.

Pursuant to a gas purchase contract, dated March 6, 1961, between Trunkline and North Central, et al., Trunkline will pay an initial base price of 16.25 cents per Mcf of natural gas at 14.65 psia.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7356; Filed, Aug. 3, 1961; 8:47 a.m.]

[1] A portion of this lateral (all of which Transco owns) is leased to Socony Mobil Oil Company, Inc. (Socony), which uses it to transport its gas from sources in the offshore Texas area for sale and delivery to Transco in Cameron Parish, Louisiana. By the terms of the lease agreement, Transco may require Socony to transport gas acquired from producers along the line if capacity is available. Transco states that North Central will pay Mobil $75.00 per month and ¼ cent per Mcf for use of the separation facilities.

[Docket No. CP61-291]

WESTERN LEWIS-RECTORVILLE WATER DISTRICT

Notice of Application

JULY 31, 1961.

Take notice that Western Lewis-Rectorville Water District (Applicant) Mason County, Kentucky, filed an application on May 16, 1961, as supplemented on June 12 and June 21, 1961, for an order pursuant to section 7(a) of the Natural Gas Act to direct Kentucky Gas Transmission Corporation (Kentucky Gas) to establish physical connection of its transmission facilities at two points in Mason County, Kentucky with the system proposed to be constructed by Applicant and to sell and deliver natural gas to it for resale in rural areas in Mason and Lewis Counties, Kentucky as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 12 miles of distribution system consisting of two 4-inch pipe approximately 200 meters and services and gas metering station. The system will be built in two sections each separate from the other and both crossing the Kentucky Gas 20-inch transmission line at two points in Mason County. One near Kentucky Highway 10 and the other near Mt. Carmel Road. Applicant states that a meter station will be required at each of the two connections with Kentucky Gas. One station to be built by Kentucky Gas and one to be built by the applicant.

The annual and peak day requirements of applicant are estimated to be the following for residential and commercial service:

	Peak day (Mcf)	Annual (Mcf)
First year	350	26,300
Second year	385	32,025
Third year	420	36,855

The total cost of construction of the proposed gas transmission and distribution system is estimated to be $143,800 which will be paid for by funds raised by a bond issue by the Applicant.

The Applicant states that the county courts in Lewis and Mason Counties have found the Applicant's proposal necessary and in the public interest.

On June 15, 1961 Kentucky Gas filed an answer to the application stating that it could render the proposed service without adverse effect on its existing customers.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7357; Filed, Aug. 3, 1961; 8:47 a.m.]

[Project No 2290]

CALIFORNIA

Notice of Land Withdrawal

JULY 31, 1960.

In the matter of Kern River No. 3 Project Southern California Edison Company, Project No. 2290.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1036), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2290 (Kern River No. 3 Project) for which completed application for license was filed January 6, 1961, by the Southern California Edison Company, 601 West Fifth Street, Los Angeles, California. Under said section 24 these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within the project boundaries as depicted on K map exhibits (sheets 4 through 29) submitted to the Federal Power Commission on January 6, 1961 (FPC Nos. 2290–4 through 2290–29). Those lands reserved for transmission line purposes only are subject to the Commission's general determination of April 17, 1922 (2nd Ann. Rept. 128):

PUBLIC LANDS

T. 25 S., R. 29 E.,
Sec. 18: SE¼NE¼.
T. 25 S., R. 31 E.,
Sec. 23: N½N½;
Sec. 24: NE¼, N½NW¼;
Sec. 29: SW¼NW¼;
Sec. 30: E½SE¼NE¼.
T. 23 S., R. 32 E.,
Sec. 12: SW¼NE¼, E½NW¼, SE¼SW¼, W½SE¼;
Sec. 13: NW¼NW¼NE¼, E½NW¼, N½SW¼, SE¼SW¼;
Sec. 14: E½SE¼;
Sec. 23: E½NE¼;
Sec. 24: E½W½, SW¼NW¼, NW¼SW¼, SW¼SE¼;
Sec. 25: N½NE¼, SE¼NE¼.
T. 25 S., R. 32 E.,
Sec. 19: Lot 2, S½NE¼, NE¼NW¼;
Sec. 20: S½NW¼, N½SW¼, NW¼SE¼;
Sec. 21: NW¼SW¼, S½SW¼;
Sec. 25: S½SW¼, SW¼SE¼;
Sec. 26: N½S½, NE¼SE¼SW¼, SE¼SE¼;
Sec. 27: S½NE¼, S½NW¼, NW¼NW¼, NE¼SE¼;
Sec. 28: NE¼NE¼;
Sec. 36: N½NE¼.
T. 26 S., R. 32 E.,
Sec. 24: E½SE¼;
Sec. 36: SE¼SE¼.
T. 27 S., R. 32 E.,
Sec. 1: Lot 1, SW¼NE¼, NW¼SE¼;
Sec. 10: E½SE¼, E½SW¼SE¼;
Sec. 11: Unpatented portion S½NE¼, S½NW¼, N½SW¼, NE¼SE¼;
Sec. 12: NE¼NW¼, S½NW¼, NW¼NW¼SW¼.
T. 23 S., R. 33 E.,
Sec. 30: Lots 1, 2, 3, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 31: NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32: W½SW¼, SW¼SE¼SW¼.
T. 24 S., R. 33 E.,
Sec. 5: Lots 3 and 4, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 8: W½NE¼, SW¼SE¼NE¼, E½NW¼, Unpatented portion SW¼, SE¼;
Sec. 9: SW¼SW¼;
Sec. 16: W½NW¼;
Sec. 17: N½N½, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, E½SE¼;
Sec. 19: E½SW¼, N½SE¼, SW¼SE¼, E½NE¼;
Sec. 20: N½N½, SW¼NE¼, SE¼SE¼SW¼, W½SE¼;
Sec. 29: E½NW¼, N½SW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 30: Unpatented portions W½NE¼, and SW¼SW¼SE¼NE¼, E½SE¼;
Sec. 31: NE¼NE¼;
Sec. 32: NE¼NE¼, W½W½, SE¼SW¼, S½SE¼;
Sec. 33: W½NW¼, SE¼NW¼, SW¼.
T. 25 S., R. 33 E.,
Sec. 3: Lot 4, SW¼NW¼, W½SW¼;
Sec. 4: Lots 1, 2, 3, S½NE¼, SE¼NW¼, SE¼;
Sec. 9: NE¼NE¼, SE¼SE¼;
Sec. 10: SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 16: N½NE¼NE¼NE¼, S½SE¼SE¼NE¼, E½NE¼SE¼, E½SW¼NE¼SE¼, SE¼SE¼;
Sec. 21: NE¼NE¼, S½NE¼, SE¼SW¼SW¼, SE¼SW¼, W½SE¼;
Sec. 28: NW¼NE¼NW¼, NW¼NW¼, SE¼SE¼;
Sec. 29: SE¼NW¼NE¼, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 30: S½SE¼;
Sec. 33: Lots 1, 3, 5.
T. 26 S., R. 33 E.,
Sec. 8: SW¼SW¼;
Sec. 17: NW¼NW¼NW¼;
Sec. 18: E½E½, SW¼SE¼;
Sec. 30: Lots 1 and 2, SE¼NW¼;
Sec. 31: Lots 2 and 3.

Acquired Lands

T. 25 S., R. 33 E.,
Sec. 22: N½NE¼, SW¼NE¼, SE¼NW¼;
Sec. 27: NW¼SW¼;
Sec. 28: SE¼NE¼SE¼;
Sec. 33: N½NE¼.
T. 26 S., R. 33 E.,
Sec. 19: Lots 1, 2, 3, and 4, NW¼NW¼NE¼, NE¼NW¼.

The area reserved by the filing of this application is approximately 427.87 acres, of which approximately 8.30 acres are acquired lands and 419.57 acres are public lands. Approximately 300.46 acres have been previously reserved by Forest Service special use permits, Bureau of Land Management rights-of-way permits, or contract with the Corps of Engineers or withdrawn by Power Site Classification Nos. 45, 80, 240, 267, or 655 or Project Nos. 174, 382, 550, 564, 722, 930, 1009, or 1499. Approximately 307.04 acres are within the boundaries of the Sequoia National Forest.

Copies of the J and K map exhibits (FPC Nos. 2290–1 through 2290–29) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service, and Corps of Engineers.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7358; Filed, Aug. 3, 1961; 8:47 a.m.]

[Project No. 2111]

WASHINGTON

Modification of Notice of Land Withdrawal

JULY 31, 1961.

In the matter of Swift No. 1 Hydroelectric Project Pacific Power and Light Company, Project No. 2111.

By letter of November 25, 1952, this Commission gave notice to the Director, Bureau of Land Management, of the reservation of approximately 70.25 acres of United States land for Project No. 2111, pursuant to the filing of an application for a preliminary permit on July 14, 1952, by the Pacific Power and Light Company, Public Service Building, Portland 4, Oregon.

By modification notice of November 6, 1959, this Commission gave notice that on December 30, 1955, the Pacific Power and Light Company had filed an application for license for the Swift Nos. 1 and 2 hydroelectric developments on the Lewis River, Washington, and that this application was amended on August 7, 1956, to eliminate the Swift No. 2 development from the project. The approximately 872.93 acres of United States lands included in the November 6, 1959, modified withdrawal notice were based on revised map exhibit "K" (F.P.C. No. 2111–12) filed October 2, 1956, delimiting the lands occupied by the Swift No. 1 development in Skamania County, Washington.

On March 30, 1961, the applicant filed Exhibit "F" and revised "K" map exhibits, sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40) to be included by amendment in the license issued December 21, 1956, which depict the project area as finally adopted.

Therefore in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project, and are, from the date of filing of maps of definite location on March 30, 1961, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on maps designated as Exhibit "K", sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40), entitled (Project No. 2111 Washington, Pacific Power & Light Company, Swift No. 1 H. E. Development, Project Area & Project Boundary."

T. 7 N., R. 5 E.,
Sec. 26: Lot 7;
Sec. 28: SE¼NE¼.
T. 6 N., R. 6 E.,
Sec. 4: Lot 4, SW¼NW¼;
Sec. 5: Lots 1 and 2, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 6: Lots 4 and 5;
Sec. 8: NW¼NE¼, NE¼NW¼.
T. 7 N., R. 6 E.,
Sec. 26: Lots 4, 7, 8, United States portions of Lots 5, 6, SW¼SW¼.

This notice supersedes those given November 25, 1952, and November 6, 1959, in connection with Project No. 2111.

The area reserved pursuant to the filing of this notice is approximately 359.23 acres (a reduction of approximately 513.70 acres), of which approximately 203.24 acres have been previously reserved for power purposes in connection with Project Nos. 264, 935, or 2111 or Power Site Reserve No. 74. Approximately 262.83 acres are within the Gifford Pinchot National Forest.

Copies of Map Exhibit "K", sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40), have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7359; Filed, Aug. 3, 1961; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION

Extension to Niagara River Remedial Works

AUGUST 1, 1961.

Notice is hereby given that the International Joint Commission will hold a public hearing in Niagara Falls, Ontario, August 11, 1961. The hearing will be held in the Council Chambers of the City Hall beginning at 9:30 a.m., August 11, 1961.

This notice is given pursuant to Applications dated July 21, 1961, from the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario seeking approval of the International Joint Commission of a proposal to carry out the works recommended by the Commission in its Interim Report to the Governments of Canada and the United States dated June 23, 1961, and described as follows:

"(i) The extension of the control structure in the Niagara River, which was constructed pursuant to the recommendations of the International Joint Commission Report of May 5, 1953, by the addition of five sluices identical to those in the existing structure.

"(ii) The construction of a training wall generally parallel to the Canadian shore, extending from a point about 1,700 feet upstream from Pier No. 4 of the Control structure to a point about 2,000 feet downstream from that pier, to provide a high velocity channel for transporting ice past the Sir Adam Beck Plant intakes and through the control structure to the Cascades; together with a concrete weir across the channel at the downstream end of the training wall.

"(iii) The removal of the top of the submerged weir which is located about 250 feet upstream from the control structure to elevation 552.5 feet, which is one foot lower than the sill of the control structure, to eliminate the risk of ice collecting on the weir and the resultant difficulties of winter operation."

At the hearing all interested parties will be given opportunity to present their views regarding the proposed works.

Copies of the Reference to the International Joint Commission dated 5 May 1961, the Commission's Interim Report in reply to this Reference dated 23 June 1961, and the Applications of the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario are available for inspection at the following places:

Buffalo—
Office of the Commissioner of Public Works, Room 502, City Hall.
Office of the District Engineer, U.S. Army Engineer District Buffalo, Foot of Bridge Street, Buffalo 7, N.Y.
Buffalo and Erie County Public Library, Lafayette Square, Buffalo 3, N.Y.
Lewiston—
Lewiston Free Library, Lewiston, N.Y.
Niagara Falls—
Mr. James E. Collins, City Clerk, Niagara Falls, N.Y.
Office of the Niagara Frontier State Parks Commission, Niagara Falls, N.Y.
Office of the Power Authority of the State of New York, 2640 Main Street, Niagara Falls, N.Y.
Niagara Falls Public Library, 1022 Main Street, Niagara Falls, N.Y.

HARRY J. DONOHUE,
Secretary,
International Joint Commission.

[F.R. Doc. 61–7406; Filed, Aug. 3, 1961; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 59; Amdt. 1]

CERTAIN COUNTIES IN ARIZONA AND WYOMING

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Everett Hutchinson, Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the States of Idaho, Michigan, Minnesota, Montana, Nevada, North Dakota, and South Dakota the Commission issued its Drouth Order No. 59 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates.

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to four additional Counties.

It is ordered, That the appendix to Drouth Order No. 59 is hereby amended by adding thereto the following counties:

Arizona, 2 counties viz: Mohave, Yavapai.
Wyoming, two counties viz: Campbell, Converse.

It is further ordered, That in all other respects Drouth Order No. 59 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 31st day of July 1961.

By the Commission, Chairman Hutchinson.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–7367; Filed, Aug. 3, 1961; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 1, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37283: *Scrap iron or steel from Holland, Mich., to Hamilton, Ont.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2554), for interested rail carriers. Rates on scrap iron or steel (not copper clad), as described in the application, in carloads, from Holland, Mich., to Hamilton, Ont., Canada.

Grounds for relief: Water competition.

Tariff: Supplement 125 to The Chesapeake and Ohio Railway tariff I.C.C. 13487.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–7366; Filed, Aug. 3, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3979]

JERSEY CENTRAL POWER & LIGHT CO., AND GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks and Proposed Issuance and Sale of Common Stock of Subsidiary Company to Parent

JULY 28, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), New York, N.Y., a registered holding company, and its public-utility subsidiary company, Jersey Central Power & Light Company ("Jersey Central"), Morristown, N.J., have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections

6(b), 9(a), and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Under the applicable provisions of section 6(b) of the Act the issue and sale of short-term notes of a maturity not exceeding nine months and in an amount not exceeding 5 percent of the principal amount and par value of the other securities of Jersey Central then outstanding, is exempt from the requirements of section 6(a) of the Act. Jersey Central proposes that, for the period commencing upon the date this application is granted and ending on December 31, 1962, the exempted amount of short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of the other securities of Jersey Central then outstanding. Each such note will bear interest at the prime rate (presently 4½ percent per annum) for commercial borrowing in New York at the date of issuance of the note. The application states that the granting of the application would permit Jersey Central to have outstanding an aggregate of $18,850,000 face amount of notes maturing not more than nine months after the date of issuance of such notes.

At the date of this application, Jersey Central has outstanding unsecured notes maturing within nine months from the date of issuance thereof, in an aggregate face amount of $7,695,000 (of which $5,695,000 face amount was outstanding at May 31, 1961). If this application is granted, Jersey Central expects from time to time to issue similar unsecured notes to banks.

The application states that although no commitments or agreements for such borrowings have been made, Jersey Central expects that, as and to the extent that its construction program requires the issuance and sale of its unsecured notes, borrowings will be effected from the following banks up to the maximum amounts shown:

Irving Trust Co., New York, N.Y.	$6,500,000
Chemical Bank New York Trust Co., New York, N.Y.	4,705,000
Chase Manhattan Bank, New York, N.Y.	3,000,000
Fidelity Union Trust Co., Newark, N.J.	2,000,000
Trust Company of Morris County, Morristown, N.J.	400,000
First National Iron Bank, Morristown, N.J.	300,000
Summit Trust Co., Summit, N.J.	250,000
National State Bank, Newark, N.J.	200,000
Monmouth County National Bank, Red Bank, N.J.	200,000
Asbury Park—Ocean Grove Bank, Asbury Park, N.J.	200,000
National Union Bank, Dover, N.J.	220,000
National State Bank of Elizabeth, Summit, N.J.	200,000
Central Jersey Bank & Trust Co., Freehold, N.J.	400,000
Asbury Park—Manasquan National Bank, Asbury Park, N.J.	275,000
Total	18,850,000

The net proceeds from any long-term debt financing effected prior to the maturity of all short-term notes issued and outstanding under this application will be applied by Jersey Central in reduction of, or in total payment of such outstanding notes, and the maximum amount of indebtedness which may be incurred by Jersey Central under this application will be reduced by the amount of the net proceeds of any such long-term debt financing.

Jersey Central also proposes to issue and sell to GPU, from time to time, during 1961, and GPU proposes to purchase from Jersey Central an aggregate of 200,000 additional shares of Jersey Central's $10 par value common stock at the par value thereof or an aggregate of $2,000,000.

Jersey Central proposes to utilize $7,900,000 of the total proceeds realized from the issuance and sale of the short-term notes to banks and the issuance and sale of the 200,000 shares of common stock to reimburse its treasury for construction expenditures previously incurred and, out of the treasury funds as thus reimbursed, to pay when due $5,695,000 principal amount of notes outstanding at May 31, 1961. The balance ($12,950,000) of such proceeds will be applied to the cost of Jersey Central's post-1960 construction program.

The application states that the Board of Public Utility Commissioners of the State of New Jersey has jurisdiction with respect to Jersey Central's proposed issuance and sale of the additional shares of its common stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the expenses of Jersey Central in connection with the proposed transactions will be approximately $6,700 including legal fees of Berlack, Israels & Liberman of $2,250, legal fees of A. A. Rochester of $750, Federal Issue Tax of $2,000 and State commission filing fees of $989. The expenses of GPU will be approximately $1,000.

Notice is further given that any interested person may, not later than August 16, 1961, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after such date, the application, as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7369; Filed, Aug. 3, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, dated January 9, 1961 (26 F.R. 3394).

Dated: July 9, 1961.

SAM M. EWING.

[F.R. Doc. 61-7336; Filed, Aug. 3, 1961; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-22]

PORTLAND GRAY CEMENT FROM PORTUGAL

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on August 1, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Portland Gray Cement from Portugal. Notice of the institution of the investigation was published in the FEDERAL REGISTER on July 28, 1961 (26 F.R. 6792).

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on September 14, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: August 1, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7374; Filed, Aug. 3, 1961; 8:50 a.m.]

[337-18]

SELF-CLOSING CONTAINERS

Notice of Postponement of Public Hearing

The United States Tariff Commission, on August 1, 1961, ordered that the public hearing in the investigation instituted under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) with respect to certain foreign-manufactured, self-closing containers (also known as squeeze-type coin purses), heretofore scheduled for September 12,

1961 (26 F.R. 5482), be postponed to 10 a.m., e.d.s.t., October 3, 1961.

The hearing will be held in the Hearing Room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

Interested parties desiring to be present, to produce evidence, and to be heard at the hearing should notify the Secretary of the Commission in writing at least five days in advance of the opening date of the hearing.

Issued: August 1, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7375; Filed, Aug. 3, 1961; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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 August.