Pages 10467–10499

FEDERAL REGISTER

VOLUME 26 NUMBER 215

Washington, Tuesday, November 7, 1961

Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
6681 (revoked by PLO 2531) 10480
10893 (superseded in part by EO 10973) 10469
10900 (amended by EO 10972) 10469
10915 (superseded in part by EO 10973) 10469
10955 (superseded by EO 10973) 10469
10972 10469
10973 10469

7 CFR

201 10471
723 10471
1014 10472
PROPOSED RULES:
728 10484
908 10485
925 10486

10 CFR

30 10472
PROPOSED RULES:
30 10487

14 CFR

18 10473
507 10474
600 10475
601 10475
PROPOSED RULES:
601 (2 documents) 10488, 10489

16 CFR

13 10476

19 CFR

14 10476

21 CFR

121 10476
PROPOSED RULES:
120 10487

26 CFR

1 10477
PROPOSED RULES:
1 10483
252 10484

38 CFR

21 (2 documents) 10478

43 CFR

221 10479
PUBLIC LAND ORDERS:
2531 10480
2532 10480
2533 10480

45 CFR

212 10481

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10972

ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 104(e) of the Agricultural Trade Development and Assistance Act of 1934, as amended (7 U.S.C. 1704(e)), and as President of the United States, it is ordered that Executive Order No. 10900 of January 5, 1961, as amended, be, and it is hereby, further amended as follows:

(1) By deleting from paragraph (4) of section 4(d) the comma and the text "except to the extent that section 104(e) pertains to the loans referred to in subsection (d)(5) of this section".

(2) By deleting paragraph (5) from section 4(d).

This order shall become effective at the end of November 3, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 3, 1961.

[F.R. Doc. 61-10711; Filed, Nov. 6, 1961; 11:49 a.m.]

Executive Order 10973

ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I. DEPARTMENT OF STATE

SECTION 101. *Delegation of functions.* Exclusive of the functions otherwise delegated, or reserved to the President, by the provisions of this order, and subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the Secretary) all functions conferred upon the President by (1) the Act (as defined in Part VI hereof), (2) the act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (74 Stat. 869; 22 U.S.C. 1942 *et seq.*), (3) the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644; 22 U.S.C. 1611 *et seq.*), (4) the unrepealed provisions of the Mutual Security Act of 1954 (68 Stat. 832; 22 U.S.C. 1750 *et seq.*), and (5) those provisions of acts appropriating funds under the authority of the Act which relate to the Act.

SEC. 102. *Agency for International Development.* (a) The Secretary shall establish an agency in the Department of State to be known as the Agency for International Development (hereafter in this Part referred to as the Agency).

(b) The Agency shall be headed by an Administrator who shall be the officer provided for in section 624(a)(1) of the Act. Nothing in this order shall be construed as affecting the tenure of the said Administrator now in office.

(c) The officers provided for in sections 624(a)(2) and 624(a)(3) of the Act shall serve in the Agency.

SEC. 103. *Continuation of prior agencies.* The corporate Development Loan Fund, the International Cooperation Administration, and the Office of the Inspector General and Comptroller shall continue in existence until the end of November 3, 1961. The personnel, offices, entities, property, records, and funds of such agencies and office may be utilized by the Secretary prior to the abolition of such agencies and office.

SEC. 104. *Special missions and staffs abroad.* The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (60 Stat. 999; 22 U.S.C. 801 *et seq.*), all under section 631 of the Act, shall be subject to the approval of the Secretary.

SEC. 105. *Munitions control.* In carrying out the functions conferred upon the President by section 414 of the Mutual Security Act of 1954, the Secretary shall consult with appropriate agencies. Designations, including changes in designations, by the Secretary of articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, under that section shall have the concurrence of the Secretary of Defense.

SEC. 106. *Office of Small Business.* The Office of Small Business provided for in section 602(b) of the Act shall be in the Department of State.

PART II. DEPARTMENT OF DEFENSE

SEC. 201. *Delegation of functions.* Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(h), 627, 628, 631(a), 634(b), 635(b), and 635(d) of the Act.

(c) The function conferred upon the President by section 644(i) of the Act.

(d) The functions conferred upon the President by the fourth and fifth provisos of section 108 of the Mutual Security Appropriation Act, 1956 (69 Stat. 438).

SEC. 202. *Reports and information.* In carrying out the functions under section 634(b) of the Act delegated to him by the provisions of section 201(b) of this order, the Secretary of Defense shall consult with the Secretary of State.

SEC. 203. *Exclusions from delegation to Secretary of Defense.* The following-described functions conferred upon the President by the Act are excluded from the functions delegated by the provisions of section 201(a) of this order:

(a) Those under section 506(a) (introductory clause) of the Act.

(b) Those under sections 506(b)(1), (2), and (3) of the Act to the extent that they pertain to countries which agree to the conditions set forth therein.

(c) So much of those under section 511(b) of the Act as consists of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(d) That of making the determination provided for in section 507(a) of the Act.

(e) Those of negotiating, concluding, and terminating international agreements.

PART III. OTHER AGENCIES

SEC. 301. *Department of the Treasury.* There is hereby delegated to the Secretary of the Treasury the function conferred upon the President by the second sentence of section 612 of the Act.

SEC. 302. *Department of Commerce.* There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less-developed friendly countries and areas.

SEC. 303. *Civil Service Commission.* There is hereby delegated to the Chairman of the Civil Service Commission the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

SEC. 304. *United States Information Agency.* The United States Information Agency shall perform all public-information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

SEC. 305. *Development Loan Committee.* There is hereby established a Development Loan Committee in accordance with section 204 of the Act. The Committee shall consist of the Administrator of the Agency for International Development, who shall be chairman, the Chairman of the Board of Directors of the Export-Import Bank

of Washington, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, and the officer of the Agency for International Development dealing with development financing.

PART IV. RESERVED FUNCTIONS

SEC. 401. *Reservation of functions to the President.* There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The function conferred upon the President by sections 504(b), 613(a), 614(a), 620(a), 620(d), 621(a), 622(b), 622(c), 633(a), 633(b), and 634(a) of the Act.

(b) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to section 624(c) of the Act and the function so conferred by section 204 of the Act of assigning officers to the Development Loan Committee.

(c) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 202(b), 205, 303, 506(b)(4), 510(a), 604(a), 610, 614(c), 624(e)(7), 632(b), 634(c), and 643(d) of the Act.

(d) The following-described functions conferred upon the President:

(1) Those under section 503 with respect to findings.

(2) Those under sections 506(b)(1), (2), and (3) in respect of countries which do not agree to the conditions set forth therein.

(3) Those under section 511(b), except the functions of determining that internal security requirements may be the basis for programs of military assistance in the form of defense services and reporting any such determination.

(4) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(e) Those with respect to determinations under sections 103(b) (first proviso), 104 and 203 of the Mutual Defense Assistance Control Act of 1951.

(f) That under section 523(d) of the Mutual Security Act of 1954.

(g) Those under section 107 of the Foreign Assistance and Related Agencies Appropriation Act, 1962 (75 Stat. 717), and those with respect to determination and certification under sections 109 and 602, respectively, of that act.

PART V. FUNDS

SEC. 501. *Allocation of funds.* Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

(a) There are allocated to the Secretary of State all funds made available for carrying out the Act except those made available for carrying out Part II of the Act.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act.

SEC. 502. *Reallocation of funds.* The Secretary of State and the Secretary of Defense may allocate or transfer as appropriate any funds received under subsections (a) and (b), respectively, of section 501 of this order, to any agency, or part thereof, for obligation or expenditure thereby consistent with applicable law.

PART VI. GENERAL PROVISIONS

SEC. 601. *Definitions.* (a) As used in this order, the words "the Act" mean the Foreign Assistance Act of 1961 exclusive of Part IV thereof.

(b) As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 602. *Incidental transfers.* (a) Effective at the end of November 3, 1961, all offices, entities, property, and records of the corporate Development Loan Fund, not otherwise disposed of by the Act, are hereby transferred to the Department of State.

(b) So much of the records of the the Export-Import Bank of Washington as the Director of the Bureau of the Budget shall determine to be necessary for the purposes of section 621(e) of the Act shall be transferred to the Department of State.

SEC. 603. *Personnel.* (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act, and by this order delegated to the Secretary of State, the Secretary shall authorize such of the agencies which administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

SEC. 604. *References to orders and Acts.* Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, (3) any other act which relates to the subject of this order, or (4) any provisions of any thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) References in this order to provisions of any appropriation Act, and references in any other Executive order to provisions of any appropriation Act related to the subject of this order, shall be deemed to include references to any hereafter-enacted provisions of law which are the same or substantially the same as such appropriation Act provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

SEC. 605. *Superseded orders.* The following are hereby superseded:

(a) Executive Order No. 10893 of November 8, 1960 (25 F.R. 10731), except Part II thereof and except for the purposes of using funds pursuant to section 643(c) of the Act.

(b) Section 2 of Executive Order No. 10915 of January 24, 1961 (26 F.R. 781).

(c) Executive Order No. 10955 of July 31, 1961 (26 F.R. 6967).

SEC. 606. *Saving provisions.* Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

SEC. 607. *Effective date.* The provisions of this order shall become effective as of September 30, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
November 3, 1961.

[F.R. Doc. 61-10712; Filed, Nov. 6, 1961; 11:49 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Amendment of Joint Regulations of Secretary of Treasury and Secretary of Agriculture

Correction

In F.R. Doc. 61–10343, appearing at page 10150 of the issue for Tuesday, October 31, 1961, the words immediately preceding the first semicolon in § 201.-228a should read "regarding the kind or kind and variety" instead of "regarding the kind and variety".

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco, Marketing Quota Regulations, 1962–63 Marketing Year

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6414, 6641, 7122) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87–200, to include in a new section 723.1329 provisions for the leasing and transfer of cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9236) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in § 723.1329 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87–200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impractical and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 723.1329 is added to read as follows:

§ 723.1329 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 723.1311 through 723.1328, but subject to the limitations provided in this § 723.-1329, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is established under §§ 723.1311 through 723.-1328 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in the allotment regulations issued for the 1963–64 marketing year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.1322 in the case of old farms and, in the case of new farms, § 723.1325, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section), shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(f) Not more than 5 acres of allotment acreage (prior to any adjustment under paragraph (d) of this section for normal yields) may be leased and transferred to any farm: *Provided,* That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(i) The 1962 tobacco allotment acreage in a pool (see § 723.1320(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 723.1320(c), shall not be eligible for lease and transfer.

(j) Any allotment acreage leased shall not be subleased.

(k) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from which or to which 1962 tobacco allotment acreage is leased under this section.

(l) If a violation is pending which may result in an allotment reduction for a farm for 1962, the county committee shall delay approval of any lease and transfer of allotment from or to the

farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 before the final date for reducing allotments for violations (§ 723.1319), the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until 1963.

(m) Except with respect to the erroneous allotment notice provisions in § 723.1327, and the provisions for review in § 723.1328, the term "tobacco acreage allotment" as used in §§ 723.1311 through 723.1328 shall mean the allotment without regard to the provisions of this section.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(o) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing application for review (see § 723.1328) as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this § 723.1329 shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm (see § 723.1319). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(r) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 is the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10637; Filed, Nov. 6, 1961; 8:51 a.m.]

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

[Milk Order No. 114]

PART 1014—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi Gulf Coast marketing area, it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act during the months of November and December of 1961 and January of 1962:

(1) "from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant(s) described in paragraph (a) of this section" in paragraph (b) of § 1014.10;

(2) "days production of" in paragraph (b) of § 1014.15; and

(3) "on not more than one-third of the number of days' production of such producer as received at a pool plant during the month" in paragraph (b) of § 1014.15.

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue the suspension of the aforesaid provisions which has been in effect from September 19, 1961, through October 31, 1961. In requesting the suspension action the Mississippi Milk Producers' Association has indicated that due to the increased production in the milkshed of the market, in conjunction with the transition from can to farm tank methods of assembling producer milk for the market, the association is experiencing increasing difficulties in meeting the present shipping requirements for its supply plant. The association also stated that it is being called upon to move large quantities of milk to nonpool manufacturing plants for Class II uses. Unless the suspension of the aforesaid provisions is continued producers long associated with the market may lose producer status due to the inability of the cooperative to meet the shipping requirement for its supply plant, or due to excessive diversions resulting from the refusal of operators of distributing plants to accept milk in excess of their immediate requirements.

A hearing was held at Gulfport, Miss., on October 26, 1961, during which proposals to amend provisions relating to the diversion of producer milk and pooling standards for plants were considered. However, there has not been sufficient time to evaluate the evidence of record in order to determine whether the provisions relating to the above matter should be amended.

Therefore, good cause exists for making this order effective November 1, 1961.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period November 1961 through January 1962.

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

Effective date. November 1, 1961.

Signed at Washington, D.C. on November 2, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10636; Filed, Nov. 6, 1961; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BY-PRODUCT MATERIAL

Exemption of Tritium-Activated Illuminators Installed in Automobile Locks

On April 26, 1961, the Commission issued by publication in the FEDERAL REGISTER a "Notice of Receipt of Petition for Exemption." This notice described a petition which requested the Commission to exempt from licensing and other regulatory controls the distribution, possession, and use of automobile lock illuminators, each containing up to 15 millicuries of tritium. The lock illuminator is intended to facilitate the insertion of a key into the automobile lock at night or under poor lighting conditions.

The comments received by the Commission in response to the published notice have been considered by the Commission and are on file in the

Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The tritium in the lock illuminator would be incorporated in a luminous compound in a non-water soluble and stable form. The luminous compound would be completely sealed in plastic and would not be available for dispersion into the environment without destroying the plastic ring in which it is to be incorporated. If the 15 millicuries of tritium is released by accident or fire, it is highly unlikely that an individual would breathe into his lungs sufficient tritium to result in a radiation dose of more than a small fraction of 0.5 rem which is the annual limit recommended by the Federal Radiation Council for individuals in the general population.

There is no detectable radiation level external to the lock illuminator. Thus an individual lock illuminator containing 15 millicuries would not present a radiation hazard providing it is manufactured according to specifications established in a specific license issued to the manufacturer or importer. Manufacturers would be required to conduct prototype tests on each type of lock illuminator and establish that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling.

The ultimate fate of the lock illuminators is likely to be the same as that of scrap automobiles. Scrap automobiles are collected by thousands of scrap dealers. Useful parts are salvaged for further use and the remainder of the automobile is normally burned in an open scrap yard or field to destroy the combustibles and the scrap metal remaining is returned to the steel industry for reclaiming. The number of automobiles burned and conditions under which they are burned vary widely. However, because of the nuisance of the smoke and fumes generated, the burning usually takes place in reasonably isolated locations.

Intense heat produced in such burning operations would result in large volume dilution of the tritium water vapor and it is highly unlikely that measurable quantities of tritium could be detected in the vicinity of the burning operation. A theoretical analysis of the air concentrations of tritium in the immediate vicinity of a site where automobiles might be burned for purposes of reclaiming scrap metal indicates there is no radiation hazard involved in such operations, even when very conservative assumptions are used. For example, assuming that 50 automobiles each containing three 15 millicurie tritium lock illuminators are burned at the same time in an open field and the plume rises only 20 feet the maximum dose that an individual would be likely to receive is about 2.5 millirem if the individual were standing at a distance of about 70 feet from the automobiles downwind in direct line of the plume during an entire burning operation. If the individual is located more, or less, than 70 feet from the automobiles the dose would be less than 2.5 millirem. This may be compared with an annual whole body dose of 500 mrem which is the limit recommended by the Federal Radiation Council for individuals in the general population.

It does not appear that the distribution of tritium-activated illuminators in automobile locks would significantly increase the background radiation exposure to individuals in the population. An analysis of the possible increase in background exposure from triutium-activated luminous products distributed in the environment was included in the "Notice of Receipt of Petition for Exemption," published in the FEDERAL REGISTER on April 26, 1961.

The exemption of tritium-activated illuminators in automobile locks is not intended as establishing a precedent for the exemption of other luminous sources containing tritium and incorporated in devices distributed to the public. Each request that may be submitted for exemption of items used directly by consumers or the general public will be evaluated on a case by case basis. In cooperation with the Federal Radiation Council the Commission is undertaking a study of the public health implications of the use by the general public of numerous products containing radioactive materials.

The following amendment is designed to relieve from A.E.C. licensing and regulatory controls persons who receive lock illuminators installed in automobile locks containing tritium in accordance with the standards established by the Commission in a specific license issued to the manufacturer or importer. The Commission will continue to exercise regulatory control, through its specific licensing procedures, over the manufacture and import of tritium-activated illuminators and the installation of tritium-activated illuminators into automobile locks. A specific license will not be required, however, in order to install automobile locks into automobiles or remove such locks from automobiles.

A specific license for the manufacture or import of the devices as exempt items will not be issued unless the applicant furnishes sufficient information to assure that the product will meet the specifications established by the Commission. Concurrently with publication of this notice, the Commission is publishing a notice of proposed rule making which would establish criteria for the issuance of specific licenses to install lock illuminators into automobile locks or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to the exemption established by this amendment. Pending adoption of that proposed amendment as an effective amendment, the Commission will apply the criteria therein in its review of applications for specific licenses to manufacture or import lock illuminators installed in automobile locks for distribution pursuant to the exemption.

Pursuant to the Administrative Procedure Act and the Atomic Energy Act of 1954, as amended, the following amendment to Part 30, Title 10, Code of Federal Regulations, "Licensing of Byproduct Material," is published as a document subject to codification, to be effective 15 days after publication in the FEDERAL REGISTER.

A new § 30.12 is added to read as follows:

§ 30.12 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Part 20 of this chapter and this part to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of this part.

Dated at Germantown, Md., this 26th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-10593; Filed, Nov. 6, 1961; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 955; Reg. No. SR-377B]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

Special Civil Air Regulation; Mechanical Work Performed on United States Registered Aircraft by Certain Canadian Mechanics; Special Civil Air Regulation

Special Civil Air Regulation No. SR-377A, effective from November 1, 1956, to November 1, 1961, extended the provisions of Special Civil Air Regulation No. SR-377, which provided an implementation of a reciprocal arrangement between Canada and the United States. The purpose of this Special Civil Air Regulation is to extend the basic provisions of SR-377A for an additional 1-year period.

Section 610(a) of the Federal Aviation Act of 1958 provides, in pertinent part, that, "It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity * * *." The term "airman" as defined in section 101(7) of the Act includes "* * * (except to the extent the Administrator may otherwise provide with respect to such individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances * * *."

Under the provisions of this latter section, the Administrator is authorized, in effect, to exempt certain persons employed outside the United States from the requirements of holding a United States airman certificate.

The current provisions of SR–377A, permit maintenance, repair, and alteration operations on aircraft of United States registry to be performed in Canada by or under the direct supervision of a mechanic holding a certificate of competence and appropriate ratings issued by the Canadian Government, subject to the condition that such operations performed are listed and certified by him in a manner and on a form prescribed by the Administrator, and subject to the further condition that all such operations are performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

The circumstances which led to the adoption of Special Civil Air Regulations Nos. SR–377 and SR–377A continue to exist. Work operations conducted under the reciprocal arrangement for approximately ten years have proven satisfactory and have been accomplished without adversely affecting safety. Furthermore, Canadian standards in relation to maintenance, alterations, and repair operations are of a high caliber and compare favorably with those in force in the United States.

However, the Agency finds in examining the current provisions of SR–377A, and in light of past experience, that certain changes should be incorporated therein to assure a more uniform interpretation and administration of the reciprocal arrangement. In this respect, the Agency is presently preparing, in the form of a draft release, a notice of proposed rule making which would provide, among other things, for work operations performed on United States registered aircraft by Canadian approved maintenance organizations. It is anticipated that the draft release will be circulated for industry comment in the very near future.

Since the authority presently contained in SR–377A will terminate on November 1, 1961, sufficient time is not available in which to complete and circularize a draft release containing the proposed amendments to the regulation, nor to permit a reasonable period of time for reviewing industry comments prior to considering final adoption of the proposed amendments. Therefore, the Agency considers it desirable and necessary, in order to prevent interruption of the reciprocal arrangement, to extend the provisions of SR–377A pending final adoption of the contemplated amendments.

While the basic provisions of the regulation being adopted herein are the same as those contained in SR–377A, certain editorial changes are necessary for conformance with the provisions of the Federal Aviation Act of 1958.

Since the provisions contained herein extend the provisions of a previous regulation and impose no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted, to become effective November 1, 1961:

1. An individual holding a valid mechanic certificate of competence and appropriate ratings issued by the Canadian Government shall not be deemed an airman within the meaning of section 101(7) of the Federal Aviation Act of 1958, with respect to inspection, maintenance, overhaul, or repair operations conducted in Canada in connection with aircraft of United States registry, and such individual, notwithstanding any contrary provisions of the Civil Air Regulations, may perform such operations in connection with United States aircraft in Canada: *Provided,* That, in the case of repair, alteration, and maintenance, each operation performed is listed and certified to by him in a manner and on a form prescribed by the Administrator: *And provided further,* That all such repairs, alterations, and maintenance operations shall be performed in conformance with the requirements of Part 18 of the Civil Air Regulations.

2. An aircraft, aircraft engine, or propeller on which any major repair or major alteration has been performed as authorized herein shall not be flown in air commerce until examined, inspected, and approved by a Canadian Department of Transport Inspector of Aircraft. Such approval shall be indicated in a manner and on a form prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR–377A, and shall terminate November 1, 1962, unless sooner superseded or rescinded by the Federal Aviation Agency.

(Secs. 101(7), 313(a), 601, 605, 610, 72 Stat. 737, 752, 775, 778, 780; 49 U.S.C. 1301, 1354, 1421, 1425, 1430)

Issued in Washington, D.C., on November 1, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–10598; Filed, Nov. 6, 1961; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 734; Amdt. 363]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–6, DC–6A, and DC–6B Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and rework of the center wing front spar lower outboard cap on Douglas DC–6 Series aircraft was published in 26 F.R. 4069.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received recommended that the AD be withdrawn. This recommendation was not accepted since the mandatory inspection and rework are considered necessary to insure the integrity of the main structural members affected. The recommendation for a repetitive inspection in lieu of the modification also was not accepted. Reinspection would not accomplish the purpose of the directive, that is, to relieve the preload which has been determined to be the cause of cracks. The suggestion that the permanent rework be deferred for 2,500 hours after inspection is not acceptable in the interest of safety. The purpose of the inspection is to determine which type of rework is to be performed. The increase in the time for the initial inspection accomplishes the intent of the request. Also, provision is made for ferry flight in accordance with CAR 1.76 if cracks are found.

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:

DOUGLAS. Applies to all Model DC–6, DC–6A, and DC–6B aircraft Serial No. 42854 up to and including Serial No. 44429.

Compliance required as indicated.

Several instances have been reported of spanwise cracks found in the center wing front spar lower outboard cap. The cracks were approximately 3 inches in length and were located on the aft side of the spar cap body just outboard of the landing gear fitting (Station 163 approximately). Instances have also been reported where cracks have progressed forward into adjacent bolt holes. As a result of the foregoing, the following must be accomplished on the affected area of lower front spar caps having in excess of 15,000 hours' time in service unless the affected area has already been reworked, repaired or replaced as specified in paragraphs (b), (c), or (d).

(a) Within the next 3,000 hours' time in service, accomplish a dye penetrant inspection or equivalent for cracks in the aft tang of the outboard front spar lower cap for a spanwise distance of 5 inches from the inboard end (Station 163 approximately) and rework in accordance with (b), (c), or (d), as required.

(b) If no cracks are detected by the inspection prescribed in (a), the area must be reworked as necessary prior to further flight per Item 4(a) of Section I of Douglas Service Bulletin No. 802, reissued October 21, 1960.

(c) If, during the inspection prescribed in (a), cracks are detected which exceed 3 inches in length along the radius of the aft tang or extend forward beyond the end bolt holes, the spar cap must be replaced prior to further flight except ferry flight in accordance with the provisions of CAR 1.76. When installing a replacement spar cap, the rework specified in Item 4(a) of Section I of Douglas Service Bulletin No. 802 reissued October 21, 1960, or equivalent, must be incorporated.

(d) If, during the inspection prescribed in (a), cracks are detected which do not exceed the limits set forth in (c), replacement of the spar cap is optional. If replaced, the rework instructions specified in (c) must be incorporated. If not replaced, the spar cap must be repaired and inspected per Section II of Douglas Service Bulletin No. 802, reissued October 21, 1960, or equivalent, prior to further flight except ferry flight in accordance with the provisions of CAR 1.76.

(Douglas Service Bulletin No. 802, reissued October 21, 1960, covers the same subject.)

This amendment shall become effective December 7, 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 October 31, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–10597; Filed, Nov. 6, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-50]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway, Associated Control Areas and Control Area Extension

The purpose of these amendments to §§ 600.6139 and 601.1066 of the regulations of the Administrator is to widen Victor 139 between Sea Isle, N.J., and Hampton, N.Y., and to alter the New York, N.Y., control area extension.

Victor 139 is presently designated as a 10-mile wide airway between the Sea Isle VOR and the Hampton VOR. Victor 139 will be redesignated, in part, from the Sea Isle VOR; via the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; to the Hampton VOR, including the additional airspace between lines diverging from the Sea Isle VOR to points of tangency to a circle with a 9-statute mile radius centered at the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR, but excluding the portion of this airway below 2,000 feet MSL which lies outside of the continental limits of the United States and the portion below 3,000 feet MSL between the 087° and 141° True radials of the Idlewild, N.Y., VORTAC. The control areas associated with Victor 139 are so designated that they would automatically conform to the altered airway.

The New York, N.Y., control area extension (§ 601.1066) is designated, in part, as excluding the portions which lie within the geographic limits of warning areas W–106 and W–107 at all times and altitudes. This control area extension is being redesignated, in part, to include the airspace within the lateral limits of warning area W–106 at and above 3,000 feet MSL which lies westward of the western boundary of Victor 139 as redesignated herein, and to include the airspace within the lateral limits of warning area W–107 at and above 2,000 feet MSL which lies westward of the western boundary of Victor 139.

Alteration of Victor 139 between the Sea Isle VOR and the Hampton VOR, where the 5° angle from the airway centerline exceeds the normal airway width, will be in accordance with Agency policy for airways utilizing navigational aids separated by 90 or more statute miles. This is to assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment, could result in more than 5 statute miles deviation from the airway centerline.

Alteration of the New York control area extension will permit improvement of air traffic procedures in the New York Metropolitan terminal areas by providing additional controlled airspace required for radar vector service in the vicinity of Idlewild and MacArthur Airports, and McGuire and Dover Air Force Bases.

Agency non-rule making action has been initiated to alter warning areas W–106 and W–107 to eliminate conflict with Victor 139 as altered herein and to provide for the designation of the additional controlled airspace designated herein. Ingress to and egress from warning areas east of Victor 139 will be provided for by the adjustments made herein for the floors of the New York control area extension and Victor 139.

The Bethany Beach, Del., Restricted Area R–2801 no longer conflicts with Victor 139 as a result of action contained in Airspace Docket No. 59–WA–373 (26 F.R. 4053) decreasing the size of R–2801. Therefore, reference to this restricted area will be deleted from the description of the airway.

The alteration herein to the New York control area extension is an interim measure designed to satisfy a present need for controlled airspace to protect IFR traffic operating south and southwest of the New York Metropolitan area terminals. Upon completion of a review of controlled airspace requirements throughout the entire New York Air Route Traffic Center area, separate airspace action will be initiated to redesignate the New York control area extension (§ 601.1066) as a transition area with appropriate controlled airspace floor assignments.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The action contemplated does not create an additional burden on anyone, since the airspace involved has not been available from a practicable standpoint for other airspace users as uncontrolled airspace, being located over water surrounded by controlled airspace, and within warning areas used by the military. Accordingly, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken.

1. Section 600.6139 (26 F.R. 3523) is amended to read:

§ 600.6139 VOR Federal airway No. 139 (Cape Charles, Va., to Boston, Mass.).

From the Cape Charles, Va., VORTAC via the Snow Hill, Md., VOR; Sea Isle, N.J., VOR; INT of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° radials; Hampton VOR including the airspace between lines diverging from the Sea Isle VOR to points of tangency to a circle with a 9-statute mile radius centered at the INT of the Sea Isle VOR 049° and the Hampton VOR 223° radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; INT of the Providence VOR 043° and the Boston, Mass., VOR 133° radials; to the Boston VOR. The portion of this airway below 2,000 feet MSL that lies outside the continental limits of the United States and the portion below 3,000 feet MSL between the 087° and the 141° radials of the Idlewild, N.Y., VORTAC and the portion that lies within the Chincoteague Inlet, Va., Restricted Area R–6604 are excluded.

2. Section 601.1066 (14 CFR 601.1066, 26 F.R. 23) is amended to read:

§ 601.1066 Control area extension (New York, N.Y.).

The airspace within a 163–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 190° radial to the VORTAC 220° radial, thence within a 125–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 220° radial to the VORTAC 328° radial, thence within an 80–mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 328° radial to the VORTAC 190° radial. The portions of this control area which lie within R–5002, R–5003, R–5205 and R–5206 shall be used only after obtaining prior approval from the appropriate authority. The portions of this control area extension which lie within R–2801 and R–5001 are excluded during times of designation of these restricted areas. The portions of this control area which lie within the New York control area extension § 601.1147, the Millville control area extension § 601.1148 and the Dover control area extension § 601.1341 are excluded; the portions which lie within the geographic limits of warning areas W–105 and W–108 are excluded at all times and all altitudes; the portions which lie within warning areas W–106 and W–107 east of low altitude VOR Federal airway No. 139 are excluded at all times and all altitudes; the portion which lies within warning area W–106 west of the east boundary of Victor 139 is excluded below 3,000 feet MSL at all times; the portion which lies within warning area W–107 west of the east boundary of Victor 139 is excluded below 2,000 feet MSL at all times; the portions bounded on the northeast by W–106 and on the southwest by W–107 lying seaward of a line between points at Latitude 40°07'20" N., Longitude 73°15'00" W. and latitude 40°00'00" N., Longitude 73°36'30" W., and the portions bounded on the northeast by W–107 and on the southwest by W–108 lying seaward of a line between latitude 39°09'00" N., Longitude 74°-37'00" W., and Latitude 38°45'00" N., Longitude 74°31'00" are excluded.

These amendments shall become effective 0001 e.s.t. December 14, 1961.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on November 3, 1961.

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

[F.R. Doc. 61-10640; Filed, Nov. 6, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7728 o.]

PART 13—PROHIBITED TRADE PRACTICES

Luxury Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 *Bait;* 13.155–33 *Demonstration reductions.*[1]

(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, Luxury Industries, Inc., et al., Washington, D.C., Docket 7728, Sept. 12, 1961]

In the Matter of Luxury Industries, Inc., a Corporation, and Arthur Hankin, Individually and as an Officer of Said Corporation; and Arthur Hankin, Trading and Doing Business as Patilum Co. and Patalum Luxury Industries

Order requiring sellers of carports, patios, storm doors and windows in Washington, D.C., to cease advertising special prices which were not bona fide offers for sale but were made to obtain leads to prospective purchasers who were then pressured to buy higher priced products; and representing falsely that purchasers who allowed the products installed to be used for model home demonstrations would receive a price reduction, that their products were unconditionally guaranteed, and that carports or patios were "all aluminum" and included a supporting foundation wall and a completed floor.

The order to cease and desist is as follows:

It is ordered, That respondents, Luxury Industries, Inc., a corporation, and its officers and respondent Arthur Hankin, an individual trading as Luxury Industries, Inc., Luxury Industries, Patilum Co., and Patalum Luxury Industries and as officer of Luxury Industries, Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of carports, patios, storm doors and windows or other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bonafide offer to sell the mechandise so offered;

2. The use of any sales plan or procedure involving the use of false, deceptive or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise;

3. Representing, directly or by implication, that their carports and patios are all aluminum construction when in fact the posts or other supports are made of materials other than aluminum;

4. Using pictorial representations in advertising to represent that respondents' patios or other products contain certain features or construction which are not in fact supplied by respondents for the price advertised;

5. Representing, directly or by implication, that any special price, allowance or discount is granted by respondents in return for the furnishing of any service or facility by the purchaser such as permitting the premises on which respondents' products have been installed to be used for model home demonstration purposes in selling to others.

6. Representing, directly or by implication, that respondents' products are guaranteed unconditionally or carry a lifetime guarantee when in fact such guarantee is a limited guarantee only and is not an unconditional or lifetime guarantee;

7. Representing, directly or by implication, that respondents' products are guaranteed without disclosing to the purchaser the limitations applicable to such guarantee.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Luxury Industries, Inc., and Arthur Hankin, 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 contained herein.

Issued: September 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10608; Filed, Nov. 6, 1961; 8:47 a.m.]

[1] New.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55501]

PART 14—APPRAISEMENT

Antidumping—Portland Gray Cement From Portugal

OCTOBER 31, 1961.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on July 12, 1961, the United States Tariff Commission was advised that portland gray cement from Portugal is being, or is likely to be, sold in the United States at less than its fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on October 20, 1961, it notified the Secretary of the Treasury, that an industry in the United States is being injured by reason of the importation of portland gray cement from Portugal at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to portland gray cement from Portugal.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect.

Merchandise	*Country*	*T.D.*
Portland gray cement	Portugal	55501

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10624; Filed, Nov. 6, 1961; 8:49 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 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROGEN CYANIDE

A food additive petition was filed by the American Cyanamid Company, Post Office 383, Princeton, New Jersey, requesting the establishment of tolerances for residues of hydrogen cyanide in dried fruit, flour, cereals, confectionery, and meats, derived from fumigation of these foods. Subsequently, the petitioner withdrew his request for tolerances on the dried fruit, confectionery, hamburger meat, and minced beef. At the same time, the petitioner amended his request for tolerances for residues in cereal flours and cereals that are to be cooked before being eaten, requesting higher tolerances than had been originally requested.

The Commissioner of Food and Drugs, having evaluated the data submitted, together with other relevant material, including tolerances previously established for residues in certain raw agricultural commodities and scientific information demonstrating the rapid dissipation of

these residues during and immediately after shipment of cereal flours, plus the loss of residues on heating of the foods, has concluded that the following regulation should issue with respect to the food additive hydrogen cyanide present as a residue in or on processed foods that have been fumigated with hydrogen cyanide. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That Part 121 be amended by adding to Subpart D the following new section:

§ 121.1072 Hydrogen cyanide.

The food additive hydrogen cyanide may be present as a residue in certain processed foods in accordance with the following prescribed conditions:

(a) The food additive is present as a result of its use as a fumigant.

(b) The residues of hydrogen cyanide shall not exceed the following levels:

(1) 125 parts per million in cereal flours.

(2) 90 parts per million in cereals that are cooked before being eaten.

(3) 50 parts per million in uncooked ham, bacon, and sausage.

(c) Where tolerances are established under both sections 408 and 409 of the act on the raw agricultural commodity and on the processed food, respectively, the total residues of hydrogen cyanide in or on the processed food shall not be greater than that designated in paragraph (b) of this section.

(d) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 31, 1961.

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

[F.R. Doc. 61-10617; Filed, Nov. 6, 1961; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6579]

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

Miscellaneous Amendments

To simplify the manner of making the election to take additional first-year depreciation allowance, the Income Tax Regulations (26 CFR Part 1) under section 179 of the Internal Revenue Code of 1954 are hereby amended as hereinafter set forth. Except as otherwise specifically provided therein, such regulations as amended are effective for taxable years ending after June 30, 1958.

PARAGRAPH 1. Section 1.179–2 is amended by revising paragraph (c) thereof to read as follows:

§ 1.179–2 Dollar limitation.

* * * * *

(c) *Affiliated group.* Taxpayers which constitute an affiliated group, as defined in paragraph (e) of § 1.179–3, shall be treated as one taxpayer in applying the $10,000 limitation of this section. The allowance may be taken by any one such member or allocated among the several members in any manner, pursuant to allocation by the common parent corporation if a consolidated return is filed, or in accordance with an agreement entered into by the members of the group if separate returns are filed. The amount of the allowance allocated to any member, however, shall not exceed 20 percent of the cost of section 179 property actually purchased by the member in the taxable year. If a consolidated return is filed, the common parent corporation shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. (See § 1.179–4.) If separate returns are filed, each member of an affiliated group to which is allocated any part of the deduction under section 179 shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. (See § 1.179–4.) Such statement shall include the names of all the members of the affiliated group, the taxable year of the common parent corporation, and a description of the manner in which the deduction under section 179 has been divided among them. An allocation among the members of an affiliated group of the allowance under section 179 shall not, if a consolidated return is filed, be revoked after the due date of the return (including extensions of time) of the common parent corporation for a taxable year for which an election to take the allowance is made. If the members of an affiliated group do not file a consolidated return for a taxable year for which an election to take the allowance is made, the allocation as to all members of the group shall not be revoked after the due date of the return (including extensions of time) of the common parent corporation. For the purpose of the preceding sentence, the taxable years of the other members of the affiliated group ending with or within the taxable year of the common parent shall be considered as corresponding to the taxable year of the common parent. Thus, where a common parent's taxable year ends November 30, 1960, the allowance will apply with respect to section 179 property purchased in August 1959 by an affiliated corporation whose taxable year ends June 30, 1960 (taxable year ending within the taxable year of the parent).

PAR. 2. Section 1.179–4 is amended to read as follows:

§ 1.179–4 Time and manner of making election.

(a) *Election.* A separate election must be made for each taxable year in which an additional first-year depreciation allowance is claimed with respect to section 179 property. The election under section 179 and § 1.179–1 to claim an additional first-year depreciation allowance on section 179 property shall be made on the taxpayer's income tax return for the taxable year to which the election applies. For the election to be valid, the return must be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The election shall be made by showing as a separate item on the taxpayer's income tax return the additional first-year depreciation claimed with respect to each piece of section 179 property selected. The additional first-year depreciation claimed with respect to section 179 property must not be included in the depreciation claimed under section 167 with respect to such property. The taxpayer shall maintain records which permit specific identification of section 179 property and reflect how and from whom such property was acquired. The election to claim an additional first-year depreciation allowance under this section with respect to any property is irrevocable and shall be binding on the taxpayer with respect to such property for the taxable year for which the election is made and for all subsequent taxable years, unless the Commissioner gives his consent to revoke the election. Similarly, the selection of section 179 property by the taxpayer to be subject to the additional first-year depreciation allowance must be adhered to in computing the taxpayer's taxable income for the taxable year for which the selection is made and for all subsequent taxable years, unless consent to change the selection of property is given by the Commissioner.

(b) *Revocation.* A request to revoke an election under section 179 and § 1.179–1 or to change the property selected for the additional first-year depreciation allowance shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington 25, D.C. The request shall include the name and address of the taxpayer and shall be signed by the taxpayer or his duly authorized repre-

sentative It must be filed no later than 6 months after the date prescribed by law (without regard to extensions of time) for filing the income tax return for the year in which the allowance under § 1.179–1 was claimed, shall be accompanied by a statement showing the year and property involved, and shall set forth in detail the reasons for the request to revoke the election or to change the selection of property. Ordinarily, the request for consent to revoke the election or to change the selection of property will not be granted if it appears from all the facts and circumstances that the only reason for the desired change is to obtain a tax advantage.

(c) *Effective date.* The provisions of this section apply to all taxable years ending after June 30, 1958. Elections made under the provisions of Treasury Decision 6335, approved November 13, 1958 (23 F.R. 8979), and elections, changes in selection of property, and revocations made under the regulations under section 179, as promulgated in Treasury Decision 6507, approved November 29, 1960 (25 F.R. 12340), continue in effect.

Because this Treasury decision merely simplifies certain election requirements, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: November 2, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–16030; Filed, Nov. 6, 1961; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

REPORTS BY INSTITUTIONS

In § 21.2303(c), a new subparagraph (3) is added, former subparagraphs (3) and (5) are redesignated (4) and (6) respectively, and former subparagraph (4) is amended and redesignated (5), to read as follows:

§ 21.2303 Reports by institutions.

* * * * *

(c) *Administrative allowance for preparation of reports and certifications.*

* * * * *

(3) Where a veteran is enrolled or reenrolled, as defined by § 21.2005(o), on or after the 20th of the month, a separate monthly certification of training for the month of enrollment or reenrollment is not required. (See § 21.2051(c)(2)(ii)(*a*).) Under these circumstances an allowance for the month in which the enrollment or reenrollment occurred may be paid provided the enrollment or reenrollment certification is received promptly but in no event later than the 10th of the following month. No more than one allowance shall be paid for any one month per eligible veteran.

(4) Where a course is pursued exclusively by correspondence, the administrative allowance will be paid only for the month in which enrollment certifications (VA Form 22–1999) or required quarterly certifications of training (VA Form 22–1996d) are received in the Veterans Administration.

(i) All information about the veteran's training status, such as lessons completed and serviced, or interruptions or termination of training shall be reported on the quarterly certification of training for the quarterly period in which the action occurred. A report is not required for any quarter in which the school does not service any lessons completed by the veteran.

(ii) The allowance shall be paid to the school only for those months in which a required report or certification (see § 21.2051(c)) was submitted for an eligible veteran and received by the Veterans Administration. Thus, the fact that a required quarterly certification may reflect a veteran's progress for a period of more or less than one-quarter does not affect the amount of administrative allowance due for the month in which the certification is received by the Veterans Administration.

(iii) In no event shall more than one allowance ($1) be paid to the correspondence school for any one month, per eligible veteran. This is true regardless of the fact that more than one report or certification pertaining to the same veteran may be received by the Veterans Administration during a particular month.

(*a*) When the educational allowance may not be authorized or released to the veteran because the information on a report or certification is incomplete or incorrect, the school's administrative allowance will be suspended until receipt of supplementary information or a corrected report or certification is received in the Veterans Administration. For the purpose of payment of an administrative allowance, such supplementary information or corrected document will be considered to have been received in the same month as the original report or certification.

(5) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by voucher. Also an allowance will be paid upon receipt of properly prepared vouchers showing enrollment or reenrollment as provided in subparagraph (3) of this paragraph.

(6) No allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 7, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10631; Filed, Nov. 6, 1961; 8:50 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Ch. 35

MISCELLANEOUS AMENDMENTS

1. In § 21.3208, paragraph (b)(2)(vii) is amended to read as follows:

§ 21.3208 Disapproval of courses and discontinuance of educational assistance allowances under Public Law 634, 84th Congress.

* * * * *

(b) * * *

(2) * * *

(vii) The course of education in which an eligible person or persons is enrolled fails to meet any one of the standards or approval criteria included in section 1653 or 1654, Title 38, United States Code, a written notice having been given to the State approving agency as to the specific standards or criteria not being met, the failures have not been eliminated within 30 days after such notice.

2. Section 21.3210 is revised to read as follows:

§ 21.3210 Reports by institutions.

(a) *General.* Educational institutions shall, without delay, report to the Veterans Administration, on the forms and in the manner prescribed in this section, the enrollment, reenrollment, interruption, and termination of the education or training of each eligible person enrolled under chapter 35, Title 38, United States Code.

(1) Enrollments and reenrollments shall be certified on VA Form 22–5499. Interruption, termination and all other required information about the eligible person's training status shall be certified on VA Form 22–5496 or 22–6553. These are the only report or certification

forms which the Veterans Administration requires from the school or eligible person enrolled under chapter 35.

(b) *Enrollment certification—VA Form 22–5449.* Schools are required to complete the appropriate sections of this form promptly upon the enrollment or reenrollment of an eligible person under chapter 35. In order to be eligible for benefits the person shall be enrolled in the specific program for which training was approved on Certificate for a Program of Education, VA Form 22–5493. An enrollment certification will be considered complete only when it contains the proper information to support an authorization of benefits for the eligible person.

(1) If the enrollment is in an undergraduate curriculum leading to a degree objective, the school will designate the specific curriculum or degree objective, such as, A.B., Liberal Arts, B.S. Engineering, B.S. Business Administration, etc.

(i) If the eligible person is enrolled in a junior college, the institution shall certify to the Veterans Administration the established curriculum in which he is enrolled, e.g., prelaw, preengineering, associate of arts, etc., irrespective of the fact that the Certificate for a Program of Education (VA Form 22–5493) indicates that the eligible person's program objective is a 4-year undergraduate course leading to a baccalaureate degree.

(ii) Where the school's practice permits a student to enroll originally in the "lower division" and to postpone selection of a major field until the completion of the lower division curriculum, the school may certify on the enrollment form "Lower Division—Baccalaureate Degree." After completion of the lower division curriculum, the school shall certify the exact degree objective on the form for the eligible person's next enrollment. This adjustment in the name of the eligible person's objective will not be considered a change of program.

(c) *Periodic certification of training, VA Form 22–5496 or 22–6553—* (1) *General.* A Certification of Training, VA Form 22–5496 or 22–6553, shall be submitted monthly for each eligible person enrolled in and pursuing a program of education. A certification of training will be considered complete only when it contains the required information to release payment to the eligible person. The school shall inform the Veterans Administration on the periodic certification of training of all matters which affect the payment of educational assistance allowance such as:

(i) Continued enrollment in and pursuit of the course;

(ii) Absences, if required;

(iii) Conduct and progress;

(iv) Interruption or termination of training;

(v) Changes in number of semester or clock-hours of attendance;

(vi) Any other changes or modifications in the eligible person's course as certified on VA Form 22–5499.

(2) *Signature required.* Each certification of training must be signed by the eligible person and the school. The date on which each person signs must be clearly shown. The only exception to this will be a report which includes a notice of interruption of training when the eligible person is not available for signature.

(3) *Interruption or termination of training.* Interruption or termination of training shall be reported on the required certification of training for the month in which it occurred.

(d) *Administrative allowance for preparation of required reports and certifications.* The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under chapter 35 of Title 38, United States Code, an allowance at the rate of $1 per month for each eligible person enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Allowances shall be paid in the manner and at such time as may be prescribed by the Administrator. If any institution fails to submit reports or certifications to the Administrator as required by this chapter, no monthly allowance shall be paid to such institution for the month or months during which no reports or certifications are received in the Veterans Administration.

(1) Where an eligible person is enrolled or reenrolled as defined by § 21.3005(a)(16) on or after the 20th of the month, a separate monthly certification of training for the month of enrollment or reenrollment is not required. (See § 21.3051(f)(1).) Under these circumstances an allowance for the month in which the enrollment or reenrollment occurred may be paid provided the enrollment or reenrollment certification is received promptly but in no event later than the 10th of the following month. No more than one allowance shall be paid for any one month per eligible person.

(2) A report or certification on which payment may not be authorized because it is incomplete or incorrect will be held pending receipt of the supplementary information or corrected report or certification. For the purpose of payment of an administrative allowance such supplementary information or corrected document will be considered to be for the same month as the original report or certification.

(3) Payment of the administrative allowance will be made to the institution by the regional office only upon presentation by the institution of properly prepared vouchers with the certificates of training, except that the Manager may authorize payment of the allowance when the voucher is received subsequent to receipt of the training certificates where the failure to submit the voucher and certificates simultaneously was due to (i) a clerical error, or (ii) a previous understanding between the Manager and the institution that isolated certificates need not be accompanied by vouchers. Also an allowance will be paid upon receipt of properly prepared vouchers showing enrollment or reenrollment as provided in subparagraph (1) of this paragraph.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective November 7, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–10632; Filed, Nov. 6, 1961; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER P—PRACTICE

[Circular 2068]

PART 221—APPEALS AND CONTESTS

Initiation of Contests; Proceedings in Government Contests

On pages 6624 and 6625 of the FEDERAL REGISTER of July 25, 1961, there was published a notice and text of a proposed amendment of §§ 221.53 and 221.68 of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide for the modification of procedural requirements in contests of entries, settlements or mining claims. The modifications will simplify the procedures while retaining the safeguards to insure service on the contestees.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted with the following change: The fourth word in the second sentence in § 221.53 is changed from "file" to "serve". This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

NOVEMBER 2, 1961.

§ 221.53 Initiation of contest.

Any person desiring to initiate a private contest must file a complaint in the land office which has jurisdiction over the land involved, or, if there is no such land office, in the Office of the Director, Bureau of Land Management, Washington 25, D.C. The contestant must serve a copy of the complaint on the contestee not later than 30 days after filing the complaint and must file proof of such service, as required by § 221.95, in the office where the complaint was filed within 30 days after service.

2. Paragraphs (f), (g), and (h), are added to § 221.68 as follows:

§ 221.68 Proceedings in Government contests.

* * * * *

(f) Where service is by publication, the affidavits required by § 221.60 need

not be filed. The contestant shall file with the Manager a statement of diligent search which shall state that the contestee could not be located after diligent search and inquiry, the last known address of the contestee and the detail of efforts and inquiries made to locate the party sought to be served. The diligent search shall be concluded not more than 15 days prior to filing of the statement.

(g) In lieu of the requirements of § 221.62(b) the contestant shall, as part of the diligent search before the publication or within 15 days after the first publication send a copy of the complaint by Certified Mail, return receipt requested, to the contestee at the last address of record. The return receipts shall be filed in the office in which the contest is pending.

(h) The affidavit required by § 221.63 (c) need not be filed.

[F.R. Doc. 61-10639; Filed, Nov. 6, 1961; 8:52 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2531]

[New Mexico 0175759 (Okla)]

[1252316]

OKLAHOMA

Revoking Executive Order No. 6681 of April 17, 1934

By virtue of the authority vested in the President, by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6681 of April 17, 1934, withdrawing the public lands in Tps. 1 S., Rs. 1 to 27 E., in Oklahoma for classification and pending legislation, aggregating about 4,858 acres of public lands, is hereby revoked. The following described public lands are released from withdrawal by this order:

CIMARRON MERIDIAN

T. 1 S., R. 1 E.,
Sec. 1, lots 1 and 2.
T. 1 S., R. 3 E.,
Sec. 1, lots 1 and 2;
Sec. 5, lots 1 and 2.
T. 1 S., R. 4 E.,
Sec. 1, lots 1, 2, and 3;
Sec. 2, lots 1 and 2;
Sec. 4, lot 2;
Sec. 5, lots 1, 2, and 3;
Sec. 6, lots 1 and 2.
T. 1 S., R. 5 E.,
Sec. 5, lots 2 and 3;
Sec. 6, lots 1 and 2.
T. 1 S., R. 6 E.,
Sec. 3, lot 2.
T. 1 S., R. 8 E.,
Sec. 6, lot 5.
T. 1 S., R. 11 E.,
Sec. 1, lot 5;
Sec. 6, lot 2.
T. 1 S., R. 14 E.,
Sec. 4, lot 3;
Sec. 5, lot 1.
T. 1 S., R. 16 E.,
Sec. 3, lots 2 and 3;
Sec. 4, lot 2.
T. 1 S., R. 23 E.,
Sec. 1, lots 2 and 3;
Sec. 4, lot 3;
Sec. 5, lot 1.
T. 1 S., R. 24 E.,
Sec. 1, lot 1;
Sec. 4, lots 2 and 3;
Sec. 5, lots 1 and 2.
T. 1 S., R. 25 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, and 3;
Sec. 4, lots 1 and 2;
Sec. 5, lots 1 and 2;
Sec. 6, lots 1 and 2.
T. 1 S., R. 26 E.,
Sec. 1, lots 1 and 2;
Sec. 4, lots 2 and 3.

The area described aggregates 600.93 acres, more or less.

2. The lands described above are located in Cimarron, Texas, and Beaver Counties in Oklahoma. They are level to hilly with soils varying from deep clay loams to shallow loams.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims if confirmed and allowed, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m. on April 30, 1962, the State of Oklahoma shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10609; Filed, Nov. 6, 1961; 8:47 a.m.]

[Public Land Order 2532]

[Sacramento 066474]

CALIFORNIA

Withdrawing Lands for Resource Management, and for Watershed Studies (Elder Creek Basin)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under the jurisdiction of the Bureau of Land Management, for management of their natural resources, including control of predators and the management of game animals, for preservation of scenic and recreational values, and for watershed studies:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 15 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, and E½SW¼;
Sec. 7, lots 1, 2, and E½NW¼.
T. 21 N., R. 16 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 2, lots 5, 6, and 7;
Sec. 12, NE¼.
T. 22 N., R. 15 W.,
Sec. 31, lots 1, 5, 6, 7, 8, 9, 10, SE¼NW¼, and NE¼SW¼.
T. 22 N., R. 16 W.,
Sec. 17, S½SW¼;
Sec. 18, S½SE¼;
Sec. 19, NW¼NE¼, and SE¼NE¼;
Sec. 20, NW¼SW¼;
Sec. 21, N½NE¼ and SE¼SE¼;
Sec. 22, lots 1, 2, 9, 10, and 11;
Sec. 26, lots 1, 2, 3, 4, and W½;
Sec. 27, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 28, NE¼NE¼;
Sec. 34, lots 1, 2, and N½SE¼;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and NW¼.

The areas described aggregate approximately 3,695 acres.

For the purposes of furthering the objectives of this order, and to assist in the control of predators and the management of game animals, the Bureau of Land Management may cooperate with The Nature Conservancy, the United States Geological Survey, the National Park Service, and the State of California.

The jurisdiction and use granted by this order shall terminate 10 years from the date hereof, unless sooner terminated or extended by appropriate order of the Secretary of the Interior to be published in the FEDERAL REGISTER. Thereafter, the Secretary of the Interior by appropriate published order of revocation or modification, may provide for other use and disposition of the lands herein under the public land laws and other laws existing at the time of such order.

JAMES K. CARR,
Under Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10610; Filed, Nov. 6, 1961; 8:47 a.m.]

[Public Land Order 2533]

[Sacramento 060244]

CALIFORNIA

Opening Lands Subject to Section 24 of the Federal Power Act

1. In DA-979-California, the Federal Power Commission determined that the value of the following described lands withdrawn in Power Site Classification No. 115 of September 21, 1925, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

HUMBOLDT MERIDIAN

T. 7 N., R. 5 E.,
Sec. 17, E½SW¼NE¼ and SW¼SE¼;
Sec. 20, NW¼NW¼SE¼, SW¼NE¼NW¼SE¼, S½SW¼SE¼, and W½NW¼NE¼;
Sec. 28, W½SW¼NW¼SW¼;
Sec. 29, E½NW¼NE¼, NW¼NW¼NE¼, SE¼NE¼, W½NE¼SE¼, and SE¼NE¼SE¼.

The areas described aggregate 217.50 acres. The lands form a part of the Six Rivers National Forest.

2. Until 10:00 a.m., on January 31, 1962, the State of California shall have a preferred right to apply under any statute or regulation applicable thereto for the reservation to it or to any of its

political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

3. Beginning at 10:00 a.m., on January 31, 1962, the lands shall be open to such other forms of disposition as may by law be made of national forest lands, subject to the terms and conditions of section 24 of the Federal Power Act, supra.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

OCTOBER 31, 1961.

[F.R. Doc. 61-10611; Filed, Nov. 6, 1961; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Bureau of Public Assistance, Social Security Administration, Department of Health, Education, and Welfare

PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

Chapter II of Title 45 of the Code of Federal Regulations, is amended by adding Part 212, effective through June 30, 1962, as follows:

Sec.
212.1 General definitions.
212.2 General.
212.3 Eligible person.
212.4 Reception; initial determination, provision of temporary assistance.
212.5 Periodic review; termination of temporary assistance.
212.6 Duty to report.
212.7 Repayment to the United States.
212.8 Federal payments.
212.9 Disclosure of information.

AUTHORITY: §§ 212.1 to 212.9 issued under section 302, 75 Stat. 142, section 1102, 49 Stat. 647, as amended; 42 U.S.C. 1313, 1302. Interprets or applies section 302, 75 Stat. 142, 42 U.S.C. 1313.

§ 212.1 General definitions.

When used in this part:

(a) "Act" means section 1113 of the Social Security Act, as amended;

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(c) The term "Department" means the Department of Health, Education, and Welfare;

(d) The term "Bureau" means the Bureau of Public Assistance of the Social Security Administration, Department of Health, Education, and Welfare;

(e) The term "Director" means the Director of the Bureau of Public Assistance;

(f) The term "eligible person" means an individual with respect to whom the conditions in § 212.3 are met;

(g) The term "State" includes the Commonwealth of Puerto Rico and the District of Columbia;

(h) The term "United States" when used in a geographical sense means the States, the District of Columbia, and the Commonwealth of Puerto Rico;

(i) The term "agency" means State or local public agency or organization or national or local private agency or organization with which the Bureau has entered into agreement for the provision of temporary assistance pursuant to the Act;

(j) The term "temporary assistance" means money payments, medical care, temporary billeting, transportation, and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services.

§ 212.2 General.

The Director shall develop plans and make arrangements for provision of temporary assistance within the United States to any eligible person, after consultation with appropriate offices of the Department of State, the Department of Justice, and the Department of Defense. Temporary assistance shall be provided, to the extent feasible, in accordance with such plans, as modified from time to time by the Director. The Director shall enter into agreements with agencies whose services and facilities are to be utilized for the purpose of providing temporary assistance pursuant to the Act, specifying the conditions governing the provision of such assistance and the manner of payment of the cost of providing therefor.

§ 212.3 Eligible person.

In order to establish that an individual is an eligible person, it must be found that:

(a) He is a citizen of the United States or a dependent of a citizen of the United States;

(b) A written statement has been transmitted to the Bureau by an authorized official of the Department of State containing information which identifies him as having returned, or been brought, from a foreign country to the United States because of the destitution of the citizen of the United States, or the illness of such citizen or any of his dependents, or because of war, threat of war, invasion, or similar crisis. Such statement shall, if possible, incorporate or have attached thereto, all available pertinent information concerning the individual. In case of war, threat of war, invasion, or similar crisis, a determination by the Department of State that such a condition is the general cause for the return of citizens of the United States and their dependents from a particular foreign country, and evidence that an individual has returned, or been brought, from such country to the United States shall be considered sufficient identification of the reason for his return to, or entry into, the United States; and

(c) He is without resources immediately accessible to meet his needs.

§ 212.4 Reception; initial determination, provision of temporary assistance.

(a) The Bureau, or the agency upon notification by the Bureau, will meet individuals, identified as provided in § 212.3(b), at the port of entry or debarkation.

(b) The Bureau or agency will make findings, setting forth the pertinent facts and conclusions, and an initial determination, according to standards established by the Bureau, as to whether an individual is an eligible person.

(c) The Bureau or agency will provide temporary assistance within the United States to an eligible person, according to standards of need established by the Bureau, upon arrival at the port of entry or debarkation, during transportation to his intermediate and ultimate destinations, and after arrival at such destinations.

§ 212.5 Periodic review and redetermination; termination of temporary assistance.

(a) The Bureau or agency will review the situation of each recipient of temporary assistance at frequent intervals to consider whether or not circumstances have changed that would require a different plan for him.

(b) Upon a finding by the Bureau or agency that a recipient of temporary assistance has sufficient resources available to meet his needs, temporary assistance shall be terminated.

§ 212.6 Duty to report.

The eligible person who receives temporary assistance, or the person who is caring for or otherwise acting on behalf of such eligible person, shall report promptly to the Bureau or agency any event or circumstance which would cause such assistance to be changed in amount or terminated.

§ 212.7 Repayment to the United States.

(a) An individual who has received temporary assistance shall be required to repay, in accordance with his ability, any or all of the cost of such assistance to the United States, except insofar as it is determined that:

(1) The cost is not readily allocable to such individual;

(2) The probable recovery would be uneconomical or otherwise impractical;

(3) He does not have, and is not expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs; or

(4) Recovery would be against equity and good conscience.

(b) In determining an individual's resources, any claim which he has against any individual, trust or estate, partnership, corporation, or government shall be considered, and assignment to the United States of such claims shall be taken in appropriate cases.

(c) A determination that an individual is not required to repay the cost of temporary assistance shall be final and binding, unless such determination was procured by fraud or misrepresenta-

tion of the individual or some other person, or the individual voluntarily offers to repay.

(d) A determination that an individual is required to repay any or all of the cost of temporary assistance may be reconsidered at any time prior to repayment of the required amount. A further determination shall be made with respect to his liability to repay the balance of such amount on the basis of new evidence as to whether (1) he has, or is expected within a reasonable time to have, income and financial resources sufficient for more than ordinary needs, or (2) recovery would be against equity and good conscience.

§ 212.8 Federal payments.

The agreement made by the Director with an agency for carrying out the purposes of the Act shall provide for payment to such agency, either in advance or by way of reimbursement, of the cost of temporary assistance provided pursuant to the Act, and payment of the cost of other expenditures necessarily and reasonably related to providing the same. Such agreement shall include the method for determining such costs, as well as the methods and procedures for determining the amounts of advances or reimbursement and for remittance and adjustment thereof.

§ 212.9 Disclosure of information.

(a) No disclosures of any file, record, report, or other paper, or any information with respect to an individual obtained at any time by the Secretary or by any officer or employee of the Department in the course of discharging the duties of the Secretary under the Act shall be made except insofar:

(1) As the individual or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent.

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act.

(3) As disclosure may be necessary to carry out any functions of any agency of the United States which are related to return of the individual from a foreign country, or his entry into, the United States.

(4) As expressly authorized by the Commissioner of Social Security.

(b) An agreement made with an agency for the provision of temporary assistance pursuant to the Act shall provide that no disclosure will be made of any information received by such agency in the course of discharging the duties under such agreement except as provided therein.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: October 27, 1961.

[SEAL] WILLIAM L. MITCHELL,
Commissioner of Social Security.

Approved: November 1, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61–10627; Filed, Nov. 6, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

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

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 152(b) of the Internal Revenue Code of 1954, as amended by section 1 of the Act of September 23, 1959 (Public Law 86–376, 73 Stat. 699), and to make certain clarifying changes therein, such regulations are amended as follows:

PARAGRAPH 1. In § 1.152, section 152(b)(2) and the historical note are amended to read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined.* * * *

(b) *Rules relating to general definition.* For purposes of this section—

* * * * *

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual) shall be treated as a child of such individual by blood.

* * * * *

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Public Law 333, 84th Cong., 69 Stat. 626); sec. 4, Technical Amendments Act 1958 (72 Stat. 1607); sec. 1, Act of Sept. 23, 1959 (Public Law 86–376, 73 Stat. 699)]

PAR. 2. Paragraph (b) of § 1.152–1 is amended to read as follows:

§ 1.152–1 General definition of a dependent.

* * * * *

(b) Section 152(a)(9) applies to any individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 153, of the taxpayer) who lives with the taxpayer and is a member of the taxpayer's household during the entire taxable year of the taxpayer. An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law. It is not necessary under section 152(a)(9) that the dependent be related to the taxpayer. For example, foster children may qualify as dependents. It is necessary, however, that the taxpayer both maintain and occupy the household. The taxpayer and dependent will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which the dependent is absent for less than six months in the taxable year of the taxpayer, shall be considered temporary absence due to special circumstances. The fact that the dependent dies during the year shall not deprive the taxpayer of the deduction if the dependent lived in the household for the entire part of the year preceding his death. Likewise, the period during the taxable year preceding the birth of an individual shall not prevent such individual from qualifying as a dependent under section 152(a)(9). Moreover, a child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth, and if such child would otherwise have been a member of the taxpayer's household during such period.

PAR. 3. Section 1.152–2 is amended by revising subdivisions (i), (ii), and (iii) of subparagraph (2) of paragraph (a) and by revising paragraph (c). These amended provisions read as follows:

§ 1.152–2 Rules relating to general definition of dependent.

(a) * * *

(2)(i) For any taxable year beginning after December 31, 1957, a taxpayer who is a citizen of the United States is permitted under section 152(b)(3)(B) to treat as a dependent his legally adopted child who lives with him, as a member of his household, for the entire taxable year and who, but for the citizenship or residence requirements of section 152(b)(3) and subparagraph (1) of this paragraph, would qualify as a dependent of the taxpayer for such taxable year.

(ii) Under section 152(b)(3)(B) and this subparagraph, it is necessary that the taxpayer both maintain and occupy the household. The taxpayer and his legally adopted child will be considered as occupying the household for the entire taxable year of the taxpayer notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which the legally adopted child is absent for less than six months in the taxable year of the taxpayer shall be considered temporary absence due to special circumstances. The fact that a legally adopted child dies during the year shall not deprive the taxpayer of the deduction if the child lived in the household for the entire part of the year preceding his death. The period during the taxable year preceding the birth of a child shall not prevent such child from qualifying as a dependent under this subparagraph. Moreover, a legally adopted child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth and if such child would otherwise have been a member of the taxpayer's household during such period.

(iii) For purposes of section 152(b)(3)(B) and this subparagraph, any child whose legal adoption by the taxpayer (a citizen of the United States) becomes final at any time before the end of the taxable year of the taxpayer shall not be disqualified as a dependent of such taxpayer by reason of his citizenship or residence, provided the child lived with the taxpayer and was a member of the taxpayer's household for the entire taxable year in which the legal adoption became final. For example, A, a citizen of the United States who makes his income tax returns on the basis of the calendar year, is employed in Brazil by an agency of the United States Government. In October 1958 he takes into his household C, a resident of Brazil who

is not a citizen of the United States, for the purpose of initiating adoption proceedings. C lives with A and is a member of his household for the remainder of 1958 and for the entire calendar year 1959. On July 1, 1959, the adoption proceedings were completed and C became the legally adopted child of A. If C otherwise qualifies as a dependent, he may be claimed as a dependent by A for 1959.

* * * * *

(c)(1) For purposes of determining the existence of any of the relationships specified in section 152 (a) or (b)(1), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(2) For any taxable year beginning after December 31, 1958, a child who is a member of an individual's household also shall be treated as a child of such individual by blood if the child was placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by the individual with the agency. For purposes of this subparagraph an authorized placement agency is any agency which is authorized by a State, the District of Columbia, a possession of the United States, a foreign country, or a political subdivision of any of the foregoing to place children for adoption. A taxpayer who claims as a dependent a child placed with him for adoption shall attach to his income tax return a statement setting forth the name of the child for whom the dependency deduction is claimed, the name and address of the authorized placement agency, and the date the formal application was filed with the agency.

(3) The application of this paragraph may be illustrated by the following example:

Example. On March 1, 1959, D, a resident of the United States, made formal application to an authorized child placement agency for the placement of E, a resident of the United States, with him for legal adoption. On June 1, 1959, E was placed with D for legal adoption. During the year 1959 E received over one-half of his support from D. D may claim E as a dependent for 1959. Since E was a resident of the United States, his qualification as a dependent is in no way based on the provisions of section 152(b)(3)(B). Therefore, it is immaterial that E was not a member of D's household during the entire taxable year.

[F.R. Doc. 61-10614; Filed, Nov. 6, 1961; 8:48 a.m.]

[26 CFR Part 252]

EXPORTATION OF LIQUORS

Notice of Proposed Rule Making

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

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

In order (a) to conform these regulations to the provisions of section 309(a) of the Tariff Act of 1930 (19 U.S.C. 1309(a)), as amended by section 5(a)(1) of Public Law 86-606, relating to supplies on vessels and aircraft engaged in trade between Hawaii and any other part of the United States or Alaska and any other part of the United States, (b) to remove the requirement that bottles of wine exported with benefit of drawback be labeled "For Export", (c) to clarify the provisions relating to the marking of containers, and (d) to eliminate a discrepancy in the instructions for the preparation of Form 206, 26 CFR Part 252, "Exportation of Liquors", is amended as follows:

1. Section 252.21 is amended by inserting ", or between Hawaii and any other part of the United States or between Alaska and any other part of the United States" immediately after "possessions", wherever it appears in paragraphs (b), (c), (e), and (f).

2. The second sentence of paragraph (a) of § 252.122 is amended to read: "Where the exporter is the proprietor of the bonded wine cellar from which the wine is to be withdrawn he shall, at the time of withdrawal of the wine, prepare a notice of the withdrawal and shipment, on Form 206, in quadruplicate."

3. Section 252.123 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 240 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

4. Section 252.154 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:".

5. Section 252.193 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor of the export storage shall place additional marks, as herein specified, on each such container before removal from export storage for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone:".

6. Section 252.213 is revoked.

7. Section 252.216 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands required to be placed on each package and case under the provisions of Parts 201, 231, or 240, of this chapter, each such container removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information, as specified below:".

8. Section 252.223 is amended by changing that portion of the section preceding paragraph (a) to read as follows: "In addition to the marks and brands prescribed in Part 245 of this chapter, each keg, barrel, case, crate, or other package containing beer removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:".

[F.R. Doc. 61-10629; Filed, Nov. 6, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Proposed Amendments to Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat; Increased Durum Wheat (Class II) Allotments, California

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, particularly section 334(i) of such act, as amended by Public Law 87-357, approved October 4, 1961, the Department has under consideration the issuance of amendments to the farm wheat acreage allotment regulations to be effective for the 1962 and 1963 crops of wheat. The effect of the amendments would be to extend through the crop year 1963 the present regulations governing the establishment of Durum Wheat (Class II) allotments for farms in the Tulelake Area in the counties of Siskiyou and Modoc, State of California, as contained in § 728.1011, paragraphs (b)(6)(viii), (i) and (j), and § 728.1026. It

will also be necessary to add a new paragraph (h) to § 728.1026 to make it clear that any farm for which the wheat acreage allotment is increased pursuant to the amendments herein shall not be eligible to participate in the 1962 wheat stabilization program (7 CFR Part 776) and that any provision of law providing for a general reduction in farm acreage allotments or for an acreage diversion program for the 1963 crop of wheat shall not apply to farms for which acreage allotments are increased under the amendments herein unless such provisions of law is specifically made applicable to such farms.

It is proposed that the amendments be as follows:

1. Section 728.1011(f)(6)(viii) is amended to read as follows:

(viii) For 1960, 1961, 1962, and 1963, for any farm in the Tulelake area of California to which the provisions of Public Laws 86–385 and 87–357 are applicable, the sum of the acreage determined as indicated in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph based on the allotment, plus the special Durum Wheat (Class II) allotment determined for the farm under the provisions of Public Laws 86–385 and 87–357 as provided in § 728.1026.

2. Section 728.1026(a) is amended by adding at the end thereof a new sentence as follows: "Special acreage allotments shall be established under this section for the crop years 1960, 1961, 1962, and 1963."

3. Section 728.1026(f) is amended by changing the second sentence thereof to read as follows: "The special allotments under this section shall be in addition to national, State, and county wheat acreage allotments for the 1960, 1961, 1962, and 1963 crop years, and the acreage of Durum Wheat (Class II) on such special allotments shall be considered in establishing future State, county, and farm acreage allotments.

4. Section 728.1026 is amended by adding at the end thereof a new paragraph (h) as follows:

(h) The producers on any farm for which the 1962 wheat acreage allotment is increased pursuant to this section shall not be eligible to participate in the 1962 wheat stabilization program (7 CFR Part 776) with respect to such farm; and any provision of law providing for a general reduction in farm acreage allotments or for an acreage diversion program for the 1963 crop of wheat shall not apply to farms for which acreage allotments are increased under this section unless such provision of law is specifically made applicable to such farms.

Prior to the issuance of the proposed amendments, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., will be given consideration, provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 2, 1961.

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

[F.R. Doc. 61–10634; Filed, Nov. 6, 1961; 8:50 a.m.]

[7 CFR Part 908]

[Docket No. AO–243–A6]

MILK IN CENTRAL ARKANSAS MARKETING AREA

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

Notice was issued on October 25, 1961, of a public hearing beginning on November 15, 1961, at Little Rock, Arkansas, on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof.

The additional proposals contained in this supplemental notice have not received the approval of the Secretary of Agriculture.

Proposed by Central Arkansas Milk Producers Association:

Proposal No. 18. Amend § 908.50 and § 908.51(a) by deleting the present provisions and substituting therefor:

§ 908.50 Basic formula price.

The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordsville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Co., Manitowoc, Wis.
White House Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6;

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars", f.o.b. Wisconsin assembly points, cars or truckloads) as reported by the U.S.D.A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 908.51 Class prices.

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.74 for each month;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by three cents: *Provided,* That the price shall not be adjusted until the month after the net utilization percentage for each of three successive months is outside the base utilization, pursuant to subparagraph (3) of this paragraph, in the same direction;

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk utilized by fluid milk plants and by cooperative associations which are handlers for the second and third preceding months into the pounds of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table.

Pricing month	Second and third preceding months	Base utilization range
January	October-November	107-113
February	November-December	108-114
March	December-January	105-111
April	January-February	105-111
May	February-March	106-112
June	March-April	108-114
July	April-May	109-115
August	May-June	111-117
September	June-July	111-117
October	July-August	109-115
November	August-September	110-116
December	September-October	109-115

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, P.O. Box 4225, Asher Avenue Station, Little Rock, Arkansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on October 31, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10635; Filed, Nov. 6, 1961; 8:51 a.m.]

[7 CFR Part 925]

[Docket No. AO-226-A7]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Puget Sound, Washington marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Federal Courthouse Building, Seattle, Washington, on September 11, 1961, pursuant to notice thereof which was issued August 18, 1961 (26 F.R. 7836).

The material issue on the record of the hearing relates to the status of state institutions in producing milk for use of their inmates.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The State of Washington, in producing milk for use of inmates of its institutions, should be exempt from the limitations imposed upon producer-handlers but should be considered a producer-handler with respect to movements of milk to or from regulated plants.

Under present provisions of the Puget Sound order the milk production resources and facilities, and the milk handling, processing or distributing facilities of each producer-handler are designated. The handling in the designated facilities of fluid milk products that are not from the designated production is limited to a daily average of 100 pounds of certain packaged products from pool plants, with provision for unlimited purchases in bulk or packaged form from such plants within a single span of 45 consecutive days in any 12-month period. Use of nondesignated facilities, or receipts in excess of these limits, results in cancellation of producer-handler status and pooling of production, and sales for the ensuing 12-month period.

The Department of Institutions of the State of Washington maintains dairy herds on farms operated in connection with three State institutions located in the marketing area. The milk produced is processed at a single plant located at one of these institutions and is used in feeding inmates of these three and ten other State institutions also located in the marketing area. All institutions under the supervision of the Department are mental hospitals, children's institutions and penal or corrective institutions. In carrying out these milk production and handling operations the Department of Institutions comes within the terms specified in the present order for producer-handlers and has been treated as a producer-handler.

The Department of Institutions differs from other producer-handlers in the market in that it produces for use in public institutions and makes no private sales except to avoid waste or spoilage. The State law under which operations are carried out precludes production for profit. The policy has been to produce only enough to meet the consumption needs of the inmates. With the exception of a short period in 1959 all milk produced on Department farms has been utilized by inmates of the various institutions. Due to fluctuations in production and inmate population, there is danger that the Department might become a fully regulated handler should it be necessary to purchase milk from pool sources to supply the needs of the inmates committed to its care.

Since the Department of Institutions operates no routes in competition with regulated handlers and is not permitted by law to do so, its operations cannot affect the volume of trade sales that represents the primary Class I market for producer milk. So long as this state agency makes no Class I trade sales there is no need to subject it to full regulation in the event that supplemental purchases are necessary in excess of the limits applicable to producer-handlers. The order should be amended to exempt the state agency from the limitations applicable to other producer-handlers; the agency should, however, continue to be classed as a producer-handler in order that milk it receives from regulated plants may continue to be classified as Class I milk and any milk it delivers to a regulated plant may be other source milk.

The cooperative associations in the market approved exemption of the Department of Institutions but requested that the Department continue to file monthly reports of receipts and utilization in order that statistics compiled and published by the market administrator will continue to reflect the total amount of exempt milk. This will not be necessary because statistics regarding its production and consumption are public information and therefore available for use by anyone.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed

to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Puget Sound, Washington marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Revise § 925.16 to read as follows:

§ 925.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 925.102 have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to § 925.102(d). The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of §§ 925.102 (other than paragraph (g) thereof), 925.30 and 925.32 with respect to its operations in producing, processing and packaging milk for consumption in state institutions and with respect to movements of milk to or from a fluid milk plant or country plant.

Issued at Washington, D.C., on November 2, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-10623; Filed, Nov. 6, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Inorganic Bromides; Notice of Proposal To Establish Tolerances Resulting From Fumigation With Methyl Bromide

The United States Department of Agriculture has requested that action be taken to permit the use of methyl bromide as a fumigant on cabbage in the quarantine program to prevent entry into the United States of the white cabbage moth, Pieris brassicae (L.) and the Egyptian cottonworm, Prodenia litura F. In this program, it is proposed to use methyl bromide as a fumigant on cabbage at ports of entry into the United States under supervision of representatives of the U.S. Department of Agriculture. That Department states that residues of inorganic bromide resulting from the treatment in the quarantine program do not exceed 50 parts per million. These residues on cabbage will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123) be amended by inserting immediately following the item containing the 50 parts per million tolerance limitation a new item reading as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * *.

50 parts per million in or on cabbage from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

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 methyl bromide may request, within 30 days from the 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: October 31, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10616; Filed, Nov. 6, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LOCK ILLUMINATORS IN AUTOMOBILE LOCKS

Manufacture or Import

Concurrently with publication of this notice of proposed rule making the Commission is publishing notice of the issuance of an exemption from licensing requirements for lock illuminators each containing up to 15 millicuries of tritium installed in automobile locks and manufactured in accordance with a specific license. A detailed statement of considerations appears in that notice.

The following proposed rule would establish criteria for the issuance of specific licenses to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to the exemption of § 30.12 of 10 CFR Part 30.

Pending adoption of the proposed amendment as an effective amendment the Commission will apply the criteria in the proposed rule in its review of applications for specific licenses to manufacture or import lock illuminators installed in automobile locks for distribution pursuant to the exemption.

Notice is hereby given that adoption of the following amendment to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within sixty (60) days after publication of this notice in the FEDERAL REGISTER.

§ 30.24 [Amendment]

1. A new paragraph (m) is added to § 30.24 to read as follows:

(m) *Certain automobile lock illuminators.* (1) An applicant for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to § 30.12 will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23;

(ii) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of tritium in each lock illuminator;

(*b*) Details of construction and design of the lock illuminator;

(*c*) Details of the method of binding or containing the tritium;

(*d*) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(*e*) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(*f*) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(*g*) Any additional information, including experimental studies and test, required by the Commission to facilitate a determination of the safety of the lock illuminator.

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium;

(iv) The Commission determines that:

(*a*) The tritium is bound in the luminous compound in a non-water soluble and non-labile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(*b*) The tritium is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium;

(*c*) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are likely to be encountered in normal use and handling;

(*d*) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by subdivision (v) of this subparagraph;

(v) The prototype tests shall include the following, to be conducted on each of five prototype devices in the following order:

(*a*) The device shall be subjected to 100 hours of accelerated weathering in a suitable weatherometer which simulates the most severe conditions of normal use;

(*b*) The device shall be dropped upon a concrete or iron surface in a three-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(*c*) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than one hour;

(*d*) On completion of the foregoing tests, the device shall be completely immersed in water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury absolute pressure. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(*e*) After each of the foregoing tests, the device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to any device which could affect the containment of the tritium in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured. Loss of tritium shall be measured both by sampling the liquids used in (*d*) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. The amount of tritium in the test fluid or on the filter paper shall be determined in an apparatus that has been calibrated to measure the tritium. If more than 0.1 percent of the original amount of tritium in the device is found in the immersing test water of test in (*d*) of this subdivision, or if more than 2,200 disintegrations per minute of tritium on the filter paper is measured, after any of the tests in (*a*)–(*d*) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks, and shall subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, in accordance with the quality control procedures of § 30.74.

(3) Each person licensed under this paragraph shall file an annual report with the Director of Licensing and Regulation, which shall state the total quantity of tritium transferred to other persons under § 30.12, during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium were distributed under § 30.12 during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

2. A new § 30.74, Schedule D, is added to read as follows:

§ 30.74 Schedule D, quality control procedures for exempt and general licensed luminous devices.

(a) Each production lot of exempt or general licensed luminous devices licensed under paragraphs (i), (j) and (m) of § 30.24 shall be sampled in accordance with the following schedule and subjected to such quality control tests as may be required as a condition of the license issued under paragraphs (i), (j) and (m) of § 30.24. The entire lot shall be rejected if the tests result in rejects in excess of those specified as acceptable.

Lot size	Sample size	Acceptable number of rejects
Less than 15	(1)	0
15–65	15	0
66–110	15	0
111–180	25	0
181–300	35	0
301–500	50	1
501–800	75	2
801–1300	110	3
1301–3200	150	4
3201–8000	225	5
8001–22000	300	7

[1] All of lot.

(b) If ten (10) or more consecutive lots of devices have been tested according to the schedule in paragraph (a) of this section and found acceptable, the sampling plan designated below may be followed. If a lot tested in accordance with the schedule below results in a number of rejects which exceeds the acceptable number of rejects in the schedule in paragraph (a) of this section for the same lot size, the entire lot shall be rejected. If a lot tested in accordance with the schedule in this paragraph results in a number of rejects which is greater than the acceptable number of rejects in the schedule below, but less than the acceptable number of rejects in the schedule in paragraph (a) of this section, additional samples shall be taken so that the total number of samples is that specified in the schedule in paragraph (a) of this section and the additional samples shall be tested. If the number of rejects found in the testing of the additional samples, when added to the number of rejects found in the initial testing, exceeds the acceptable number of rejects in the schedule in paragraph (a) of this section, the entire lot shall be rejected.

Lot size	Sample size	Acceptable number of rejects
Less than 5	(1)	0
5–110	3	0
111–180	5	0
181–300	7	1
301–500	10	1
501–800	15	1
801–1300	22	2
1301–3200	30	2
3201–8000	45	3
8001–22000	60	4

[1] All of lot.

(c) Should it be necessary to change from the testing schedule specified in paragraph (b) of this section to the testing schedule specified in paragraph (a) of this section, subsequent lots shall be tested according to the testing schedule specified in paragraph (a) of this section and ten (10) consecutive lots found acceptable prior to testing according to the schedule in paragraph (b) of this section.

(d) All finished devices shall be free from flaking or chipping of luminous paint or other physical defects in manufacture readily observable by visual inspection.

Dated at Germantown, Md., this 26th day of October 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–10594; Filed, Nov. 6, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61–WA–161]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions and Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601, §§ 601.1360, 601.1330, 601.1240 and 601.1323 of the regulations of the Administrator, the substance of which is stated below.

Effective January 1, 1962, new aircraft holding pattern procedures will be implemented by the Federal Aviation Agency. These procedures have been developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment. In addition, the procedures will provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. However, it is recognized that a number of these holding pattern areas will require the designation of additional controlled airspace to encompass the increased dimensions of such areas. Thus, with the designation of additional controlled airspace, the pilot need only adhere to the standardized operating procedures and limitations for his type aircraft to remain within controlled airspace.

To fulfill additional controlled airspace requirements for the implementation of these procedures in the Fort Worth, Texas, Air Route Traffic Control Center area, the FAA is considering the following airspace actions:

1. The Abilene, Texas, control area extension (§ 601.1360) would be altered to add the airspace west of Abilene within 8 miles north and 12 miles south of the Abilene VOR 266° True radial extending from the Abilene control area extension 35-mile radius area to the Big Springs, Texas, control area extension 35-mile radius area (§ 601.1137); and the airspace northwest of Abilene within 5 miles northeast and 8 miles southwest of the Abilene VOR 327° True radial extending from the Abilene control area extension 35-mile radius area to 69 miles northwest of the VOR. The portion of this control area extension which would coincide with the Webb AFB, Texas, Restricted Area (R–6308) would be used only after obtaining prior approval from appropriate authority. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Loraine Intersection (intersection of the Abilene VOR 266° and the San Angelo, Texas, VOR 348° True radials), and the Hamlin Intersection (intersection of the Big Springs VOR 058° and the Abilene VOR 327° True radials).

2. The Dierks, Ark., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Texarkana, Texas, VORTAC 355° True radial extending from 10 miles north to 22 miles south of the Dierks Intersection (intersection of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° True radials). This would provide protection for aircraft in holding patterns at the Dierks Intersection.

3. The Pike, Ark., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles southeast and 8 miles northwest of the Texarkana, Ark., VORTAC 033° True radial extending from 10 miles northeast to 22 miles southwest of the Pike Intersection (intersection of the El Dorado, Ark., VOR 317° and the Texarkana 033° True radials). This would provide protection for aircraft in holding patterns at the Pike Intersection.

4. The Sherman, Texas, control area extension (§ 601.1330) would be altered to add the airspace northeast of Sulphur Springs, Texas, bounded on the north by low altitude VOR Federal airway No. 278 and the presently designated Sherman control area extension, on the southeast by low altitude VOR Federal airway No. 16 north alternate and on the west by the presently designated Sherman control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Sulphur Springs VOR.

5. The Tyler, Texas, control area extension (§ 601.1240) would be redesignated within a 25-mile radius of the Tyler radio beacon, including the area north of Tyler bounded on the north by low altitude VOR Federal airway No. 16, on the southeast and east by low altitude VOR Federal airway No. 289, on the south by a line 13 miles south of and parallel to the centerline of low altitude VOR Federal airway No. 94 and on the west by the Dallas, Texas, control area extension (§ 601.1323); and within 10 miles northeast and 7 miles southwest of the Tyler ILS localizer southeast course extending from the Tyler control area extension 25-mile radius area to 34 miles southeast of the localizer. This would provide additional airspace for the protection of aircraft in holding patterns at the Kemp Intersection (intersection of the Gregg County, Texas, VOR 273° and Dallas VORTAC 139° True radials), and the Whitehouse Intersection (intersection of the Gregg County VOR 248° True radial and the Tyler ILS localizer southeast course).

6. The Dallas, Texas, control area extension (§ 601.1323) would be altered to add the airspace east of Dallas extending from 44 miles north to 76 miles north of the Leona, Texas, VOR, bounded on the east by a line 12 miles east of and parallel to the Leona VOR 353° True radial, and on the west by the present Dallas control area extension. This would provide additional controlled airspace for the protection of aircraft in holding patterns at the Trinidad Intersection (intersection of the Leona VOR 353° and the Waco, Texas, VOR 067° True radials).

7. The Marthaville, La., transition area would be designated to extend upward from 1,200 feet above the surface within 8 miles northeast and 12 miles southwest of the Alexandria, La., VOR 300° True radial extending from 10 miles northwest to 22 miles southeast of the Marthaville Intersection (intersection of the Shreveport, La., VORTAC 164° and the Alexandria, VOR 300° True radials). This would provide protection for aircraft in holding patterns at the Marthaville Intersection.

Because of the time limitations imposed by the effective date of the revised holding pattern procedures, implementation of the provisions of Amendment 60–21 to the Civil Air Regulations, Part 60, Air Traffic Rules is being deferred in certain instances, and the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10595; Filed, Nov. 6, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–NY–60]

CONTROLLED AIRSPACE

Withdrawal of Proposal To Modify Control Zone

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60–NY–60 on December 24, 1960 (25 F.R. 13727), followed by a supplemental notice of proposed rule making published in the FEDERAL REGISTER on March 3, 1961 (26 F.R. 1861), it was stated that the Federal Aviation Agency proposed to modify the Boston, Mass., control zone.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Boston area has indicated that, upon implementation of the provisions of Amendment 60–21 to Part 60 of the Civil Air Regulations numerous changes will be required in the dimensions of the control zone proposed in the notice. The need for these changes will be considered in an Amend-

ment 60–21 implementation study to be made on an area basis in which requirements for controlled airspace in the Boston area will be correlated with requirements in adjacent areas. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 60–NY–60 is withdrawn.

Section 307(a) of the Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 1, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10596; Filed, Nov. 6, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 198]

ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

Delegation of Authority

The Acting Secretary of State has delegated certain authorities to the Administrator of the Agency for International Development by the terms of the following letter:

The Honorable FOWLER HAMILTON,
Administrator, Agency for International Development, Washington 25, D.C.

DEAR MR. HAMILTON:

I hereby establish within the Department of State an agency to be known as the Agency for International Development.

I hereby delegate to you as Administrator of AID, all the functions conferred upon me by the President's letter to the Secretary of State providing for the establishment of the Agency for International Development other than the functions conferred upon the President by Sections 601(b)(2), 601(b)(3), and 620(b) of the Foreign Assistance Act of 1961, as amended, and I reallocate to you the funds allocated to the Secretary of State by the above-referenced President's letter.

You are also delegated the authority conferred upon the Secretary of State by the determination of the President pursuant to Section 604(a) of the Foreign Assistance Act of 1961, as amended.

This redelegation of authority shall terminate upon issuance of an Executive Order and a Department of State Delegation of Authority providing generally for the carrying out of the functions conferred upon the President by the Foreign Assistance Act of 1961.

Sincerely yours,

CHESTER BOWLES,
Acting Secretary of State.

SEPTEMBER 30, 1961.

Dated: November 2, 1961.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 61-10671; Filed, Nov. 6, 1961; 9:02 a.m.]

AGENCY FOR INTERNATIONAL DEVELOPMENT

[Delegation of Authority 1]

OFFICIALS OF THE INTERNATIONAL COOPERATION ADMINISTRATION AND THE DEVELOPMENT LOAN FUND

Delegation of Authority

The Secretary of State has delegated to me, as Administrator of AID, the functions conferred upon him by the President's letter to the Secretary of State of September 30, 1961, other than the functions conferred by sections 601(b)(2), 601(b)(3), and 620(b) of the Foreign Assistance Act of 1961. These functions are comparable to functions under the Mutual Security Act of 1954 now exercised by the Development Loan Fund and the Secretary of State, including functions which have been delegated to the Under Secretary of State for Economic Affairs and to the Director of the International Cooperation Administration.

To assist me in carrying out such functions I have been authorized to utilize the services of all personnel in ICA and DLF and to utilize the offices, entities, records, property and funds of the Development Loan Fund as well as those of the International Cooperation Administration.

In accordance with the above I hereby authorize incumbents of positions in ICA and DLF to exercise authority under the Foreign Assistance Act of 1961, on behalf of the Agency for International Development, comparable to the authority under the Mutual Security Act of 1954 now exercised by them with respect to activities of the International Cooperation Administration and the Development Loan Fund, subject to such limitations, restrictions and requirements as may relate to the exercise of such authority under the Foreign Assistance Act of 1961.

All actions taken with respect to funds made available under the Foreign Assistance Act of 1961 during the interim period prior to the abolishment of the ICA and DLF, including apportionment, allocations, commitment, obligation of funds, contracts, appointments, procurement transactions, exercise of waivers under statutes and regulations, determinations required by law, issuance of letters of commitment and Letters of Credit, may be taken in the name of the ICA or DLF as appropriate, and shall be deemed to have been taken by the Agency for International Development. Actions with respect to funds made available under the Mutual Security Act of 1954, or other acts repealed by the Foreign Assistance Act of 1961, and under the Agricultural Trade Development and Assistance Act of 1954, shall be taken under my general direction and shall be deemed to be taken by ICA and DLF as appropriate.

All existing delegations of authority (published or otherwise), regulations, policy directives, internal manual orders, instructions, and the like of the ICA and DLF shall be applicable to the exercise of authority taken upon behalf of the Agency for International Development, to the extent consistent with law, and shall also continue in effect within the Agency for International Development, except as they may be later modified or superseded.

In accordance with section 621(b) of the Foreign Assistance Act of 1961, ICA and DLF continue in existence for a period not to exceed 60 days following enactment of the Foreign Assistance Act, unless sooner abolished by the President. Therefore until these agencies are abolished all employees continue as employees of ICA and DLF in their current positions and titles, and functions of offices remain unchanged, unless otherwise specified.

Dated: September 30, 1961.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 61-10689; Filed, Nov. 6, 1961; 9:03 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

AMMONIUM SULFATE FROM BELGIUM

Determination of No Sales at Less Than Fair Value

OCTOBER 30, 1961.

A complaint was received that ammonium sulfate from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that ammonium sulfate from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Synthetic ammonium sulfate produced in Belgium for exportation to Puerto Rico is not sold for home consumption. Coke oven ammonium sulfate sold for home consumption is inadequate in quantity to furnish a basis for a fair value comparison. After due consideration, it was concluded that ammonium nitrate and calcium cyanamide, which are sold for home consumption in quantities adequate for a fair value determination, are not similar, within the meaning of the Antidumping Act, to the synthetic ammonium sulfate is sold for exportation to Puerto Rico. As identical synthetic ammonium sulfate is sold for exportation to third countries by Belgian producers, third country price was used as a basis for the determination of fair value.

It was determined that a comparison between purchase price and the weighted-average adjusted third country price was appropriate for the purpose of the fair value comparison.

Purchase price was computed on the basis of the c.i.f., free out, price in bulk to Puerto Rico. From this price were deducted ocean freight, insurance, inland freight, and loading and handling.

Weighted-average adjusted third country price was computed on the basis of the prices at which sales were made to various third countries on or about the date of the purchase order against which were made the several shipments imported into Puerto Rico during the period under consideration. From such prices were deducted ocean freight, insurance, inland freight, packing, and

loading as applicable. Adjustment was also made for the difference in commission, financing, and sundry expense between the amounts applicable to shipments to Puerto Rico and the amounts applicable to shipments to the third countries involved. A weighted average was determined on the basis of the quantities shipped to each country.

Purchase price was found to be lower than the weighted-average adjusted third country price by approximately 1 percent.

The seller, upon being advised of this margin, agreed to make an immediate adjustment of his price as to all future shipments to the extent necessary to eliminate the margin.

In view of the foregoing, and under the circumstances prevailing in this case, the amount involved in the shipments which were at a price to which the margin applied was deemed to be not more than insignificant.

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

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10615; Filed, Nov. 6, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GLENN E. CARTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of October 20, 1961.

GLENN E. CARTER.

OCTOBER 25, 1961.

[F.R. Doc. 61-10626; Filed, Nov. 6, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Supplementary Lists

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 16, 1961 to October 15, 1961, inclusive. These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1961, published on July 1, 1961 in 26 F.R. 5961, as amended by the lists of license actions taken from April 16, 1961 through July 15, 1961, published on August 12, 1961 in 26 F.R. 7365.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Hollister-Stier Laboratories, Spokane, Wash., Chicago, Ill., Yeadon, Pa., Los Angeles, Calif., Atlanta, Ga.	91	8-10-61
Pfizer, Ltd., Sandwich, Kent, England	338	8-17-61
Harrison County Blood Bank, Clarksburg, W. Va.	339	8-30-61
Jackson Blood Bank and Medical Laboratory, Jackson, Tenn.	170	9-11-61
Orangeburg Regional Blood Bank, Orangeburg, S.C.	340	10-10-61

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Packed Red Blood Cells (Human)	Essex County Blood Bank, Inc.	221	8-10-61
Anti-B Blood Grouping Serum	University of Cincinnati Blood Transfusion Service	235	8-10-61
Anti-Rh Typing Serum, Anti-Rh$_o$ (Anti-D)	do		
Poliovirus Vaccine, Live, Oral Type 1	Pfizer, Ltd.	338	8-17-61
Anti-Human Chorionic Gonadotropic Serum	Ortho Pharmaceutical Corp.	156	8-24-61
Reagent Red Blood Cells (Human)	Knickerbocker Biologicals, Inc.	164	9-30-61
Citrated Whole Blood (Human)	Harrison County Blood Bank	339	8-30-61
Heparinized Whole Blood (Human)	The American National Red Cross	190	9-22-61
Tuberculin, Tine Test	Lederle Laboratories Division, American Cyanamid Co.	17	9-29-61
Fibrinogen (Human)	Hyland Laboratories	140	9-29-61
Anti-Rh Typing Serum, Anti-rh' (Anti-C)	Community Blood Bank and Serum Service.	295	9-29-61
Anti-Fy^a Serum (Anti-Duffy)	do		10-2-61
Poliovirus Vaccine, Live, Oral Type 2	Pfizer, Ltd.	338	10-6-61
Tuberculin, Old	Division of Laboratories, Michigan Department of Health.	99	10-10-61
Citrated Whole Blood (Human)	Orangeburg Regional Hospital Blood Bank.	340	10-10-61

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Hollister-Stier Laboratories, Chicago, Ill., Philadelphia, Pa., Spokane, Wash., Los Angeles, Calif., Atlanta, Ga.	91	8-10-61
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.	170	9-11-61

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Antimumps Serum	Hyland Laboratories	140	7-28-61
Antipertussis Serum	do		

Approved: October 31, 1961.

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved: November 1, 1961.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 61-10628; Filed, Nov. 6, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7, set forth below, to Facility License No. R-28. The license authorizes The Regents of the University of Michigan to operate the Ford Nuclear Reactor located in Ann Arbor, Michigan.

The amendment adds a condition to the license requiring that an interlock be installed on the linear level recorder. The interlock, which is to be operative during operation of the reactor, will take the reactor off automatic control should the indicated power level drop below 95 percent of the control point setting.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any increase in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee

or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. 7]

License No. R-28, which authorizes University of Michigan to operate its pool-type nuclear reactor located on the university's campus in Ann Arbor, Mich., is hereby amended by adding the following additional condition thereto:

University of Michigan shall install on the linear level recorder, and keep operative during operation of the reactor, an interlock which will take the reactor off automatic control should the indicated power level drop below 95 percent of the control point setting.

This amendment is effective as of the date of issuance.

Date of issuance: October 31, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10592; Filed, Nov. 6, 1961; 8:45 a.m.]

[Docket No. 50-112]

UNIVERSITY OF OKLAHOMA

Notice of Proposed Issuance of Utilization Facility License Amendment

Please take notice that unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission by the applicant or a petition to intervene is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue an amendment, substantially as set forth below, to Facility License No. R-53. The license authorizes University of Oklahoma to operate its nuclear reactor Model AGN-211, Serial No. 102, located on its campus in Norman, Okla. The amendment would authorize the licensee to repair the fuel elements for the reactor by removing the blistered plastic cladding and repainting the elements with Copon epoxy paint as described in the licensee's application for license amendment dated October 6, 1961. The amendment would also provide additional conditions regarding possible fission product leakage which will further safeguard operation of the reactor.

The Commission has found that University of Oklahoma is technically qualified to engage in the proposed activities and that their conduct in accordance with the terms and conditions of the license, amended as proposed, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED AMENDMENT TO UTILIZATION FACILITY LICENSE

License No. R-53, as amended, which authorizes University of Oklahoma to operate its reactor Model AGN-211, Serial No. 102, located on its campus in Norman, Okla., is hereby amended in the following respects:

1. In addition to the activities previously authorized by License No. R-53, as amended, University of Oklahoma is authorized to repair the reactor fuel elements and reload them into the reactor. The activities shall be conducted in accordance with the procedures and subject to the limitations in License No. R-53, as amended, the application for license amendment dated October 6, 1961 and "Health Physics Procedures" described in Aerojet-General Nucleonics' report to the Commission dated November 5, 1957, Docket No. 50-88, Appendix A, "AGN-211 Core Fabrication, Examination, and Storage Procedures."

2. The following conditions are added:

A. Instrumentation capable of prompt detection of any fission product leakage to the pool water and to the air above the pool shall be functioning at all times when the reactor is operating.

B. In the event any fission products are detected in the pool water or in the air above the pool the reactor shall not thereafter be operated at a power level higher than one-half of the lowest power level at which it was being operated when fission products were detected without prior written authorization from the Commission.

C. A written report shall be submitted to the Commission on each occasion on which fission products are detected in the pool or in the air above the pool.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10633; Filed, Nov. 6, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18121]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application To Amend

NOVEMBER 1, 1961.

Take notice that on August 22, 1961, Columbia Gulf Transmission Co. (Applicant), P.O. Box 683, Houston 1, Texas, filed an application, as supplemented on August 25, 1961, to amend the Commission's order issued June 5, 1959, in Docket No. G-18121, so as to permit Applicant to acquire and operate an experimental compressor station addition near Hampshire, Tenn., as a permanent addition to its transmission system, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

In the June 5, 1959, order the Commission authorized Applicant to construct and operate, with an option to purchase from the manufacturer, an additional 4,000 horsepower compressor engine at its existing Compressor Station No. 4 near Hampshire, Tenn., for the purpose of testing the economics and feasibility of using remote-controlled, unattended, 2-cycle gas engines driving centrifugal compressors in future installations on its system. The application shows that the subject unit operated 5,397 hours as of July 31, 1961, and has proved the experiment a success. Applicant states that it desires to acquire and operate the unit and to utilize it as a permanent installation for standby operations only.

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 November 24, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10599; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP61-199]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 27, 1961.

Take notice that on January 24, 1961, East Tennessee Natural Gas Co. (Applicant), P.O. Box 10245, Knoxville 19, Tenn., filed an application, as supplemented on July 7, 1961, and August 18, 1961, in Docket No. CP61-199, pursuant to

section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities in order to render additional natural gas service to an existing customer, Volunteer Natural Gas Co. (Volunteer), at a proposed new delivery point near Johnson City, Tenn., and the initiation of natural gas service to The Unicoi County Utility District (Utility District) for resale and distribution by the latter in the communities of Erwin and Unicoi, and environs, Unicoi County, Tenn., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

In order to effect the proposed natural gas service, Applicant proposes to construct and operate approximately 14.5 miles of 6-inch lateral transmission pipeline extending from its existing Johnson City-Elizabethton 8-inch lateral to a point near Unicoi, together with appurtenant measuring and regulating facilities.

The application shows that the new delivery point for the proposed sale to Volunteer will be located on the proposed 6-inch lateral on the southwestern side of Johnson City approximately 3.8 miles from the connection between said lateral and the existing 8-inch lateral. Applicant states that it presently sells and delivers gas to Volunteer for resale and distribution in Johnson City through delivery points located on the northeast and northwest sides of the city. Volunteer has advised Applicant that it has been unable to serve prospective customers in the western part of Johnson City because of the limited capacity of its main distribution lines to transport gas to that area from Applicant's present delivery points; as a result of the new delivery point, Volunteer will be able to serve these customers.

Volunteer will construct the additional facilities to receive and transport the additional gas from the new delivery point at an estimated cost of $38,404, which cost will be financed from cash on hand.

The sale of gas will be made pursuant to a gas sales contract, dated December 1, 1960, between Applicant and Volunteer.

In order to render service to Erwin and Unicoi, and environs, Utility District will construct and operate approximately 60 miles of distribution lines ranging from 6 inches to 1 inch in diameter. The cost of the facilities proposed is estimated at $1,100,000, which cost will be financed by Utility District through the issuance of First Mortgage Natural Gas System Revenue Bonds. Utility District also proposes to issue $55,000 of 5½-percent second mortgage bonds for promotion of gas service and conversion of customers.

Utility District has received the necessary franchise authorizations for service in the proposed areas within Unicoi County.

The application shows the following natural gas requirements for the proposed service:

	Mcf at 14.73 psia	
	Peak day	Aggregate annual
30 main line taps	50–500 per tap	446,000
25 measuring and regulating stations	50–5,000 per station	7,654,000
3 lateral or branch lines	50–5,000 per line	1,350,000
Total		9,450,000

The total cost of Applicant's proposed facilities is estimated to be $381,010, which cost will be financed from the sale of temporary cash investments presently on hand.

This matter is one that should be 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 December 4, 1961, at 9:30 a.m., e.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 application: *Provided, however,* That the Commission may, after a noncontested 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 Applicant 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 November 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. 61–10600; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62–64]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 14, 1961, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–64 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of small scale routine "budget-type" facilities during the calendar year 1962, the operation thereof, and the sale of natural gas by the use thereof to Applicant's existing authorized resale customers for resale for general distribution and for resale on a limited-term project basis for well drilling operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of:

A. Facilities required for natural gas service to existing authorized customers for resale for general distribution:

1. Not more than 30 main line taps, together with the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 500 Mcf of natural gas per day installation, to existing authorized resale customers of Applicant in Colorado, Utah, Wyoming, Idaho, Oregon, Washington, Texas, New Mexico, and Arizona, at an estimated cost of $400 for each installation and an aggregate cost not to exceed $12,000;

2. Not more than 25 main line measuring and regulating and/or check metering stations, together with main line tap facilities and the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 5,000 Mcf of natural gas per day per installation to existing authorized resale customers of Applicant, at various locations along the transmission pipeline system of Applicant as above, or adjacent to the transmission pipeline system of Pacific Gas Transmission Co. (Pacific),[1] at an estimated cost of $2,000 to $7,000 for each installation and an aggregate cost not to exceed $175,000;

3. Not more than 3 lateral or branch pipelines of not less than 2½ inches nor more than 6⅝ inches outside diameter, together with related main line taps, measuring and regulating and/or check metering stations, and the necessary standard appurtenances for the operation thereof, through which Applicant proposes to sell and deliver from 50 to 5,000 Mcf of natural gas per day per line to existing authorized resale customers of Applicant, to be installed at various locations along and extending from either the transmission pipelines of Applicant or the pipeline system of Pacific, at an estimated cost not to exceed $350,000 for each installation and an aggregate cost not to exceed $1,050,000.

B. Facilities required for natural gas service to existing authorized customers for resale for well drilling operations:

1. Not more than 15 main line or field system taps, together with the standard appurtenances necessary for the operation thereof, at an estimated cost of $400 for each installation and an aggregate cost not to exceed $6,000;

2. Portable measuring and regulating facilities, together with the standard appurtenances necessary for the operation

[1] Pacific, under authority issued in Docket No. G–17350, will transport for the account of Applicant natural gas to be purchased by Applicant from Westcoast Transmission Co. at Kingsgate, British Columbia. Deliveries of gas so transported will be made by Pacific to Applicant at delivery points specified by Applicant along Pacific's pipeline in Idaho, Washington, and Oregon.

thereof, to be installed at up to a total of 15 main line or field system tap locations, at an estimated cost of $1,200 for each installation and an aggregate cost not to exceed $18,000.

Estimated volumes of natural gas to be delivered for resale for general distribution during the third year after the initiation of the service proposed in the application are as follows:

Customer	Requirements in Mcf at 14.9 psia				
	Year	Peak day	Annual		
			Firm	Interruptible	Total
Volunteer Natural Gas Co	1962	121	14,000	57,200	71,200
Unicoi Utility District	1962	1,343	119,921	59,273	179,194
Total		1,464	133,921	116,473	250,394
Volunteer Natural Gas Co	1963	145	17,000	57,200	74,200
Unicoi Utility District	1963	1,761	157,431	88,597	246,028
Total		1,906	174,431	145,797	320,228
Volunteer Natural Gas Co	1964	163	19,000	253,200	272,200
Unicoi Utility District	1964	1,982	177,027	151,371	328,398
Total		2,145	196,027	404,571	600,598

The gas requirements for well drilling operations are for limited terms and are estimated to range in volume from 200 Mcf to 3,000 Mcf per day per well, and the normal duration of drilling operations for each such well is anticipated to range from 30 to 90 days, with an annual volume to be delivered in all such sales not to exceed 300,000 Mcf. The measuring and regulating facilities will be of a portable nature and thus may be utilized at successive locations following their removal from a prior drilling gas tap location.

The estimated maximum cost of all facilities for which authorization is sought is $1,261,000. Applicant states that no additional financing will be necessary for the proposed facilities.

No increase in main line capacity is proposed.

Rates for the proposed service will be charged pursuant to Applicant's applicable FPC Gas Tariff.

This matter is one that should be 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 November 30, 1961, at 9:30 a.m., e.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 application: *Provided, however,* That the Commission may, after a noncontested 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 Applicant 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 November 20, 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. 61-10601; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CI61-115 etc.]

E. C. HARTMAN ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 1, 1961.

E. C. Hartman, Docket No. CI61-115; H. & H. Supply Company,[1] Docket No. CI61-277; W. L. Heeter, Docket No. CI61-305; J. F. Deem, Docket No. CI61-432; South Fork Gas Company, Docket No. CI61-441; R. M. Laurence, Inc. et al., Docket No. CI61-1205; Murphy Corporation, Docket No. CI61-1368; Skelly Oil Company, Docket Nos. CI61-1510, CI61-1511; Bevly Oil and Developing Corporation, Docket No. CI61-1749; John Nisbett, Docket No. CI62-85; Dearborn Oil & Gas Corporation, Docket No. CI62-196; Copeland Gas Company, Docket No. CI62-229; The Atlantic Refining Company, Docket No. CI62-248; Shell Oil Company, Docket No. CI62-315.

Take notice that each of the above applicants seeks permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications herein which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No.; Field and Location; Purchaser, and Docket No. in Which Sale Was Authorized

CI61-115; Pennsboro Field, Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-5608

CI61-277; Colon No. 1 Well, E/2 of SW/4 of section 28, T. 17 N, R. 14 E., Lincoln County, Okla.; Cities Service Gas Co.; G-8560

CI61-305; Kester Vannoy No. 1 Well, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; G-8823

CI61-432; Elvina Flanagan Lease, Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-18284

CI61-441; B. B. Tibbs Lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; G-18488

CI61-1205; Montgomery No. 1 Well, SE/4 of NE/4 of SE/4 of section 29, T. 2 S., R. 3 W., Fox Field, Carter County, Okla.; Lone Star Gas Co.; G-4850

CI61-1368; Indian Lake Field, Madison and Franklin Parishes, La.; United Fuel Gas Co.; G-8746

CI61-1510; D. M. Kerr Lease, NW/4 of section 35, T. 8 N., R. 54 W., Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G-9937

CI61-1511; Floyd Schinkel Lease, Washington County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; G-19141

CI61-1749; Odem Field, San Patricio County, Tex.; Tennessee Gas Transmission Co.; G-4530

CI62-85; J. C. Pitts Lease, Southwest Jefferson Field, Marion County, Tex.; Arkansas Louisiana Gas Co.; G-7298

CI62-196; Wick Field, Meade District, Tyler County, W. Va.; Hope Natural Gas Co.; G-12368

CI62-229; Gideon District, Cabell County, W. Va.; Cumberland Gas Corp.;[2] G-8262

CI62-248; Koontz and North Koontz Fields, Victoria County, Tex.; United Gas Pipe Line Co.; G-10354

CI62-315; Jennings Field, Acadia Parish, La.; United Gas Pipe Line Co.; G-13598

These matters should be heard 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 December 7, 1961, at 9:30 a.m., e.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 noncontested 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

[1] Purchaser from Clark C. Nye of the facilities used in the sale proposed for abandonment.

[2] Formerly Southeastern Gas Corp., formerly West Virginia Gas Corp.

before November 24, 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. 61-10602; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62-51]

HOME GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 1, 1961.

Take notice that on August 24, 1961, Home Gas Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP62-51, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon about 159.8 miles of its parallel 6-inch transmission lines, A-1, A-2, A-3, and A-4, extending from Westover Header in the town of Maine, Broome County, New York, to the Village of Hancock, Delaware County, New York, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the 4 parallel 6-inch lines are part of a system of old lines which were acquired from New York Transit Company in 1929 and which extended from the vicinity of Olean, New York, in the west to Port Jervis on the Delaware River in the east. Applicant states that, since completion of its newer 12-inch line, A-5, paralleling the above lines between Port Jervis and the connecting lines to the Dundee storage project, Applicant has abandoned the section of Lines A-1, A-2, A-3, and A-4 between Hancock and Port Jervis and sold a section of Lines A-3 and A-4 west of the Westover connection to Columbia Gas of New York, Inc. The section of the parallel lines herein proposed to be abandoned was retained by Applicant for emergency and peak day demands. However, Applicant now states that its recent experience over several winters has shown that there is no further need for this section of lines.

Applicant proposes to sell a 6.7-mile section of the subject facilities to Columbia Gas of New York, Inc.; the latter intends to use the facilities in its Binghamton, New York, distribution system. The 6.7 miles of lines will be sold in place for the estimated amount of $6,100, the original cost less depreciation as of the date of transfer. Applicant proposes to lift and salvage the remainder of the subject lines.

Total salvage value, including the $6,100, is estimated at $242,100, credit to fixed capital is $606,200 and total cost of retiring is estimated at $190,200.

Applicant states that no abandonment of service will result from the proposed abandonment.

This matter is one that should be 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 December 7, 1961, at 9:30 a.m., e.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 application: *Provided, however,* That the Commission may, after a noncontested 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 Applicant 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 November 27, 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. 61-10603; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP62-72]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that on September 21, 1961, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipelines and related facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from time to time from producers thereof during the calendar year 1962, at a total estimated cost not to exceed $1,000,000, with no single project to exceed a cost of $250,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas generally coextensive with said system.

Applicant proposes to finance the subject facilities with funds on hand.

This matter is one that should be 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 December 5, 1961, at 9:30 a.m., e.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 application: *Provided, however,* That the Commission may, after a noncontested 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 Applicant 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 November 24, 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. 61-10604; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. RI60-92 etc.]

OHIO OIL CO. ET AL.

Order Approving Recess of Hearing

OCTOBER 31, 1961.

The Ohio Oil Company, Docket Nos. RI60-92, G-12037, G-13465, G-13521, G-16688, G-16672, G-17275, G-17986, G-19763; The Ohio Oil Company (Operator), et al., Docket No. G-20185.

On October 11, 1961, at the conclusion of cross-examination of Interveners' direct case in the above-entitled proceedings, counsel for Respondent requested permission to serve its rebuttal case on January 2, 1962. The Presiding Examiner granted Respondent's request and further postponed the hearing in these proceedings until January 22, 1962, subject to approval by the Commission. On October 13, 1961, the Presiding Examiner certified the record to the Commission for its consideration.

In support of its request, Respondent stated on the record that an extended period of time is necessary for preparation of its rebuttal case in these proceedings because of Respondent's obligations during November and December, 1961, in other proceedings.

The Commission finds: Good cause exists for granting the request of Respondent to serve its rebuttal case on January 2, 1962, and for postponing the hearing in these proceedings until January 22, 1962.

The Commission orders: Respondent shall serve its rebuttal case in these pro-

ceedings on January 2, 1962, and the hearing in these proceedings shall reconvene on January 22, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10605; Filed, Nov. 6, 1961; 8:46 a.m.]

[Docket No. CP61-344]

PROPHETSTOWN NATURAL GAS CO.

Notice of Application and Date of Hearing

OCTOBER 31, 1961.

Take notice that Prophetstown Natural Gas Company (Gas Company), an Illinois corporation with principal place of business in Prophetstown, Illinois, filed in Docket No. CP61-344 on June 30, 1961, as supplemented September 25, 1961, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its transportation facilities with the facilities Gas Company proposes to construct and to sell and deliver to Gas Company the estimated third-year maximum daily volume of gas, amounting to 1,300 Mcf, required by Gas Company to meet the estimated requirements of customers proposed to be served with natural gas in Prophetstown, Illinois, and environs, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application states that Gas Company is a wholly owned and newly organized subsidiary of the Thermogas Company, an Iowa corporation which has its principal place of business at 4509 East 14th Street, Des Moines, Iowa, and which distributes and sells propane gas in about 48 communities in Iowa and Illinois. Gas Company proposes to distribute natural gas in Prophetstown, a community with a population of about 2,000 persons, located in Whiteside County, Illinois. Gas Company states that Prophetstown is situated about 9½ miles north of Natural's main transmission line and that it proposes to construct and operate a 4-inch lateral transmission line extending southwardly from Prophetstown to an interconnection with Natural's main line. Gas Company expects to distribute gas to several residential and commercial customers located along the route of this proposed interconnecting line in addition to serving its primary market at Prophetstown.

Gas Company estimates that it will attach approximately 538 customers by the third year of service and that the peak daily requirements of these customers will be 1,300 Mcf and their annual requirements will be 142,500 Mcf, of which volume Gas Company hopes to sell 36,800 Mcf to its sole industrial customer, the Prophetstown Manufacturing Division of the Buffalo-Eclipse Corporation.

The total amount Gas Company expects to expend for construction of the transmission line and distribution facilities by the third year of operation is estimated at $331,400. Of this amount, it is anticipated that approximately $135,000 will be used for constructing the lateral transmission line from Prophetstown to Natural's main line. Gas Company proposes to finance the cost of construction by the sale of 2,000 shares of common stock to its parent, Thermogas Company, at $100 per share. Gas Company proposes to acquire additional funds above the $200,000 to be obtained from the sale of stock, as needed, by selling ten-year notes at six percent interest to Thermogas Company.

The supplement to Gas Company's application submitted a copy of an order issued September 6, 1961, by the Illinois Commerce Commission in case No. 47989 granting Gas Company a certificate of public convenience and necessity "* * * for the construction, operation and maintenance of a gas transmission and distribution system in and near the city of Prophetstown * * * and the transaction of a gas public utility business in connection therewith".

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 December 14, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., concerning the matters involved in and the issues presented by Gas Company's application.

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 November 30, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10606; Filed, Nov. 6, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST COLORADO BANKSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Colorado Bankshares, Inc. for prior approval of action to become a bank holding company under section 3(a)(1) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by First Colorado Bankshares, Inc., a Colorado corporation with its principal office in Englewood, Colorado, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 50 percent or more of the outstanding voting shares of The First National Bank of Englewood, Englewood, Colorado; University Hills Bank, Denver, Colorado; and Lakeside National Bank, Lakeside Center, Colorado; a notice of receipt of application having been published in the FEDERAL REGISTER on June 29, 1961 (26 F.R. 5851), which notice provided for the filing of comments and views regarding the proposed acquisition; and the time provided by the notice for filing comments and views having expired and no comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by First Colorado Bankshares, Inc., of 50 percent or more of the outstanding voting shares of The First National Bank of Englewood, University Hills Bank, and Lakeside National Bank is hereby approved, provided that such acquisitions are completed within three months from the date hereof.

Dated at Washington, D.C., this 27th day of October 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-10607; Filed, Nov. 6, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2568]

HOLIDAY MINES, INC.

Order Permanently Suspending Regulation A Exemption

NOVEMBER 1, 1961.

Holiday Mines, Inc., a Washington corporation, having filed with the Commission on December 31, 1958, a notification and offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A thereunder with respect to a proposed offering of its common stock, $1 par value;

The Commission, by order dated June 30, 1960, having temporarily suspended the aforesaid exemption, pursuant to Rule 261 of Regulation A, and having, at the issuer's request, ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption;

A hearing having been held, and the Commission having considered the record and recommended decision of the hearing examiner, which recommended that the Commission afford the issuer ninety days in which to file an amendment to its notification, and having issued an order on July 19, 1961, affording the issuer an opportunity to amend its filing and providing for vacation of the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Kansas City.

temporary suspension order if such amended filing appeared to contain no material deficiencies, and for permanent suspension of the exemption if the revised filing were not submitted within the time permitted or if such filing were materially deficient; and

Holiday Mines, Inc., having advised the staff on September 11, 1961, that it would be unable to comply with the Commission's order permitting an opportunity to amend its filing,

It is hereby ordered, That the order permitting opportunity to amend the filing is canceled.

Pursuant to the provisions of Rule 261 (b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by Holiday Mines, Inc., becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10612; Filed, Nov. 6, 1961; 8:48 a.m.]

[File No. 24W-2266]

LIFETIME POOLS EQUIPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 31, 1961.

I. Lifetime Pools Equipment Corporation, a New York corporation, with its principal offices located at Renovo, Pennsylvania, filed with the Commission on June 1, 1959, a notification and offering circular relating to a proposed public offering of 150,000 shares of its 10 cents par value common stock at $2. per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to amend its notification and offering circular to disclose the fact that First Washington Corporation was acting as underwriter for the offer and sale of the issuer's securities;

2. The issuer failed to furnish the exhibits required by Item 11 of Form 1-A, namely, the underwriting agreement and the consent and certification of the underwriter, First Washington Corporation;

3. The issuer's report of sales on Form 2-A was misleading, particularly with respect to the statement that its securities were offered by the issuer as its own underwriter.

B. The Regulation A exemption was unavailable to the issuer in that First Washington Corporation participated as an underwriter in the public offering despite the fact that under Rule 252 (e)(2) of Regulation A it was clearly ineligible because it was an underwriter in the Regulation A notification filed by Acme Tool and Engineering Corporation (Polytronic Research, Inc.) whose exemption under the Regulation was suspended on June 4, 1959.

C. The offering circular contains untrue statements of material fact and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that the offering was being distributed to the public through an underwriter; and

2. The failure to disclose that First Washington Corporation was acting as an underwriter for the Regulation A offering, although it was ineligible to so act under Rule 252(e)(2) of Regulation A.

D. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of Lifetime Pools Equipment Corporation be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-10613; Filed, Nov. 6, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

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 November.