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FEDERAL REGISTER

VOLUME 26 NUMBER 47

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3398

CENTENNIAL OF THE UNIFICATION OF ITALY

By the President of the United States of America

A Proclamation

WHEREAS the centennial of the unification of Italy, which occurs in 1961, commemorates a great event in the history of nations; and

WHEREAS, in observance of the centennial, there will be many celebrations in Italy, in the United States, and in many other countries as events of a century ago are relived; and

WHEREAS we in America are confident that the people of Italy, in the celebrations reenacting the events and experiences associated with their struggle for unification a century ago, will find renewed strength to further their vital contributions to the cause of freedom; and

WHEREAS it is the sense of the Congress, expressed by House Concurrent Resolution 225, agreed to July 2, 1960, that the President extend official greetings from the United States to the people of Italy on the occasion of the centennial of the unification of Italy:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby extend greetings and felicitations from the people of the United States to the people of Italy on the occasion of the centennial of the unification of Italy, in recognition of the progress and achievements of the Italian people during the past century and the bonds of friendship between our two nations.

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

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

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61–2235; Filed, Mar. 10, 1961; 11:08 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1961-Crop Price Support Programs for Grains and Related Commodities

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable to 1961-crop price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

Sec.

AUTHORITY: §§ 421.101 to 421.123 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425.

§ 421.101 Administration.

The program to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in any program should contact their county office through which the price support documents will be distributed. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.102 Commodities covered by this subpart.

The provisions of this subpart shall apply to 1961 crop price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1961 crop price support program for which a commodity supplement to this subpart is issued. The provisions contained in section 125 of the Soil Bank Act, with respect to restrictions on leasing of lands owned by the Government for the production of price supported crops in surplus supply, are applicable to each of such grain commodities except dry edible beans. Commodities produced in violation of restrictive leases on federally-owned land shall not be eligible for price support.

§ 421.103 Methods of price support.

Price support will be made available through farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.104 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof producing the commodity in 1961 as landowner, landlord, tenant, or sharecropper and shall also include an irrigation company, or other legal entity, furnishing water for a share of the rice crop. In addition, in the case of wheat or rice, a producer shall not qualify as an eligible producer unless he is in compliance with the requirements for eligibility for price support prescribed in the applicable CCC Bulletin A, in effect for the 1961 crop, and any amendments thereto. Receivers of an insolvent debtor's estate, executors and administrators of a deceased person's estate, guardians of an estate of a ward or an incompetent person, and trustees of a trust estate will be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receivers, executors and administrators, guardians, and trustees shall be considered to be the production of the persons they represent, provided the loan or purchase agreement documents executed by them are legally valid. A minor shall be eligible for price support only if he meets one of the following requirements: (a) The right of majority has been conferred on him by court proceedings, (b) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian, (c) any note signed by the minor be co-signed by a financially responsible person, or (d) a bond be furnished under which a surety would guarantee to protect CCC from any loss incurred for which the minor would be liable had he been an adult. Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm-storage facility or, in the case of a warehouse-storage loan, if the warehouse receipt is issued jointly. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and under this subpart. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that the producer is not eligible for farm-storage loans and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives a farm-storage loan. Where an otherwise eligible producer is denied a farm-storage loan, he shall be eligible to obtain a warehouse-storage loan or sign a purchase agreement. A producer who has made a fraudulent representation in connection with past warehouse-storage or farm-storage loans or purchase agreements shall be denied further price support unless he furnishes evidence acceptable to the county committee that the commodity offered for price support meets all eligibility requirements. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

§ 421.105 Program availability and maturity dates and disbursement of loans.

(a) *Program availability and maturity dates.* Program availability and maturity dates will be those specified in

the applicable commodity supplements to this subpart except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices, the applicable final date shall be extended to include the next work day.

(b) *Disbursement of loans.* Disbursement of loans will be made to producers by financial institutions under separate regulations published in the FEDERAL REGISTER, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. No disbursements shall be made later than 15 days after the applicable final date of availability of loans unless authorized by the Executive Vice President, CCC. However, disbursements may be made not later than the maturity date applicable to the commodity when, with the prior approval of the county committee, the producer repays a farm-storage loan, transfers the commodity to an approved warehouse, and obtains a warehouse-storage loan on the same commodity. If the final date of disbursement as determined above falls on a nonwork day for ASC county offices, such final date shall be extended to include the next work day. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 421.106 Financial institutions.

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 421.107 Approved storage.

Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in existence in approved warehouse storage and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm-storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee under the supervision and direction of the State committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse - storage.* Approved warehouse-storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect and which are approved by CCC for price support purposes or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county offices.

§ 421.108 Applicable forms and requirements.

(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, Commodity Delivery Notice, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement and such other forms and documents as may be required by CCC.

(c) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement, the Commodity Delivery Notice, the Purchase Agreement Settlement and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in each commodity supplement to this subpart.

(e) *Other requirements.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, guardian, receiver, or trustee, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse. Farm-storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except (1) where the county committee has determined that a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan or (2) where the producer applies for a loan on part of the commodity and a purchase agreement on the remaining quantity of the commodity stored commingled in the same bin or crib. In any event the mortgage shall cover all of the commodity stored in the bin or crib. Approval of a loan on part of the commodity stored in a bin or crib as provided in subparagraph (1) or (2) of this paragraph shall not be granted in the event the State committee has determined that such partial loans shall not be made. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis.

§ 421.109 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interests of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds.

§ 421.110 Service charges.

(a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges shall be deducted from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement form (Commodity Purchase Form 1) is signed by the producer. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

Method of price support	Service charges		
	Per bushel	Per 100 pounds	Minimum charges
(1)	(2)	(3)	(4)
	Cents	*Cents*	
Farm-storage loans	1	2	[1] $3.00
Warehouse-storage loans	½	[2] 1	[2] 1.50
Purchase agreements	½	1	1.50

[1] With respect to rice, State committees are authorized to require payment of a minimum charge of $5.00 for each lot sampled.

[2] With respect to rice, the service charge for warehouse-storage loans shall be computed on a warehouse receipt basis and shall be 2 cents per 100 pounds with a minimum charge of $3.00 for each warehouse receipt.

(b) In the case of farm-storage loans, and identity-preserved and modified commingled warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown in paragraph (a) of this section) at the time the producer applies for a loan.

(c) No refund of service charges will be made except if the amount collected is in excess of the correct amount.

§ 421.111 Set-offs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lien holders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer

under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Set-Off Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the set-off action either by administrative appeal or by legal action.

§ 421.112 Interest rate.

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 421.113 Transfer of producer's interest.

(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall any one acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.118.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.118 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.114 Safeguarding the commodity.

The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.115 Insurance on farm-storage loans.

CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.116 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, physical loss or damage on farm-stored or identity-preserved warehouse-stored commodities, and loss in quality of modified-commingled warehouse-stored commodities occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other acts of God; (c) the producer has given the county office immediate notice confirmed in writing of such loss or damage; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 421.117 Personal liability of the producer.

(a) The making of any fraudulent representation by a producer in the loan documents or in obtaining the loan, or the unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under Federal Law and shall render him personally liable for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for any resulting expenses incurred by CCC together with interest on such amounts. Any such loan shall become payable upon demand. If a producer has made any such fraudulent representation or unlawful disposition, the amount of his personal liability shall be the amount of the loan, charges, and all costs that CCC would not have incurred had it not been for the producer's fraudulent representation, or unlawful disposition, together with interest on such amounts, less the market value of the commodity on the date of delivery or removal, as determined by CCC, in the case of farm-storage loans, or the market value of the commodity as of the close of the market on the final date for repayment, as determined by CCC, in the case of warehouse storage loans. If the unlawful disposition of loan collateral is determined by CCC not to have been a wilful conversion, the value of the commodity or part thereof delivered to CCC or removed by CCC shall be the settlement value as determined under the provisions of § 421.119 and of the commodity supplement.

(b) A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animal which is inadvertently accepted by CCC.

(c) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(d) In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 421.118 Release of the commodity under loan.

A producer may at any time obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, execute such release or otherwise make such arrangements as the law may require for the release of the chattel mortgage. The producer may arrange with the county office for partial release of the commodity prior to maturity after making payment for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval in writing by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined that partial redemption of loans and releases of the commodity will not be permitted. Such determination shall be made when necessary to assure more effective administration of the price support program and shall be effective on a Statewide basis. In the case of warehouse-storage loans, each partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or his agent. If the producer has authorized another person as his agent solely for the purpose of receiving

the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of warehouse receipts by repayment.

§ 421.119 Liquidation of loans and delivery under purchase agreements.

(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county officer; he may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. If the producer does not repay his loan or deliver the commodity as provided above, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and § 421.120.

(2) If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 421.116 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher and in accordance with the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(3) In the event the farm is sold, there is a change of tenancy, the producer dies, or the commodity is threatened with damage by flood, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement.

(4) Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(5) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county office which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(6) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC, except as provided in § 421.116, and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Loan Agreement and § 421.120. Where loans are called prior to maturity solely for the benefit or protection of CCC (as determined by the CSS commodity office serving the area) and storage has been deducted or prepaid through the maturity date and the period of the unearned storage can be determined by CCC, refunds of the prepaid storage for such period shall be made to the producer by the appropriate CSS commodity office. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be computed at the lower of (1) the rate prepaid or (2) the rate under the applicable CCC storage agreement or the rate applicable to the Eastern common carrier involved. If storage charges were deducted from the loan rate, the amount to be refunded shall be the amount of the storage deduction less storage charges accrued on the commodity. Refunds of prepaid handling charges shall be made by the appropriate county office.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the commodity eligible for delivery not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county office in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such other date as may be prescribed by the Executive Vice President, CCC.

(2) Provisions for the inspection, delivery and settlement on commodities under purchase agreements will be contained in the commodity supplements to this subpart.

(d) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 421.120 Foreclosure.

If the loan (i.e. the amount of the note, interest and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (a) Any amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan or (b) the amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 421.121 Settlement value and charges.

(a) *Settlement value.* The term "settlement value" as used in this subpart is the price support value of the mortgaged or pledged commodity or the commodity under purchase agreement and shall be determined in accordance with the provisions concerning settlement for commodities delivered by the producer to CCC as contained in the applicable com-

modity supplement and in the Producer's Note and Supplemental Loan Agreement, or Producer's Note and Loan Agreement, or purchase agreement, whichever is applicable.

(b) *Charges.* The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity and otherwise protecting the interest in the loan collateral of any holder of the note or the producer, including foreclosure costs.

§ 421.122 Death, incompetency or disappearance.

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

§ 421.123 CSS commodity offices.

The CSS commodity offices and the area served by them are shown below:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 10, Minnesota, 6400 France Avenue, So.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 8th day of March, 1961.

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

[F.R. Doc. 61–2183; Filed, Mar. 10, 1961; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2), (6), (8), (9), and (10) of paragraph (i) of § 6.308 are revoked and paragraphs (d)(8), (e)(11), (i)(4) and (5) are amended as set out below.

§ 6.308 Department of Justice.

* * * * *

(d) *Anti-Trust Division.* * * *

(8) Chief, Special Trial Section.

* * * * *

(e) *Civil Division.* * * *

(11) *Chief, Appellate Section.*

* * * * *

(i) *Office of Alien Property.* * * *

(4) Chief, Claims Section.

(5) Chief, Litigation Section.

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

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

[F.R. Doc. 61–2175; Filed, Mar. 10, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.364 is amended as set out below.

§ 6.364 Federal Aviation Agency.

* * * * *

(b) Two Assistants to the Congressional Liaison Officer.

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

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

[F.R. Doc. 61–2174; Filed, Mar. 10, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 30th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the Khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

J. N. Edge Farm, located 2 miles south of Camp Verde off Payson Highway, P.O. Box 68, Camp Verde.

S & W Feed Lot, located one mile east of Gila Center Store and 4/10 mile north of Highway 95, P.O. Box 1590, Yuma.

Arthur Smart Hog Farm, located ½ mile south of 13th Street on Avenue F 1/2, Route, 1, P.O. Box 642, Yuma.

CALIFORNIA

Anza Land Company, Borrego Springs, located on Palm Canyon Road, ½ mile east of school on south side of said road.

(b) The portion of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but the premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

TEXAS

Beaver Egg Farm, Route 1, Box 44, Ysleta.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective March 11, 1961, when they shall supersede P.P.C. 612, Twenty-ninth Revision, effective December 30, 1960 (25 F.R. 13948).

Subsequent to the twenty-ninth revision, effective December 30, 1960, infestations of the khapra beetle were discovered on the premises of the Gail Dana Farm, 1333 East Southern, and the D. H. Railsback Poultry Yard, 204 South Morris, both in Mesa, Arizona. Movement of regulated articles from these properties was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision adds certain premises in Arizona to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It also has the effect of revoking the designation as regulated areas of certain premises in Arizona and Texas, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of

time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of March 1961.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 61-2182; Filed, Mar. 10, 1961; 8:50 a.m.]

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

[Navel Orange Reg. 209]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.509 Navel Orange Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, and orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., March 19, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 625,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 10, 1961.

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

[F.R. Doc. 61-2246; Filed, Mar. 10, 1961; 12:33 p.m.]

[Orange Reg. 385]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1052 Orange Regulation 385.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of such Florida oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 7, 1961; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges exceeds the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida oranges, including Temple oranges, as such unrestricted shipments would not be conducive to the

orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1178 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., April 10, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., July 31, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

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

Dated: March 9, 1961.

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

[F.R. Doc. 61–2198; Filed, Mar. 10, 1961; 8:50 a.m.]

[Grapefruit Reg. 337]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1053 Grapefruit Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 7, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., March 13, 1961, and ending at 12:01 a.m., e.s.t., April 10, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: March 9, 1961.

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

[F.R. Doc. 61–2197; Filed, Mar. 10, 1961; 8:50 a.m.]

[Lemon Reg. 890]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.997 Lemon Regulation 890.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The

committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 7, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., March 19, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 9, 1961.

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

[F.R. Doc. 61–2196; Filed, Mar. 10, 1961; 8:50 a.m.]

[Grapefruit Reg. 136]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.397 Grapefruit Regulation 136.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on March 2, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 12, 1961, and ending at 12:01 a.m., P.s.t., April 23, 1961, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{6}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: March 8, 1961.

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

[F.R. Doc. 61–2165; Filed, Mar. 10, 1961; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 237—DEPORTATION OF EXCLUDED ALIENS

Notice to Excluded Aliens To Surrender for Deportation

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Part 237 is amended by renumbering §§ 237.2, 237.3, and 237.4 to §§ 237.3, 237.4, and 237.5, and by adding a new § 237.2 to read as follows:

§ 237.2 Notice to surrender for deportation.

An alien who has been finally ordered excluded pursuant to Part 236 of this chapter shall be required to surrender himself for deportation upon not less than 72 hours' advance notice in writing of the time and place of his surrender. Upon his failure to comply with such notice, the Service shall promptly take the alien into custody for deportation. An alien in foreign contiguous territory shall be informed that he may remain there in lieu of surrendering to the Service, but that he will be deemed to have acknowledged the execution of the order of exclusion and deportation in his case upon failure to surrender at the time and place prescribed.

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: March 10, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R., Doc. 61–2234; Filed, Mar. 10, 1961; 10:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 690; Amdt. 265]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

Service experience and fatigue tests have shown that the initial inspection of Boeing 707 main landing gear outer cylinders required by Amendment 136, 25 F.R. 3576 (AD 60–9–1), can be extended. Flights or landing cycles have been determined to be more representative of the critical loading than flight hours. Therefore, the inspection compliance time is being restated in terms of flights. The manufacturer has redesigned the outer cylinder which when installed alleviates the need for special inspections. Paragraph (d) of Amendment 136 is no longer necessary as all aircraft in service have complied and new production aircraft will incorporate the specified rework. Therefore, to relieve the operators from an unnecessary burden, Amendment 136 (AD 60–9–1) as amended by Amendment 189 (25 F.R. 7430), is being superseded by a new directive.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

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

BOEING. Applies to all Model 707–100 and 707–200 aircraft with main landing gear oleo cylinders that have experienced 800 flights and all 707–300 and 707–400 aircraft with main landing gear oleo cylinders that have experienced 1000 flights. (It will be necessary for operators to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

Compliance required as indicated.

Due to failure of main landing gear oleo outer cylinders in the area of upper torsion link lugs, the following inspections are required:

(a) The following must be accomplished on Model 707–100 and 707–200 Series aircraft unless spacer, Boeing P/N 69–11430 or equivalent, has been installed in accordance with (c).

(1) Clean and remove paint from the outer cylinder surface within three inches of the outer cylinder torsion link lugs, excluding the area between lugs, using perchloroethylene or FAA approved equivalent.

(2) Using a 10-power glass, conduct a daily inspection of the area described in (a)(1).

(3) Every 65 hours' time in service, inspect the area described in (a)(1) using fluorescent dye penetrant at temperatures of 50° F. or above, or equivalent.

(b) The following must be accomplished every 65 hours' time in service for all Model 707–300 and 707–400 Series aircraft:

(1) Clean and remove paint from the outer cylinder surface within three inches of the outer cylinder solid torsion link lug using perchloroethylene or FAA approvel equivalent.

(2) Inspect the outer cylinder lug using fluorescent dye penetrant at 50° F. or above, or equivalent.

(c) When spacer, Boeing P/N 69–11430 or equivalent, is installed between the outer cylinder torsion link lugs to interference fit of 0.001 to 0.005 inch on Model 707–100 and 707–200 Series aircraft, the following inspection may be substituted for the inspection required in (a): At the time of spacer installation, and every 65 hours' time in service thereafter, inspect the outer cylinder lugs using fluorescent dye penetrant at 50° F. or above, or equivalent.

(d) If cracks are found during any of the above inspections, perform the following rework and inspections:

(1) Rework the affected area with a hand file and smooth with No. 320 emery paper. Complete removal of crack must be verified by dye penetrant inspection or FAA approved equivalent. If cracks are completely removed as verified by such inspections, remove an additional 0.03 inch of material. After all rework is completed, the maximum allowable depth of material removed is 0.08 inch using a 1.00 inch minimum radius.

Parts previously reworked in accordance with the crack limitations contained in Amendment 136 Part 507 FEDERAL REGISTER April 26, 1960, need not be reworked again to incorporate 0.03 inch insurance material removal. If crack reappears in this reworked area, or a new crack develops, rework must be accomplished in accordance with the above instructions.

(3) Cylinders with defects that cannot be removed within the rework limits given in (d)(1) must be replaced prior to further flight.

(e) When the redesigned outer cylinder (P/N 65–5763) has been installed in accordance with the latest revision of FAA approved Boeing Service Bulletin 979, the inspection intervals noted above may be cancelled and the redesigned outer cylinder inspection interval will revert to normal frequency.

(Boeing Service Bulletin No. 717 (R–1), Boeing Telegraphic Service Bulletin No. 717 (R–1) dated March 7, 1960, and Service Bulletin 979 cover this subject.)

Ultrasonic inspection using Sperry reflectoscope type UR or equivalent with Sperry surface wave crystal, style 50A656, frequency 2.25 MC, may be used in lieu of fluorescent dye penetrant inspection procedures. The ultrasonic inspection instrument should be set per instructions in Boeing Service Letter 6–7161–6–597 dated March 16, 1960.

This supersedes Amendment 136, 25 F.R. 3576 and Amendment 189, 25 F.R. 7430.

This amendment shall become effective March 11, 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 March 6, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61–2141; Filed, Mar. 10, 1961; 8:45 a.m.]

[Reg. Docket No. 689; Amdt. 263]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna Model 150 and 150A Airplanes

Amendment 240, 26 F.R. 3 (AD 61–1–1) required inspection and replacement of certain exhaust mufflers on Cessna 150 aircraft. Recent experience has shown that a visual inspection is not adequate. Investigation of a fatal accident revealed 45 percent carbon monoxide saturation with a failed configuration 3 muffler which was visually inspected 29 hours previously. Another case involved failure of a configuration 4 muffler visually inspected 12 hours previously, which caused pilot dizziness and headache. The pilot recognized the symptoms of carbon monoxide poisoning in time to land safely. The seriousness of this problem is further highlighted by information from the manufacturer that 34 failures of configuration 4 mufflers have been reported, this indicating that continuing inspections of these mufflers are essential. In view of the serious safety hazard involved, Amendment 240 (AD 61–1–1) is being superseded by a new directive, which also covers certain serial numbers of Model 150A aircraft which were equipped with configuration 4 mufflers.

Since safety of the aircraft is involved, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

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

CESSNA. Applies to all Model 150 airplanes, and Model 150A airplanes with Serial Numbers 15059019 to 15059054 inclusive.

Compliance with paragraph (a) required within 10 hours of flight time after the effective date of the adopted rule.

Compliance with paragraph (b) required as indicated.

Hazardous failures of the right-hand exhaust gas cabin air heat muffler have occurred in service. These failures are such that carbon monoxide from the exhaust gases will be released into the cabin.

To improve the safety level of the cabin air heater, the following must be accomplished:

(a) Inspect the right-hand exhaust gas cabin air heat muffler to determine the muffler configuration as follows, unless already accomplished: (Airplanes with Serial Numbers 17,704, 17,717, 17,771, 17,779, 17,828, 17,839, 17,846, 17,850, 17,853, 17,855, and higher had the configuration No. 4 muffler installed when the airplanes left the manufacturer's plant).

(1) Remove the right-hand muffler from the engine.

(2) Determine the configuration of the right-hand mufflers installed on the affected airplanes as follows:

(1) Configuration No. 1: This muffler is identified by the two half-moon welds which run parallel to the length of and near the top of the muffler where the exhaust tube

attaches. The exhaust tube is butted against the upper skin and welded on the inside, which appears similar to a light weld on the outside.

(ii) Configuration No. 2: The exhaust tube penetrates the upper skin of the muffler and is welded by two small welds which are crosswise to the length of the muffler.

(iii) Configuration No. 3: The muffler skin is slotted to allow the exhaust tube to project through the top skin. This area is then welded from the outside, which produces two heavy half-moon exposed welds which run parallel to the length of the muffler.

(iv) Configuration No. 4: This muffler is identified by the exhaust tube projecting completely through the upper skin of the muffler. This tube is welded to the upper muffler skin forming an outside weld bead extending completely around the exhaust tube. A cap is also welded to the top of the exhaust tube. This muffler is also identified as Cessna P/N 0450338-62.

(3) Replace all Configuration No. 1 right-hand mufflers with either Configuration No. 2, 3, or 4 (Cessna P/N 0450338-62) right-hand mufflers.

(4) Inspect all right-hand mufflers by conducting a pressure test of 1½ p.s.i. or the alternative inspection method described below.

(5) Replace any cracked muffler. (Cessna P/N 0450338-62 mufflers may be used to replace Configuration No. 2 or 3 mufflers).

(b) The removal and inspection outlined under (a)(1) and (a)(4) or, in lieu thereof, the alternative inspection method described below and the replacement of (a)(5), if applicable, shall be repeated on all right-hand mufflers in accordance with the following schedule:

Configuration 2 and 3—Every 50 flight hours for the first 200 flight hours after initial inspection, and every 100 flight hours thereafter.

Cessna P/N 0450338-62—Every 100 flight hours after initial inspection.

An alternative method of inspection which may be used in lieu of the removal and inspection requirements of (a)(1) and (a)(4) and in the repetitive inspections required under (b) may be accomplished by a ground test using a carbon monoxide indicator. The airplane shall be headed into the wind and the engine warmed up on the ground. Advance throttle to full static r.m.p. with the cabin heater "ON". With a dependable carbon monoxide indicator, take carbon monoxide readings of the heated air stream at the cabin heater deflector (P/N 0411824) on the firewall inside the cabin. Take another reading in free air 15 feet in front of the propeller. If carbon monoxide in the cockpit is greater than in the free air, conduct a pressure test of 1½ p.s.i. on the muffler. If no cracks are found, the muffler may be reinstalled. If the muffler is found to be cracked, it shall be replaced.

(Cessna Service Letters No. 150-15 dated March 28, 1960, and 150-23 dated January 17, 1961, pertain to this subject.)

This supersedes AD 61-1-1 (Amendment 240, 26 F.R. 3).

This amendment shall become effective March 22, 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 March 1, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-2142; Filed, Mar. 10, 1961; 8:45 a.m.]

[Reg. Docket No. 530; Amdt. 264]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-7 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring special inspections for wing spar cracks on Douglas DC-7 Series aircraft was published in 25 F.R. 9733.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received which objected to restricting the means of inspection to "visual" and not permitting ferry flights to suitable repair facilities. Changes have been made to cover these objections. As requested, reference to the specific kits which comprise the permanent rework is included in the directive. It was also requested that various inspection intervals be increased. The 3,200 hour interval is being increased to 3,250 hours, however other inspection intervals are not being changed as the inspection time specified is now at the maximum safe interval substantiated by the manufacturer. Accordingly, the amendment will become effective 30 days after date of publication in the FEDERAL REGISTER.

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

DOUGLAS. Applies to all DC-7 Series aircraft, Fuselage No. 1 up to and including Fuselage No. 722, having in excess of 8,000 hours' time in service.

Compliance required as indicated.

There have been thirteen (13) reported cases of upper front spar cap cracking on DC-7 Series aircraft. Cracking usually occurs in spar cap tangs in the area of the Station 60 attachments and progresses chordwise. In addition, service experience has shown that the temporary repair of the above difficulty per Douglas Rework Drawing 5611387 does not have the service life originally anticipated. As a result of this service experience, the upper and lower, front and center spar caps in the area of wing Station 60, with special attention to the spar cap tangs between wing Stations 55 and 65, must be visually or radiographically inspected for cracks as follows:

(a) The upper and lower, front and center spar caps must be inspected within the next 450 hours' time in service unless already accomplished. Aircraft inspected prior to issuance of this AD must also comply with the repetitive inspections, rework and/or repairs specified in (b), (c), (d), and (e).

(b) The upper front and center spar caps must be reinspected at intervals not to exceed 1,600 hours' time in service.

(c) The lower front and center spar caps must be reinspected at intervals not to exceed 3,250 hours' time in service.

(d) If cracks are found, FAA approved permanent rework or temporary repair of the spar cap is required prior to further flight except ferry flight in accordance with provisions of CAR 1.76. Temporary repairs may be made per Douglas Rework Drawing 5611387, or FAA approved equivalent, providing crack limitations as established on this drawing have not been exceeded. Douglas DC-7 Service Bulletin No. 167 revised June 3, 1960, contains an FAA approved permanent rework consisting of Kit X plus the appropriate kits from the following list as indicated on Page 4 of the service bulletin: A, B, C, D, E, S, U, H, J, K, L.

(e) Aircraft incorporating a temporary repair must be reinspected at intervals not to exceed 750 hours' time in service pending the accomplishment of an FAA approved permanent rework. Permanent rework must be accomplished within 4,200 hours' time in service after incorporating the temporary repair.

(f) The special inspections specified in this AD are no longer required after an FAA approved permanent rework is accomplished.

(Douglas DC-7 Service Bulletin No. 167 revised June 3, 1960, covers this subject.)

This amendment shall become effective April 11, 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 March 6, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-2143; Filed, Mar. 10, 1961; 8:45 a.m.]

[Reg. Docket No. 291; Amdt. 42]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C62 Aircraft Tires

Proposed § 514.67 establishing minimum performance standards for aircraft tires, high speed and low speed, for use on civil aircraft of the United States, was published in 25 F.R. 10433.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments from airline operators questioned the need for the TSO. With the high speed and high weight jet transports, it is necessary that tires be substantiated to specific standards based on load-speed-time schedule simulating actual airplane operation on the runway. The need for "skid depth" and "reinforced" markings on tires was questioned. Skid depth dimensions are critical and no increases in the skid depth should be made unless the tire is requalified to all of the TSO standards. Therefore, the original skid depth should be known. Regarding the marking "reinforced", certain load-speed-time test schedules are such that a reinforced tire may be necessary. Therefore, any recapping should be accomplished with a reinforced tread. Comments were also received requesting clarification of certain of the quality control requirements. In this connection, it should be pointed out that the quality control provisions apply only to production tires. In addition, the provision regarding the inspections and tests by the FAA at the manufacturer's facility has been clarified to show that the tests referred to therein are production tests only.

Comments on the referenced FAA Standard dated September 1, 1960, also were received. Changes are being made to the standard in line with these comments and the standard will be reissued and dated February 15, 1961. In this connection, paragraph 5.1.1 is being clarified relative to test procedures for helicopter tires. A tire qualified as an airplane tire is automatically qualified for certain increased loads when it is used on a helicopter. Paragraph 5.3 is being changed to add cross reference to paragraph 5.1.3 which is also applicable but was inadvertently omitted. In paragraph 5.4 the reference to inflation pressure as a basis for establishing ply rating is removed and ply rating is established on the basis of only the static or dynamic load requirement, whichever is more critical. All of these changes are of a clarifying nature.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.67 is added as follows:

§ 514.67 Aircraft tires—TSO–C62.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New type and new design tires, manufactured on or after the effective date of this section which are to be used on civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires"[1] dated February 15, 1961.

(b) *Marking.* In lieu of the marking requirements of § 514.3, aircraft tires shall be legibly and permanently marked with the following information:

(1) Brand name or name of the manufacturer responsible for compliance and the country of manufacture if outside the United States.

(2) The type, size, ply rating, and serial number.

(3) The qualification test speed and skid depth when the test speed is greater than 160 m.p.h., also, the word "reinforced" if applicable.

(4) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* (1) One copy of the following data shall be furnished the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance: tire type and size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, tire weight and a summary of the load-speed-time parameters used in the high speed dynamometer tests.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(d) *Quality control.* Tires shall be produced under a quality control system, established by the manufacturer, which will assure that each tire is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (3) of this section. A representative of the Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Tire types of a specific design produced prior to the effective date of this section may continue to be manufactured under the provisions of their original design and test standards.

Effective date: April 15, 1961.

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

Issued in Washington, D.C., on March 6, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61–2144; Filed, Mar. 10, 1961; 8:45 a.m.]

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Claims Arising Out of Nonappropriated Funds Activities; Protection of Assets

Sections 836.160 to 836.165 are revised as follows:

Sec.
836.160 Purpose.
836.161 Claims.
836.162 Personnel claims.
836.163 Customer complaints.
836.164 Workmen's Compensation claims.
836.165 Contract claims; contract provisions and procedures.

AUTHORITY: §§ 836.160 to 836.165 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 176–8, January 28, 1960 and AFR 176–8A, November 30, 1960.

§ 836.160 Purpose.

Sections 836.160 to 836.165 cover procedures for the settlement of insured and uninsured claims and losses.

§ 836.161 Claims.

Any claim arising from an accident or incident involving the act or omission of employees of a nonappropriated fund activity in connection with its property or services will be settled in the manner indicated in paragraphs (a) and (b) of this section:

(a) *In the United States, its territories and possessions.* Except for payment, claims will be processed and settled in the manner authorized in the Federal Tort Claims Act (28 U.S.C. 2672) or the Military Claims Act (10 U.S.C. 2733) as appropriate or as directed in § 836.163.

(b) *In areas outside the United States, its territories and possessions.* Except for payment, claims will be processed and settled in the manner authorized in the Military Claims Act (10 U.S.C. 2733); in the Foreign Claims Act (10 U.S.C. 2734); as authorized by treaties or agreements between the United States and the foreign governments concerned; or as directed in § 836.163.

§ 836.162 Personnel claims.

Except for payment, the claim of a civilian employee of a nonappropriated fund activity for damage or loss of personal property incident to his service will be processed and settled in the manner authorized in the Military Personnel Claims Act (10 U.S.C. 2732). Such settlements shall be final and conclusive.

§ 836.163 Customer complaints.

Officers in charge of a nonappropriated fund revenue producing activity will settle a customer complaint type sales or service claim, or a supplier contract dispute by a cash payment, service, or replacement in kind.[1]

§ 836.164 Workmen's Compensation claims.

Nonappropriated fund civilian employees in the United States and all U.S. citizens or permanent residents of the United States or a Territory in oversea areas will be provided the compensation benefits for disability or death resulting from injury, under the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by law. Their benefits are provided under procedures prescribed by the Bureau of Employees Compensation (20 CFR Parts 01 and 91). Excluded from that coverage are employees in oversea areas who are neither U.S. citizens nor permanent residents of the U.S. or of the Territory. Their benefits will be the same as provided by local laws or customs.

§ 836.165 Contract claims; contract provisions and procedures.

The officer who is responsible for preparing a nonappropriated fund contract, agreement, or purchase order will:

(a) Insert the following clause:

Definition. As used in this contract, the term "contracting officer" means the person executing or administering this contract on behalf of the nonappropriated fund which is a party hereto, or his successor or successors.

(b) Insert the following clause:

Nonappropriated fund activity. The (Insert here the name of the contracting activ-

[1] Examples: Breach of warranty, defective service, errors, shortages, deficiencies, etc.

ity) is a nonappropriated fund activity of the Department of the Air Force. No appropriated funds of the United States shall become due or be paid to the contractor by reason of this contract.

(c) Insert the following clause in each contract, purchase order or agreement, except those listed in paragraph (d) of this section:

Disputes. Except as otherwise provided in this contract, any dispute or claim concerning this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall state his decision in writing and mail or otherwise furnish a copy of it to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the [2] and the decision of the [3] shall be final and conclusive; provided that, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. The Contractor shall be afforded an opportunity to be heard and to offer evidence in support of any appeal under this clause; pending final decision of such a dispute, however, the Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the Contracting Officer.

(d) In lieu of the clause quoted in paragraph (c) of this section, insert the following clause in each contract, purchase order or agreement entered into in a major oversea command and to be performed outside the United States:

Disputes. Except as otherwise provided in this contract, any dispute or claim concerning it that cannot be settled by agreement shall be decided by the Contracting Officer, who shall state his decision in writing and mail (or otherwise furnish) a copy of it to the Contractor. Within 30 days from the date the Contractor receives such copy, he may appeal that decision by mailing (or otherwise furnishing) to the Contracting Officer a written appeal addressed to the major commander designated by the Contracting Officer; the decision of that major commander or his representative authorized to hear such appeals (not the Contracting Officer for this contract), shall be final and conclusive when the amount involved in the appeal is $50,000 or less, except that, if the Contractor does not appeal within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. If the amount involved is more that $50,000, however, the Contractor may, within 30 days after he receives the decision of the above major commander, make further written appeal to the [4] and the decision of the [5] shall be final and conclusive, except that, if no such further appeal is made within the said 30 days, the decision of the major commander shall be final and conclusive. In connection with any appeal under this clause, the Contractor shall be afforded an opportunity to be heard and to offer supporting evidence; pending final decision of such a dispute the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(e) Amend existing nonappropriated fund contracts or agreements or purchase orders, if the contractor is willing, to include the appropriate "disputes" clause (see paragraphs (c) and (d) of this section).

(f) Prepare decisions and process appeals under the "Disputes" clause pursuant to Subpart E, Part 1054, Subchapter J of this chapter. Proceedings before the Armed Services Board of Contract Appeals will be governed by § 30.1, Part 30 of this title.

NOTE: The coverage extended by these disputes articles is somewhat broader than that provided by the disputes articles used in appropriated fund contracts; see Subchapter A, Chapter I of this title and Subchapter J of this chapter.

(g) Refer for payment by the nonappropriated fund against which the appeal was filed, those decisions under the "Disputes" clause or, in settlement of a pending matter, under the clause which requires payment to the contractor.

(h) When the nonappropriated fund governing body considers it necessary, require a contractor or vendor with whom the fund has a contract for goods or services, to post collateral or a performance bond to protect the fund from any loss by insuring the fulfillment of the contract.

(i) In exceptional cases where the established procedures may not be applicable to certain types of claims arising out of nonappropriated fund activities, submit the case to the Air Force Welfare Board, Headquarters USAF, Washington 25, D.C., for resolution.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 61-2139; Filed, Mar. 10, 1961; 8:45 a.m.]

[2] Insert "Armed Services Board of Contract Appeals" in all contract dispute clauses applicable to contracts of the Army and Air Force Exchange Service, the Army and Air Force Motion Picture Service and any other nonappropriated fund activity not operated under the exclusive control of the Army or the Air Force. Insert "Secretary of the Air Force," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[3] Insert "Board" when appeal is to be addressed to the Armed Services Board of Contract Appeals. Insert "Secretary, or his duly authorized representative for the hearing of such appeals," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[4] Insert "Armed Services Board of Contract Appeals" in contract dispute clauses applicable to contracts of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service and any other nonappropriated fund activity not operated under the exclusive control of the Army or the Air Force. Insert, "Secretary of the Air Force" in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

[5] Insert "Board" when appeal is to be addressed to the Armed Services Board of Contract Appeals. Insert "Secretary, or his duly authorized representative for the hearing of such appeals," in dispute clauses pertaining to all other Air Force nonappropriated fund activities.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 211—REAL ESTATE ACTIVITIES OF THE CORPS OF ENGINEERS IN CONNECTION WITH CIVIL WORKS ACTIVITIES

Conveyances for Public Port or Industrial Facilities

New §§ 211.141 through 211.147 are added, to read as follows:

Sec.
211.141 Statutory provisions.
211.142 Definitions.
211.143 Delegations.
211.144 Notice.
211.145 Filing of application.
211.146 Price.
211.147 Conveyance.

AUTHORITY: §§ 211.141 to 211.147 issued under sec. 108(d), 74 Stat. 487.
SOURCE: Regs. Jan. 11, 1961, ENGRE-MI.

§ 211.141 Statutory provisions.

Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

§ 211.142 Definitions.

(a) *This Act.* The term "this Act" shall mean Section 108 of the Act of Congress approved 14 July 1960 (74 Stat. 486).

(b) *Land.* Any land under the jurisdiction of the Department of the Army acquired for a project which was authorized for water resource development purposes.

(c) *Project.* Any project under the jurisdiction of the Department of the Army which was authorized for water resource development purposes.

(d) *Agency.* The term "agency" shall mean any state, political subdivision thereof, port district, port authority, or other body created by a state or through a compact between two or more states for the purpose of developing or encouraging the development of public port or industrial facilities.

(e) *District Engineer.* The term "District Engineer" shall mean the District Engineer of the United States Army Engineer District having immediate jurisdiction over the land available for conveyance.

§ 211.143 Delegations.

(a) The Chief of Engineers and/or the Director of Civil Works (Assistant to the Chief of Engineers for Civil Works) is hereby delegated authority to determine:

(1) That the development of public port or industrial facilities on land within a project will be in the public interest;

(2) That such development will not interfere with the operation and maintenance of the project;

(3) That disposition of the land for these purposes under this Act will serve the objectives of the project;

(4) If two or more agencies file applications for the same land, which agency's intended use of the land will best promote the purposes for which the project was authorized; and

(5) The conditions, reservations and restrictions to be included in a conveyance under this Act.

(b) The District Engineer is hereby delegated authority to:

(1) Give notice of any proposed conveyance under this Act and to afford an opportunity to interested eligible agencies in the general vicinity of the land to apply for its purchase as hereinafter provided; and

(2) Determine the period of time in which applications for conveyances may be filed.

§ 211.144 Notice.

The District Engineer shall give notice of the availability of any land for conveyance under this Act and afford an opportunity to eligible agencies in the general vicinity of the land to apply for its purchase (a) by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within the State in which the available land is located and, if any agency of an adjoining State or States may have an interest in the development of such land for public port or industrial facilities, by publication at least twice at not less than 15 day intervals in two newspapers having general circulation within such State or States, and (b) by letters to all agencies who may be interested in the development of public port or industrial facilities on the available land.

§ 211.145 Filing of application.

Any agency interested in the development of public port or industrial facilities upon the available land shall file a written application with the District Engineer within the time designated in the public notice. The application shall state fully the purposes for which the land is desired and the scope of the proposed development.

§ 211.146 Price.

No conveyance shall be made for a price less than the fair market value of the land.

§ 211.147 Conveyance.

Any conveyance of land under this Act will be subject to the final approval of the Secretary of the Army and will be by quitclaim deed executed by the Secretary of the Army.

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

[F.R. Doc. 61-2140; Filed, Mar. 10, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.86 is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
1,4-Butanediol	1 part per million	Component of marking ink used on fruits and vegetables.
Caproic acid	do	Do.
Diethylene glycol monobutyl ether	do	Do.
Diisobutyl ketone	2 parts per million	Do.
Methoxy butyl alcohol	15 parts per million	Do.
Phenol-formaldehyde resin	1 part per million	Do.
Silicon dioxide, fumed	1 persent	A free-flowing agent in salt and sodium bicarbonate.

2. Section 121.87(a) is amended by adding the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

(a) *General list.* * * *

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
Disodium cyanodithioimidocarbonate.		Component of slimicide in manufacture of paper and paperboard.
Ethanolamine		Do.
Phthalocyanine blue		Used in linings of storage tanks to hold beer, ale, wines, and alcoholic beverages.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342)

Dated: March 3, 1961.

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

[F.R. Doc. 61-2161; Filed, Mar. 10, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.86 is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of and additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 409 of the act, whichever occurs first:

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
Diethylene glycol rosin ester of fumaric acid.		Component of coating for citrus, apples, potatoes, cucumbers, and bell peppers.
Pentaerythritol ester of rosin-fumaric acid adduct.		Do.
Sodium salt of sulfonated petroleum		Do.
Terpene phenolic resin		Do.

2. Section 121.87 is amended by adding to paragraph (a) the following items and by adding a new paragraph (g):

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.* * * *

Product	Limits	Specified uses or restrictions
* * *	* * *	* * *
N-Butylidene aniline (butyral-dehyde-aniline).		Component of rubber products used in food handling.
3-5-Dimethyl tetrahydro-1-3-5 thiadiazine-2-thione.		Slime control agent used in manufacture of paper and paper board for food packaging.
2-Mercapto-4,4,6-trimethyldihydropyrimidine.		Component of rubber products used in food handling.
Octylphenoxy polyethoxy ethanol (5–13 mols ethylene oxide).	1 part per million	Spray adjuvant on fruits and vegetables.

* * * * *

(g) *Components of adhesives for containers to be used for dry food packaging.* In addition to the requirements set forth in the introduction to this section, the following additives may be used in adhesives for packaging materials for dry foods under the condition that a minimum quantity of the additive from the adhesive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods and a number of these substances may be found on other lists previously published, these are being included pending the completion of additional scientific work involving them.

(1) *Adhesive bases.*

Ammonium polyacrylate.
Ammonium salt of a copolymer of ethylene and maleic anhydride.
Ammonium salt of a copolymer of styrene and maleic anhydride.
Bisphenol-epichlorohydrin resins.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-acrylonitrile-styrene latex.
Cellulose acetate-propionate polymer.
Coumarone-indene resin.
Damar.
Elemi gum.
Ethylene-vinyl acetate copolymer.
Ethyl hydroxyethyl cellulose polymer.
Glyceryl ester of damar, copal, elemi, and sandarac.
Hydroxypropyl methylcellulose polymer.
Isobutylene and isoprene copolymer.
Lignin sulfonate calcium salt.
Lignin sulfonate sodium salt.
Maleic anhydride-vinyl condensates.
Neoprene polymer.
Phenol-coumarone-indene resin.
Phenol-formaldehyde resin.
Pimaric acid, abietic acid, and/or rosin constituents polymers.
Pinene, polymerized.
Polybutadiene.
Polybutyl methacrylate.
Polyethyl acrylate.
Polyethyl methacrylate.
Polymethyl methacrylate.
Polymethyl styrene.
Polyvinyl acetate and copolymer emulsions.
Polyvinyl acetate and copolymer resins.
Polyvinyl chloride and copolymer resins.
Polyvinyl chloride and copolymer emulsions.
Polyvinyl formal.
Polyvinyl stearate.
Polyvinylidene chloride and copolymer resins.
Polyvinylidene chloride and copolymer emulsions.
Poppyseed oil.
Potassium salt of a copolymer of ethylene and maleic anhydride.
Potassium salt of a copolymer of styrene and maleic anhydride.
Protein, soybean.
Rosins—Wood, gum, and tall oil and dimers thereof, and these substances as modified by the following reactants:
  Octylphenol.
  Pentaerythritol.
  Polyethylene glycol.
Sandarac.
Styrene-acrylonitrile copolymer.
Styrene-carboxyl copolymer.
Styrene-isobutylene copolymer.
Styrene methacrylic acid copolymer.
Styrene methacrylic copolymer potassium.
Sunflower oil.

(2) *Pigments and fillers.*

Aluminum potassium silicate (mica).
Calcium metasilicate.
Sodium calcium silicate.
Titanium dioxide-barium sulfate.
Titanium dioxide-calcium sulfate.
Titanium dioxide-magnesium silicate.
Zinc sulfide.

(3) *Plasticizers.*

Alkylated aromatic hydrocarbon where the alkylated compound may be benzene or naphthalene or their homologs; alkylating agents are C_7–C_{12} olefins.
2-Biphenyl diphenyl phosphate.
Butoxy polypropylene glycol oleate.
Castor oil.
Castor oil, hydrogenated.
Chlorinated terphenyl.
Coconut oil.
di-(2-Ethylhexyl) phthalate.
Dioctyl sebacate.
Dipropylene glycol.
Epoxidized soybean oil.
Fish oil.
1,2,6-Hexanetriol.
Hydrogenated terphenyl.
Kerosene oil.
Kerosene oil, deodorized.
Methyl ricinoleate.
o-Nitro biphenyl.
Oiticica oil.
Palm oil.
Peanut oil, sulfated.
Pentaerythritol tetrastearate.
Phenoxypolyethylene glycol.
Polyalkylene glycol.
Polyester resins.
Polyoxyethylated castor oil.
Polyoxyethylated fatty alcohols.
Polyoxyethylated oleyl alcohol.
Polypropylene glycol (150–3,000 molecular weight).
Sodium ricinoleate.
Soybean oil.
Stearyl citrate (mono-, di,- and tri-).
Sucrose octaacetate.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecyl sulfosuccinate.
Tin stearate.
Triacetin (glyceryl triacetate).
Triethyl citrate.
Triethylhexyl phosphate.
3-(2-Xenolyl)-1,2-epoxypropane.

(4) *Preservatives (maximum percent in adhesives as indicated).*

	Percent
Alkyl dimethyl benzyl ammonium chloride	0.5
Benzoic acid	1.0
p-Benzoxyphenol	0.5
p-Benzyloxyphenol	0.5
p-Chlorometacresol	0.5
Coconut amine salt of tetrachlorophenol	0.5
Copper sulfate	0.5
p-Formaldehyde	0.5
Methylparaben (methyl *p*-hydroxybenzoate)	1.0
Pentachlorophenol	0.5
Propylparaben (propyl *p*-hydroxybenzoate)	1.0
Sodium benzoate	1.0
Sodium dehydroacetate	0.5
Sodium diacetate	1.0
Sodium salicylate	1.0
Sodium salt of mercaptobenzothiazole	0.5
Thymol	0.5
Zinc napthenate and dehydrobiethyl amine mixture	0.5

(5) *Solvents.*

Amyl acetate.
Benzene (benzol).
Benzyl alcohol.
Butoxy-ethoxy propanol.
n-Butyl alcohol.
Butyl alcohol, *tert.*
Butyl lactate.
Chloroform.
Diethylene glycol monobutyl ether.
Diisobutyl ketone.
Diisoheptane.
Dipentene.
Ethylene glycol monobutyl ether acetate.

Ethylene glycol monoethyl ether ricinoleate.
Ethyl formate.
Glycol diacetate.
Hexadecanol.
Isophorone.
Methyl isobutyl ketone.
Perchloroethylene.
Tetrahydrofuran.
1,1,2-Trichloroethane.
Trichloroethylene.

(6) *Antioxidants.*

4,4-thiobis-6-*tert*-Butyl-*m*-cresol.
Butylated hydroxyanisole.
Butylated hydroxytoluene.
N,N'-Diphenyl-*p*-phenylenediamine.
p-Isopropoxy diphenylamine.
Phenol monosulfide, polyalkylated.
Polymerized trimethyl dihydroquinoline.
p-(*p*-Tolyl sulfanilamide) diphenylamine.

(7) *Surface-active agents, including defoamers (maximum percent in adhesive 1.0 percent).*

Amine, secondary (hexadecyl, octadecyl) of hard tallow.
Ammonium linoleate.
Butyl ricinoleate.
Diethylene glycol laurate.
Myristyl (tetradecyl) sulfate, sodium.
Nonyl phenolethylene oxide condensates (with 40 mols ethylene oxide).
Polyethylene glycol 1900 di-*sec*-butylphenyl ether.
Polyethylene glycol monoisooctylphenyl ether.
Polyoxyalkylene glycol (800 to 4000 molecular weight).
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).
Potassium oleate.
Potassium stearate.
Sodium alkyl aryl sulfonate.
Sodium decylsulfate.
Sodium oleate.
Sodium palmitate.
Sodium salt of naphthalene sulfonic acid condensed with formaldehyde.
Sodium stearate.

(8) *Miscellaneous.*

Aldol-naphthylamine.
1-Alkyl-(C_6-C_{18}) amino-3-amino-propane monoacetate.
Aluminum calcium silicate.
Aluminum hydrate.
Aluminum hydroxide.
Aluminum oleate.
Aluminum palmitate.
Ammonium bifluoride.
Ammonium thiocyanate.
Barium sulfate.
Benzothiazyl disulfide.
Butyl stearate.
Calcium ethyl acetoacetate.
Calcium oleate.
Camphor.
Dehydroacetic acid.
Diethanolamine.
Fumaric acid.
Glutaro-aldehyde.
Glyceryl monooleate.
Glyceryl monoricinoleate.
Glyceryl monostearate.
Hexamethylene tetramine.
Hydrofluoric acid.
Hydrogenated fish oil.
1-(2-Hydroxyethyl)-1-(4-chlorobutyl)-2-alkyl-(C_6-C_{17}) imidazolinium chloride.
β-Hydroxyethyl pyridinium salt of 2-mercaptobenzothiazole.
Isopropanol amine (mono-, di-, tri-).
Linoleamide (linoleic acid amide).
Magnesium fluoride.
Maleic acid.
Melamine.
2-Mercaptobenzothiazole.
Methacrylate chromic chloride complex.
2,2-Methylene-bis(4-methyl-6-nonyl phenol).
1-Methyl-2-hydroxy-4-isopropyl benzene.
Monoethanolamine.
n-Oxydiethylene benzothiazol.
Palmitamide (palmitic acid amide).
o-Phthalic acid.
Polyethylene.
Polyethylene (branched and linear).
Polyethylene wax.
Polypropylene.
Polytetrafluoroethylene.
Polyurethane resin.
Potassium phosphate (mono-, di-, tri-).
Potassium ricinoleate.
Potassium tripolyphosphate.
Sodium aluminate.
Sodium aluminum pyrophosphate.
Sodium aluminum sulfate.
Sodium bisulfate.
Sodium dehydroacetate.
Sodium fluoride.
Sodium hydrosulfite.
Sodium phosphoaluminate.
Sodium polystyrene sulfonate.
Sodium thiocyanate.
Stannous chloride.
Stearamide (stearic acid amide).
Sulfamic acid.
Sulfur.
Terpene phenolic resins.
Terpene resins.
Tetraethylene pentamine.
Tetraethylthiuram disulfide.
Tetramethylthiuram monosulfide.
Thiram.
Zinc diethyldithiocarbamate.
Zinc hydrosulfite.
Zinc resinate.
Zinc salt of mercaptobenzothiazole.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 72 Stat. 1788; 21 U.S.C. note under secs. 342, 371)

Dated: March 3, 1961.

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

[F.R. Doc. 61-2162; Filed, Mar. 10, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM CHLORIDE DOUBLE SALT OF CALCIUM PANTOTHENATE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additives calcium chloride double salt of *d*-calcium pantothenate and calcium chloride double salt of *dl*-calcium pantothenate for use in special dietary foods. Therefore, pursuant to the provisions of the 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 Subpart D of the food additive regulations (21 CFR Part 121) be amended by adding thereto the following new section:

§ 121.1037 Calcium pantothenate (calcium chloride double salt).

The food additive calcium chloride double salt of calcium pantothenate may be safely used in foods for special dietary uses in accordance with good manufacturing practice and under the following prescribed conditions:

(a) The food additive is of the *d* (dextrorotatory) or the *dl* (racemic) form.

(b) To assure safe use of the additive, the label and labeling of the food additive container, or that of any intermediate premixes prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive "calcium chloride double salt of *d*-calcium pantothenate" or "calcium chloride double salt of *dl*-calcium pantothenate", whichever is appropriate.

(2) A statement of the appropriate concentration of the additive, expressed as pantothenic acid.

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: March 6, 1961.

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

[F.R. Doc. 61-2160; Filed, Mar. 10, 1961; 8:47 a.m.]

SUBCHAPTER C—DRUGS

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

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

Benzathine Penicillin G Oral Suspension; Chlortetracycline Ophthalmic

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.69, 146c.206) are amended as follows:

1. Section 146a.69(c)(1)(v) is amended to read:

§ 146a.69 **Benzathine penicillin G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder).**

* * * * *

(c) *Labeling.* * * *

(1) * * *

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that if it is the dry mixture of the drug the blank may be filled in with the date that is 36 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him conforms with the standards prescribed by paragraph (a) of this section.

2. Section 146c.206(c)(1)(iii) is amended to read as follows:

§ 146c.206 **Chlortetracycline ophthalmic (chlortetracycline hydrochloride ophthalmic); tetracycline hydrochloride ophthalmic.**

* * * * *

(c) * * *

(1) * * *

(iii) The statement "Expiration date ----------," the blank being filled in with the date that is 48 months, if it is chlortetracycline ophthalmic; or if it is tetracycline hydrochloride ophthalmic, the blank is filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

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

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

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

Dated: March 6, 1961.

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

[F.R. Doc. 61-2159; Filed, Mar. 10, 1961; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Revision 2), Amdt. 6]

RESIDUAL FUEL OIL TO BE USED AS FUEL

1. Amendment 4 dated January 19, 1961 (26 F.R. 782) to Oil Import Regulation 1 (Revision 2) is revoked.

2. Section 6 of Oil Import Regulation 1 (Revision 2) is revoked. However, those persons whose allocations for the period January 1, 1961 through March 31, 1961 were delayed pursuant to the provisions of that section shall be reimbursed in the allocation period beginning April 1, 1961.

3. Sections 3, 4, 5, 9, 13, and 22 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4957, 13768; 26 F.R. 782) are severally amended to read as follows and new sections 12 and 12a, reading as follows, are added to that regulation:

Sec. 3. Allocation periods.

Allocations of imports of crude oil, unfinished oils, and finished products will be made for periods of six months beginning July 1 and January 1, respectively, except that effective April 1, 1961, allocations of imports into District I and into Districts II–IV of residual fuel oil to be used as fuel will be made for periods of twelve months, April 1 through March 31.

Sec. 4. Eligibility for allocations.

(a) To be eligible for an allocation of imports of crude oil and unfinished oils in Districts I–IV or in District V, a person must (1) have refinery capacity in the respective districts and (2) in respect of the allocation period July 1, 1959 through December 31, 1959, and each successive allocation period thereafter have had refinery inputs in the respective districts for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have refinery capacity in Puerto Rico and must have had refinery inputs in Puerto Rico during the months of July, August, and September of the year 1958.

(c) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Districts I–IV or District V, a person must have imported such products into the respective districts during the calendar year 1957.

(d) To be eligible for an allocation of imports into District I of residual fuel oil to be used as fuel a person must:

(1) Have imported residual fuel oil used as fuel into District I during the calendar year 1957, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel, and at the time an application for an allocation is made have under his management and operational control a deep-water terminal located in District I, and for the allocation period April 1, 1961 through March 31, 1962, have had terminal inputs into such deep-water terminal during the year ending September 30, 1960, and for each successive yearly allocation period have had terminal inputs into his deep-water terminal during the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(e) To be eligible for an allocation of imports into Districts II–IV or into District V of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(f) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Puerto Rico, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(g) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Puerto Rico, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(h) A person is not eligible individually for an allocation of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

Sec. 5. Applications for allocations.

(a) With respect to the allocation period January 1, 1960, through June 30, 1960, and each successive allocation period thereafter, an application for allocations of imports of crude oil and unfinished oils must be filed with the Administrator, in such form as he may

prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

(b) (1) For the allocation period April 1, 1961, through March 31, 1962, an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than March 20, 1961. Applications which were filed pursuant to Amendment 4, dated January 19, 1961, to this regulation will not meet the requirement of this subparagraph but a new application must be filed on the new forms which may now be obtained from the Administrator, Oil Import Administration, Department of the Interior, Washington 25, D.C.

(2) For the allocation period beginning April 1, 1962, through March 31, 1963, and each successive allocation period thereafter an application for an allocation of imports into District I of residual fuel oil to be used as fuel must be filed with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday or holiday, the application may be filed on the next succeeding business day.

(c) (1) Each application for an allocation of imports of finished products other than residual fuel oil to be used as fuel which was granted for the allocation period July 1, 1960, through December 31, 1960, shall be considered to be a continuing application.

(2) Each application for an allocation of imports into Districts II–IV of residual fuel oil to be used as fuel granted for the allocation period April 1, 1961, through March 31, 1962, shall be considered to be a continuing application.

(3) Once a continuing application is on file an eligible applicant need not thereafter file an application and an application for a license for each allocation period will be mailed to him by the Oil Import Administration. The failure of an eligible applicant to return an application for a license will be regarded as an abandonment by the applicant of his continuing application for an allocation and no applications for licenses will thereafter be sent to him unless he files a new application for an allocation as provided in paragraph (d) of this section.

(d) An applicant who has no continuing application on file must, in order to receive an allocation of imports of residual fuel oil to be used as fuel or an allocation of imports of other finished products, file an application for an allocation with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. An application so filed by an eligible applicant will be regarded as a continuing application and subject to the provisions of paragraph (c) of this section.

* * * * *

Sec. 9. Determination of quantities available for allocation.

(a) Prior to the beginning of each allocation period the Administrator shall determine in accordance with the limitations imposed by section 2 of Proclamation 3279, as amended, the quantities of imports of crude oil and unfinished oils and finished products other than residual fuel oil to be used as fuel which are available for allocation in Districts I–IV and in District V.

(b) Prior to April 1 of each year and for the allocation period which will begin on that day, the Bureau of Mines shall estimate the demand in District I for residual fuel oil to be used as fuel and the domestic production of that product in District I, transfers from crude, and the domestic supply from other Districts and Puerto Rico of that product to District I. If the estimates of the Bureau indicate that domestic production and supply will not be sufficient to meet demand, an adjustment will be made, pursuant to paragraph (e) of section 2 of Proclamation 3279, as amended, in the maximum level of imports into District I of residual fuel oil to be used as fuel adequate to meet the deficit indicated for the ensuing allocation period.

* * * * *

Sec. 12. Allocations of residual fuel oil to be used as fuel in District I.

(a) (1) If during the calendar year 1957 an applicant imported into District I residual fuel oil used as fuel, he shall be entitled, for the allocation period April 1, 1961, through March 31, 1962, to an allocation of imports into District I of residual fuel oil to be used as fuel equal to 85 percent of the ratio that the applicant's imports during the calendar year 1957 into District I of residual fuel oil used as fuel bore to all such imports into District I during that year multiplied by the total amounts of imports into District I of residual fuel oil to be used as fuel available for allocation during the allocation period April 1, 1961, through March 31, 1962, under this section.

(2) For each allocation period following the period ending March 31, 1962, an applicant who during the calendar year 1957 imported into District I residual fuel oil used as fuel shall be entitled to an allocation on the basis provided by subparagraph (1) of this paragraph except that the percentage of the ratio mentioned in subparagraph (1) of this paragraph shall be reduced by three percentage points for each succeeding allocation period.

(b) Except as provided in paragraph (a) of this section and unless an allocation under paragraph (a) of this section would be larger, each person who is an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation shall receive, for the allocation period April 1, 1961, through March 31, 1962, from the quantity of imports of residual fuel oil to be used as fuel which is available for allocation on the basis of terminal inputs (after allocations have been made on the historical basis as provided in paragraph (a) of this section) an allocation of imports into District I of residual fuel oil to be used as fuel based on the applicant's terminal inputs for the year ending September 30, 1960, and computed according to the following schedule:

Average B/D input:	*Percent of input*
0–1,000	100
1–5,000	41
5–10,000	29
10–30,000	16
30,000 plus	10

(c) (1) Terminal inputs shall be computed only as provided in this paragraph (c).

(2) In order to constitute a terminal input a delivery into a deep-water terminal (or a withdrawal as provided in subparagraph (5) of this paragraph) must have occurred during the year ending September 30, 1960.

(3) An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which was delivered into a deep-water terminal in District I under his management and operational control if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep-water terminal in District I. However, an eligible applicant must reduce his terminal inputs by the quantity of residual fuel oil to be used as fuel which, while owned by him, was transferred during the period from his deep-water terminal in District I to another deep-water terminal in District I if upon the transfer title passed to another person who was in the business of selling such oil in District I and had a deep-water terminal in that District and the required inputs and therefore was an eligible applicant under subparagraph (2), paragraph (d), section 4 of this regulation. In the latter instance, the quantity so transferred may be claimed as a terminal input by the transferee.

(4) An eligible applicant who has under his management and operational control a deep-water terminal in District I may also count as a terminal input residual fuel oil to be used as fuel which the applicant (i) owned, (ii) sold to a Federal agency or to a person who was not in the business of selling residual fuel oil to be used as fuel and (iii) delivered to a deep-water terminal in District I under the management and operational control of such agency or person, provided that such delivery constituted the first delivery of that oil to a deep-water terminal in District I.

(5) No residual fuel oil to be used as fuel may be counted as a terminal input when it is placed, or so long as it remains, in bonded storage at a deep-water terminal in District I. An eligible applicant may count as a terminal input residual fuel oil to be used as fuel which he owned when it was placed in bonded storage in a deep-water terminal under his management and operational control in District I if such oil was withdrawn from

bonded storage for use in District I or for bunkering ships in the coastwise trade, except as provided in subparagraph (6) of this paragraph. The provisions of this subparagraph do not apply to transfers between deep-water terminals which are covered by the provisions of subparagraph (3) of this paragraph.

(6) Residual fuel oil consumed by an applicant in refinery operations, as bunkers for his ships, or for any other purpose, may not be counted as a terminal input.

(d) The allocations under paragraphs (a) and (b) of this section shall be made for periods of twelve months. The Administrator shall, however, issue licenses which will permit not to exceed 20 percent of each allocation to be imported in the period April 1 through June 30, 16 percent in the period July 1 through September 30, 27 percent in the period October 1 through December 31, and 37 percent in the period January 1 through March 31. Upon a showing that compliance with the requirements of this paragraph will prevent a person from importing in full tanker cargoes or for other good cause shown the Administrator may upon written petition adjust the percentages for a particular licensing period in licenses issued to the petitioner to such a degree as in the opinion of the Administrator is necessary to afford the petitioner a reasonable measure of relief.

(e) If any part of a deep-water terminal is removed from the management and operational control of an eligible applicant by sale, transfer, lease, or any other means, the part so removed shall not constitute a separate deep-water terminal for the purpose of computing allocations based on terminal inputs. An allocation will be computed as if the transaction had not taken place. After the allocation for a particular allocation period has been so computed, the Administrator may, in his discretion, divide the allocation between the eligible applicant from whose management and operational control the part of the terminal was removed and the person who assumed management and operational control, if these persons agree upon, and request, a division.

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold only in District I for use in that District or for use as ships' bunkers.

Sec. 12a. Special allocations of residual fuel oil—District I—October 1, 1961 through March 31, 1962.

(a) Because an allocation period of twelve months is instituted in District I for the first time, this section provides a special procedure for qualifying for allocations for that District for the period October 1, 1961 through March 31, 1962 on the basis of terminal inputs occurring during the period April 1, 1961 through September 30, 1961. As all persons will henceforward be on notice of the length of the allocation period, no special procedure, such as provided in this section, will be available with respect to the allocation period beginning April 1, 1962 or succeeding allocation periods.

(b) Terminal inputs shall be computed for the purposes of this section 12a only as provided in parargraph (c) of section 12 of this regulation, except that for the purposes of this section 12a the terminal input must occur during the period April 1, 1961 through September 30, 1961.

(c) The Administrator shall withhold from allocation under section 12 of this regulation approximately 2 percent of the total quantity of imports into District I of residual fuel oil to be used as fuel available for allocation for the allocation period April 1, 1961 through March 31, 1962. From the amount so withheld, the Administrator shall allocate for the period October 1, 1961 through March 31, 1962 imports into District I of residual fuel oil to be used as fuel to any person:

(1) Who is in the business in District I of selling residual fuel oil to be used as fuel, and

(2) Who, during the year ending September 30, 1960, had no terminal inputs into a deep-water terminal in District I under his management and operational control, and

(3) Who during the period April 1, 1961, through September 30, 1961, has had terminal inputs into a deep-water terminal in District I under his management and operational control, and

(4) Who files, not later than October 11, 1961, with the Administrator on such form as he may prescribe an application for such an allocation.

(d) Except as provided in this paragraph, each person who meets the requirements specified in paragraph (c) of this section shall receive an allocation based on one-half of his average barrels daily of terminal inputs during the period April 1, 1961, through September 30, 1961, and computed according to the schedule contained in paragraph (b) of section 12 of this regulation. However, if the total of allocations computed on this basis with respect to all persons qualifying under paragraph (c) of this section would exceed the quantity of imports withheld by the Administrator pursuant to that paragraph, each such allocation shall be reduced in the proportion that it bears to the total of all such allocations so that the total of all such allocations finally made shall not exceed the quantity withheld. The Administrator shall issue licenses which will permit not to exceed 42 percent of each allocation made pursuant to this paragraph to be imported in the period October 1 through December 31 and 58 percent in the period January 1 through March 31. If an allocation is made under this paragraph to a person holding an allocation made on the historical basis provided in paragraph (a) of section 12 of this regulation, the latter allocation shall be canceled, all licenses issued under that allocation for the period October 1, 1961, through March 31, 1962, shall be canceled, and the allocation issued under this section 12a shall be reduced by the quantity of residual fuel oil to be used as fuel which has been imported under the licenses canceled.

(e) If less than the quantity of imports withheld by the Administrator are allocated pursuant to paragraph (d) of this section, the Administrator shall distribute the remainder to persons holding allocations under section 12 and section 12a of this regulation. Each such person shall share in the remainder in the proportion that his initial allocation (or his combined initial allocations) bears to the total allocations made under sections 12 and 12a. The Administrator shall make allocations under this paragraph not later than October 16, 1961.

(f) No person who would be ineligible as a subsidiary or an affiliate for an allocation under the provisions of paragraph (h) of section 4 of this regulation shall be entitled to an allocation under this section 12a. No person shall be entitled to an allocation under this section by reason of the fact that he assumes management and operational control of any part of a deep-water terminal which has been removed from the operational management and control of an eligible applicant by virtue of a sale, transfer, lease, or any other means.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All residual fuel oil to be used as fuel which is imported into District I under an allocation made pursuant to this section shall be sold in District I for use in that District or for use as ships' bunkers.

Sec. 13. Allocations of finished products—Districts I–IV, Districts II–IV, District V.

(a) The quantity of imports of finished products other than residual fuel oil to be used as fuel determined to be available for allocation in Districts I–IV, and in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V, for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of such products during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

* * * * *

Sec. 22. Definitions.

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "District I" comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia;

(c) "Districts II–IV" means all of the States of the United States except those States within District I and District V;

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(e) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii;

(f) "Crude oil" means crude petroleum as it is produced at the wellhead;

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification MIL–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(h) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (g) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means;

(i) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(j) The words "importation," "importing," "import," "imports," and "imported," include both entry for consumption and withdrawal from warehouses for consumption;

(k) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but (1) do not include unfinished oils which have not been imported, and (2) for the purposes of computing allocations under section 10 or section 11 of this regulation do not include crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured;

(l) "Refinery capacity" means a plant which, by further processing crude oil or unfinished oils, other than by blending by mechanical means, manufactures finished petroleum products;

(m) "Deep-water terminal" means an installation which (1) consists of bulk storage tanks, pumps, and pipelines used for the storage, transfer, and handling of residual fuel oil, (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated at 15,000 cargo deadweight tons, and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

4. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4960) is amended to read as follows:

Sec. 21. Appeals.

* * * * *

(c) The modification or grant of an allocation by the Appeals Board of imports of finished products shall become effective in the allocation period which succeeds the allocation period of such imports for which the petition was filed.

* * * * *

5. After the issuance of this Amendment 6 there will be in force Oil Import Regulation 1 (Revision 2) (25 F.R. 4957) as amended by Amendment 3 (25 F.R. 13768) and by this Amendment 6.

Allocations of imports of residual fuel to be used as fuel for District I and for Districts II–IV must be made, and licenses must be issued by, April 1, 1961. Accordingly, it is impracticable to give further notice of proposed rule making on, or to delay the effective date of, this amendment and it shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 8, 1961.

[F.R. Doc. 61–2202; Filed, Mar. 9, 1961; 2:42 p.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Teton National Park, Wyoming; Snowplanes and Boats

On page 13982 of the FEDERAL REGISTER of December 30, 1960, there was published a notice and text of proposed amendments of § 7.22, Part 7 of Title 36, Code of Federal Regulations, by the addition of two new paragraphs (f) and (g). The purpose of the amendments is to establish reasonable regulations which will provide adequate control over snowplanes and boats and insure a maximum of safety in their use.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Issued this 30th day of January 1961.

HARTHON L. BILL,
Superintendent,
Grand Teton National Park.

§ 7.22 Grand Teton National Park.

* * * * *

(f) *Snowplanes*—(1) *Permit.* No snowplane shall be operated within Grand Teton National Park without a permit from the Superintendent, who shall have authority to revoke said permit and require the immediate removal of the snowplane upon the failure of the permittee or other persons operating the snowplane to comply with the terms of the permit. This permit must be carried within the snowplane at all times, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) *Commercial operation.* No snowplane shall be used to carry passengers for hire or be used in any commercial operation without authorization of the Superintendent.

(3) *Equipment and requirements.* All snowplanes operated within the Park are subject to the following requirements:

(i) All snowplanes must be equipped with a propeller guard, consisting of a combination of horizontal, vertical, and curved steel rods or tubes attached securely to the cab and structural frame of the snowplane, and shall enclose the motor and propeller in such manner that maximum safety for snowplane users will be afforded. The Superintend-

ent shall prescribe a minimum standard for propeller guards on all snowplanes operated within the Park.

(ii) Each snowplane operated within the Park must carry one pair of Snowshoes or Skis, First Aid Kit, 25 ft. of Rope, and a Flashlight on every trip.

(4) *Registration of trip.* The operator of a snowplane shall register departure time, time of anticipated return, and trip route at one of the following stations: Jackson Lake Snowplane Parking Area, Jackson Lake Ranger Station, or Park Headquarters.

(5) *Rules of the road.* (i) The operation of any snowplane carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(ii) Failing to keep any snowplane under proper control is prohibited.

(iii) Operating any snowplane in such a manner as to cause same to collide with another snowplane, person, fixed or moving object is prohibited.

(iv) Operating a snowplane which is in an unsafe mechanical condition is prohibited.

(v) Operators of snowplanes shall comply with the instructions of all official signs regarding parking of snowplanes and trailers, hazardous and closed areas, and one-way traffic.

(vi) Snowplanes overtaking and passing slower-moving or parked snowplanes shall pass on the left; snowplanes approaching and meeting shall keep to the right.

(vii) The ignition shall be switched off and the motor stopped whenever a snowplane is parked and the operator leaves the cab. A motor shall not be idled, while parked, without an operator at the controls.

(6) *Restricted areas.* Snowplanes will not be operated within 300 feet of the upper face of Jackson Lake Dam, or on Jackson Lake north of a line between Lizard Point and the high bluffs south of the mouth of Berry Creek, as designated by warning signs, or near the Warm Springs area on the west side of Jackson Lake, or on any road open to automobile traffic.

(g) *Boats*—(1) *Permit.* No privately owned boat, canoe, raft, or other water-borne or floating craft shall be placed or operated upon the waters of Grand Teton National Park without a permit from the Superintendent, who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the boat at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(39 Stat. 535, as amended; 16 U.S.C. 1958 ed. sec. 3)

[F.R. Doc. 61-2163; Filed, Mar. 10, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2291]

[648063]

NEBRASKA

Partly Revoking Executive Order No. 2446 of August 21, 1916, Which Created the North Platte Reservation

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:

Executive Order No. 2446 of August 21, 1916, so far as it reserved the following-described lands as a preserve and breeding ground for native birds, to be known as the North Platte Reservation, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 54 W.,
Sec. 15, W½NW¼SW¼, SW¼SW¼.

The area described contains 60 acres.

The name of the Reservation was changed to North Platte National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

The lands are included in existing first form withdrawals for reclamation purposes.

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

MARCH 6, 1961.

[F.R. Doc. 61-2148; Filed, Mar. 10, 1961; 8:45 a.m.]

[Public Land Order 2292]

[1773280]

NORTH DAKOTA

Revoking Executive Order No. 8116 of May 10, 1939, Which Established the Charles Lake Migratory Waterfowl Refuge

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:

Executive Order No. 8116 of May 10, 1939, which reserved the following-described lands in North Dakota for use of the Department of Agriculture as the Charles Lake Migratory Waterfowl Refuge, the name of which was changed to Charles Lake National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 134 N., R. 93 W.,
Sec. 29;
Sec. 30, NE¼.

The areas described aggregate 800 acres.

The released lands have been patented without a reservation of minerals to the United States.

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

MARCH 6, 1961.

[F.R. Doc. 61-2149; Filed, Mar. 10, 1961; 8:45 a.m.]

[Public Land Order 2293]

[82125]

ARIZONA

Partially Revoking the Departmental Orders of January 31, 1903 and July 20, 1905—Yuma Project

By virtue of the authority vested in the Secretary of the Interior by Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of January 31, 1903, and July 20, 1905, which withdrew lands in Arizona for reclamation purposes in the second and first forms respectively, in connection with the Yuma Project, are hereby revoked so far as they affect the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 25 W.,
Sec. 36.

The area described aggregates 640 acres.

The lands are State school lands by virtue of the act of July 20, 1910 (36 Stat. 557).

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

MARCH 7, 1961.

[F.R. Doc. 61-2150; Filed, Mar. 10, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 14]

COAL-TAR PRODUCTS

Liability for Duties; Entry of Imported Merchandise; Appraisement

Notice is hereby given that the Bureau of Customs, under the authority of sections 481 and 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1481, 1484), proposes to require additional invoicing information in connection with the entry of certain imported coal-tar products, defined below, dutiable under paragraph 27 of the Tariff Act of 1930, as amended (19 U.S.C. 1001, paragraph 27), on the basis of the American selling price of any similar competitive article manufactured or produced in the United States.

The additional requirement, intended to assist customs officers in the determination of the correct identification of imports of the class defined and facilitate the comparison of foreign and domestic products with respect to the competitive provisions of paragraph 27, would be prescribed by means of an amendment of § 8.13(h) of the Customs Regulations (19 CFR 8.13(h)), adding to the list of classes of merchandise named therein the following class: Coal-tar intermediates, defined as coal-tar organic chemicals that are advanced by manufacturing processes beyond the crude state, generally used for producing either still more advanced intermediates or finished products.

The Treasury decision adding this class of foreign merchandise to the list in § 8.13(h) would specify the technical information required to be furnished, in addition to all other information required by law or regulation, on or in connection with special customs or commercial invoices, as follows:

SCHEDULE X (IMPORT)

Coal-tar intermediates, defined as coal-tar organic chemicals, advanced by manufacturing processes beyond the crude state, generally used for producing still more advanced intermediates or finished products—

1. Invoice name of product;
2. (a) Trade name, (b) Chemical abstracts name;
3. Name of manufacturer;
4. Name(s) under which sold in country of production;
5. List other foreign manufacturers and names under which sold (if none or unknown, so state);
6. List name(s) of comparable American-made product with name(s) of U.S. manufacturer(s) (if none or unknown, so state);

If a product inserted in either item 5 or 6 is known to be sold by anyone as a fast color base, fast color salt, napthol AS or derivative, or as an assistant in preparing or finishing textiles, also so indicate.

7. (a) Commercial grade (selling basis) and percentage of active ingredient, (b) Molecular weight;
8. Assay or analysis method, reference;
9. Structural formula;
10. Empirical formula;
11. Physical constants of pure or commercial material (specify which):
    Melting point: __° C.;
    Freezing point: __° C.;
    Boiling point: __° C.;
    Specific gravity at __° C./__° C.;
    Refractive index at __° C.;
    Other:
12. (a) Chief use (if known), (b) Principal uses in order of importance (if known);
13. If a mixture, the name and percentage of each component (if applicable, submit separate Schedule X for each component);
14. Product patent references (if none, so state);
15. Beilstein system No. (if none, so state).

Concurrently the Bureau, under the authority of section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), also proposes to amend § 14.5 of the Customs Regulations (19 CFR 14.5) to authorize the Chief Chemist, Customs Laboratory, New York, New York, to receive from domestic manufacturers and maintain a file of similar specifications of coal-tar intermediates manufactured or produced in the United States.

Specifications which have been informally submitted to the chief chemist of that laboratory now comprise a central reference file, in Schedule X (Domestic) format, of some 1,250 domestically-produced coal-tar intermediates. These, together with additions in Schedule X (Domestic) format received from time to time would be made available to the chief chemist of any customs laboratory called upon to report on the existence of any comparable domestic product.

The Schedule X (Import) specifications of the foreign coal-tar intermediate would be compared for chemical identification and comparability with the specifications of any similar domestic products on file in the central reference file of Schedule X (Domestic) specifications. The sample from the foreign import would be subject to laboratory testing and the results would be subject to comparison with the results obtained from any necessary laboratory testings of samples from the domestic products. On the basis of the results from such comparisons the chief chemist would prepare and submit his laboratory report as to the existence of any comparable domestic product.

Domestic manufacturers of coal-tar intermediates would be privileged to remove, replace, or add specifications in the central reference file as may be necessary. Technical data so submitted would be treated as confidential, except for the purpose for which the specifications were submitted. There would be prepared periodically a list identifying each domestic coal-tar intermediate, the specifications for which had been removed from or added to the file. Such lists, of an advisory character, would be circularized among customs officers and would be available to the public upon request.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To insure consideration, such communications must be received in the Bureau of Customs not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

Approved: March 6, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-2171; Filed, Mar. 10, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 25]

DRESSINGS FOR FOODS; MAYONNAISE, FRENCH DRESSINGS, AND SALAD DRESSING

Identity Standards

Notice is given that a petition has been filed by The Procter and Gamble Company, P.O. Box 201, Cincinnati 24, Ohio, setting forth proposed amendments to the regulations fixing and establishing definitions and standards of identity for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) to permit the use in such dressings of salad oil containing oxystearin as a crystallization inhibitor. This purpose would be achieved by inserting the following new sentence in paragraph (a) of each of the three standards: "For the purposes of this section, the term 'edible vegetable oil' includes salad oil that may contain not more than 0.125 percent by weight of oxystearin to inhibit crystallization as provided in the food additive regulation in § 121.1016 of this chapter."

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are hereby invited to present their views in writing regarding the above proposals. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health,

Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 3, 1961.

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

[F.R. Doc. 61-2158; Filed, Mar. 10, 1961; 8:47 a.m.]

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Sampling Requirements

The regulations for the certification of batches of tablets, troches, and capsules of antibiotic and antibiotic-containing drugs now provide that the samples required for submission to the Food and Drug Administration be collected during the time of tableting (or similar manufacturing procedure) of the batch. Under these provisions, manufacturers have been authorized to request and obtain certification of batches of these drugs prior to their packaging in dispensing-size containers. However, in the case of other dosage forms of certifiable antibiotics, the regulations require that the certification sample be collected during the time that the drug is being packaged in market containers.

From time to time, examinations by the Administration of samples of penicillin tablets collected in interstate commerce have shown the moisture content of the drug to be in excess of that permitted by the applicable regulation. It is a well-established fact that most antibiotics lose their potency in the presence of excessive moisture. The Commissioner of Food and Drugs has reason to believe that this increase in moisture occurred between the time the tablets were certified in bulk containers and the time they were packaged into dispensing-size containers.

In order that the certification sample may be more truly representative of the drug as it is packaged for sale and use, the Commissioner proposes to amend the applicable sections of the antibiotic regulations pertaining to tablets, troches, and capsules to require the certification sample of each batch of these drugs to be collected during the time it is being packaged into dispensing-size containers.

All interested persons are invited to present their views in writing regarding this proposal. Views and comments should be submitted in quintuplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of the publication of this notice in the FEDERAL REGISTER.

Dated: March 6, 1961.

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

[F.R. Doc. 61-2157; Filed, Mar. 10, 1961; 8:47 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 88]

RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Establishment and Administration

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the United States Civil Service Commission by the Act of September 8, 1960 (74 Stat. 849; 5 U.S.C. 3051 et seq.), it is proposed to amend 5 CFR by adding a new Part 88 as hereinafter set forth.

The purpose of this part is to regulate the establishment and administration of the Retired Federal Employees Health Benefits Program. The regulations establish the times and conditions under which retired employees may elect to participate; the amount of Government contribution toward health benefits; and the times and conditions under which participation in the program is terminated. They also prescribed minimum standards for the uniform plan and its carrier.

Interested persons may submit written comments, suggestions, or objections to the Bureau of Retirement and Insurance, United States Civil Service Commision, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

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AUTHORITY: §§ 88.1 to 88.26 issued under sec. 9, 74 Stat. 851; 5 U.S.C. 3058.

Subpart A—General Provisions

§ 88.1 Organization of this part.

(a) Subpart A of this part contains provisions applying to the Retired Federal Employees Health Benefits Program generally. Subpart B of this part contains provisions applying only to retired employees who are entitled to annuity under a retirement system for civilian employees of the Government. Subpart C of this part contains provisions applying only to retired employees who are entitled to compensation under the Federal Employees' Compensation Act.

(b) The provisions of this part do not apply to the Federal Employees Health Benefits Program, which is governed by Part 89 of this chapter; nor do the provisions of Part 89 of this chapter apply to the Retired Federal Employees Health Benefits Program.

§ 88.2 Definitions.

For the purposes of this part:

(a) "Annuity" means the periodic payment due a former employee or his survivors by reason of past service, but does not include compensation paid under the Federal Employees' Compensation Act. "Annuity period" means the period for which an installment of annuity is paid.

(b) "Bureau of Employees' Compensation" means the Bureau of Employees' Compensation, Department of Labor.

(c) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which lawfully offers a health benefits plan.

(d) "Commission" means the United States Civil Service Commission.

(e) "Compensation" means monthly compensation paid under the Federal Employees' Compensation Act, and includes compensation payable every four weeks.

(f) "Elect" means to file with the retirement office under which retired or with the Bureau of Employees' Compensation, as the case may be, a properly completed form, prescribed by the Commission for the purpose, giving notice of intention (1) to subscribe to the uniform plan, (2) to receive a Government contribution toward the cost of a private health benefits plan, or (3) not to participate in the program.

(g) "Employee" means an appointive or elective officer or employee in or under the executive, judicial, or legislative branch of the United States Government, including a Government-owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors is elected or appointed by private interests), or of the municipal government of the District of Columbia, and includes an Official Reporter of Debates of the Senate and a person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties,

and an employee of Gallaudet College, but does not include (1) a member of a "uniformed service" as that term is defined in section 1072 of title 10 of the United States Code, (2) a noncitizen employee whose permanent-duty station is located outside a State of the United States or the District of Columbia, or (3) an employee of the Tennessee Valley Authority.

(h) "Government" means Government of the United States of America (including the municipal government of the District of Columbia).

(i) "Health benefits plan" means an insurance policy or contract, medical or hospital service arrangement, membership or subscription contract, or similar agreement provided by a carrier for a stated periodic premium or subscription charge for the purpose of providing, paying for, or reimbursing expenses for hospital care, surgical or medical diagnosis, care, and treatment, drugs and medicines, remedial care, or other medical supplies and services, or any combination of these.

(j) "Immediate annuity" means—

(1) As applied to a retired employee, an annuity which begins to accrue not later than one month after the date of the separation from the service on which title to the annuity is based, and

(2) As applied to a survivor, an annuity which begins to accrue not later than one month (i) after the date of death of the employee or annuitant whose service forms the basis for the annuity, or (ii) after the birth of a posthumous child of such an employee or annuitant.

(k) "Member of family" means a former employee's spouse and any unmarried child (1) under the age of nineteen years (including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the former employee in a regular parent-child relationship or did so at the time of the former employee's death), or (2) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of nineteen years. As used in this paragraph, "former employee" means the former employee on whose service title to annuity is based.

(l) "Private health benefits plan" means a health benefits plan other than the uniform plan.

(m) "Retired employee" includes (1) a former employee retired under the Civil Service Retirement Act or other retirement system for civilian employees of the Government (not including the Social Security system), (2) an employee or former employee receiving compensation under the Federal Employees' Compensation Act, and (3) persons who are entitled to annuity or compensation as members of the family of a deceased employee or of a deceased retired employee qualifying under subparagraphs (1) and (2) of this paragraph.

(n) "Retirement office" means any office responsible for the administration of a retirement system for civilian employees of the Government. It does not include the Bureau of Employees' Compensation.

(o) "Survivor" means a person who is entitled to annuity or compensation as a member of the family of a deceased employee or deceased retired employee.

(p) "Uniform plan" means the health benefits plan for which the Commission contracts pursuant to section 3 of Public Law 86–724.

§ 88.3 General conditions of eligibility.

(a) A retired employee who is enrolled or covered by the enrollment of another under Part 89 of this chapter, or who is covered by the election of another retired employee under this part, is ineligible to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan.

(b) A retired employee is ineligible to subscribe to the uniform plan if his annuity or compensation is not sufficient to cover the necessary withholding.

§ 88.4 Withholding.

The appropriate retirement office, or the Bureau of Employees' Compensation, as the case may be, shall withhold from the annuity or compensation of each of its retired employees who has elected to subscribe to the uniform plan so much as is necessary to pay his share of the cost of his subscription. The withholdings shall be forwarded, in accordance with the Commission's instructions, to the Retired Employees Health Benefits Fund.

§ 88.5 Determination of eligibility.

The Bureau of Retirement and Insurance of the Commission shall, on request, determine the eligibility of any retired employee, or class of retired employees, to make the elections and receive the Government contributions provided for by this part.

§ 88.6 Appeals.

(a) A retired employee may appeal any determination by the Bureau of Retirement and Insurance that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 days of the determination, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

§ 88.7 Standards for uniform plan and carrier.

(a) The uniform plan must be open to all eligible retired employees and members of their families, without regard to race, sex, health status, or age. It must not deny or limit benefits because of any preexisting condition. It must offer a choice among basic coverage only, major medical coverage only, and basic plus major medical coverage. It shall provide a 31-day extension of coverage upon termination of subscription other than by change of election or termination of the contract. A person confined in hospital for care or treatment on the 31st day of the extension of coverage shall be entitled to continuation of the benefits of the contract during the continuance of the confinement, but not beyond the 60th day following the end of the extension of coverage. The uniform plan shall be experience-rated.

(b) The carrier of the uniform plan must, in the most recent year for which data are available, have made at least 1 percent of all group health insurance benefit payments in the United States. If the carrier is an insurance company, it must be licensed to issue group health insurance in all the States of the United States and the District of Columbia.

Subpart B—Retired Employees Entitled to Annuity

§ 88.11 Eligibility.

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to annuity:

(1) Must have retired before his first pay period beginning after June 30, 1960. He is considered to have retired before his first pay period beginning after June 30, 1960, for the purposes of this clause, if his annuity began to accrue before his first pay period after June 30, 1960;

(2) Must have retired on immediate annuity;

(3) Must have had at least 12 years of creditable service, or have retired under a disability provision of his retirement system;

(4) Must have retired from employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(5) If, at the time of retirement, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia on the day before retirement.

(b) To be eligible for the benefits provided by this part, a survivor who is entitled to annuity:

(1) Must be in receipt of immediate annuity as the survivor of (i) an employee who died before his first pay period beginning after June 30, 1960; or (ii) a retired employee whose annuity began to accrue before his first pay period beginning after June 30, 1960;

(2) Must be the survivor of (i) an employee who had at least 5 years' creditable service, (ii) a former employee who retired having at least 12 years' creditable service and received an immediate annuity, or (iii) a former employee who retired under a disability provision of his retirement system;

(3) Must be unmarried; and

(4) Must not be receiving annuity as the survivor of a person who at the time of the retirement or death, as the case may be, on which annuity is based, was an employee of the Tennessee Valley Authority or of any corporation under the

jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section "creditable service" means service which is creditable for the purposes of the Civil Service Retirement Act.

§ 88.12 Election.

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the retirement office to be for cause beyond the control of the retired employee. In any case in which annuity is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b) (1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving annuity for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving annuity constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving annuity, but where a family is being paid annuity through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to more than one annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the appropriate retirement office, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The retirement office may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the retirement office, a representative of the retired employee having a written authorization to do so may elect for him.

(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961. Withholdings and contributions are effective for annuity periods beginning on and after June 1, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the appropriate retirement office when he becomes eligible. If the retirement office determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If a retirement office determines that an eligible retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective on the first day of the third month following the month in which the retirement office receives the election. Withholdings and contributions are effective for annuity periods beginning on and after the first day of the second month following the month in which the retirement office receives the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

§ 88.13 Change of election.

(a) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

Event requiring change	Type of election to which requirement applies	Change required	Effective date of change
(1) Loss of member of family by death or otherwise, leaving only one person covered by the election.	Election for self and family for uniform or private health benefits plan.	Change to self only	First day of month following the event requiring change. Changes in withholdings and contributions are effective for annuity accruing for the month in which the event requiring change occurs.
(2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1]	Election for self and family for private health benefits plan.	do	Do.
(3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1]	Election for self only or for self and family for private health benefits plan.	Change to not participating (optional change) may be made in accordance with paragraph (b) of this section).	Do.

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the retirement office.

(b) Retired employees may change their elections in accordance with the following table by notifying the appropriate retirement office at any time:

TABLE OF OPTIONAL CHANGES

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self only or self and family for uniform or private health benefits plan.	First day of month specified in notice to retirement office, or first day of month following receipt of notice by retirement office, whichever is later. Changes in withholdings and contributions are effective for annuity accruing for the month preceding the effective date of the change.
(2) Change from basic and major medical to basic only or to major medical only.	Election for self only or self and family for uniform plan (basic and major medical).	Do.
(3) Change to self only in same plan	Election for self and family for uniform or private health benefits plan.	Do.
(4) Change to self and family in same plan.	Election for self only for uniform or private health benefits plan.	First day of fourth month following month in which notice is received by retirement office. Changes in withholdings and contributions are effective for annuity accruing for the third month following month in which notice is received by retirement office.
(5) Change from major medical only to basic or to basic and major medical.	Election for self only or self and family for uniform plan (major medical only).	Do.
(6) Change to self only or self and family for uniform (basic only) or private health benefits plan.	Election not to participate	Do.

(c) Two changes may be made by the same notice.

Example. A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies his retirement office of the termination and at the same time notifies the retirement office that he wishes to elect the uniform plan (basic only) for self and family. The retirement office receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the annuity accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the annuity accruing in June 1962.

§ 88.14 Suspension and termination.

(a) Whenever the annuity is entirely waived or suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and the annuity is suspended, or waived to the extent that the retired employee's share of the cost cannot be withheld, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the waiver or suspension covers 3 months or less, Government contributions and withholdings for the period of waiver or suspension will be made when annuity payment is resumed. If the waiver or suspension covers more than 3 months, the retired employee's election is terminated effective at the end of the third month of waiver or suspension. A terminated election is renewed when annuity payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the first 3 months of the waiver or suspension. Withholdings and Government contributions shall be made for annuity accruing after the election is renewed.

(c) If title of a retired employee to annuity is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.13.

§ 88.15 Government contributions.

(a) The Commission will pay, through his retirement office, $3.00 monthly to each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family, but not more than the cost of the private health benefits plan.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for an election for self only, and $6.00 monthly for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the retirement office shall withhold from his annuity his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

§ 88.16 Responsibilities of retirement offices.

(a) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the annuity of each retired employee within the jurisdiction of the retirement office who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contribution for these retired employees.

(b) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to retired employees within the jurisdiction of the retirement office who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(c) Retirement offices are responsible for advising retired employees within the jurisdiction of the retirement office of the rights and obligations of retired employees under this part.

(d) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the appropriate retirement office shall obtain the necessary evidence and make a determination of incapability.

(e) Retirement offices are responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

Subpart C—Retired Employees Entitled to Compensation

§ 88.21 Eligibility.

(a) To be eligible for the benefits provided by this part, a retired employee (other than a survivor) who is entitled to compensation:

(1) Must be receiving monthly compensation for an injury sustained or illness contracted before his first pay period beginning after June 30, 1960;

(2) Must be held by the Secretary of Labor to be unable to return to duty;

(3) Must have compensation based on employment which was not in the Tennessee Valley Authority or in a corporation under the supervision of the Farm Credit Administration, of which corporation any member of the board of directors was elected or appointed by private interests; and

(4) If, at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, he was a noncitizen, must have had a permanent-duty station within the several States and the District of Columbia at that time.

(b) To be eligible for the benefits provided by this part, a member of a family who is receiving compensation:

(1) Must be a survivor beneficiary of (i) an employee who completed five years of service and died as a result of injury or illness which is compensable under the Federal Employees' Compensation Act and which was sustained or contracted before his first pay period beginning after June 30, 1960, or (ii) a former employee who was separated after having completed at least five years of service and who died while receiving monthly compensation under the Act on account of injury sustained or illness contracted before his first pay period beginning after June 30, 1960, and who has been held by the Secretary of Labor to have been unable to return to duty;

(2) Must be unmarried; and

(3) Must not be receiving compensation as the survivor of a person who at the time of sustaining the injury or contracting the illness, as the case may be, on which compensation is based, was an employee of the Tennessee Valley Authority or of any corporation under the jurisdiction of the Farm Credit Administration of which corporation any member of the board of directors was elected or appointed by private interests, or was a noncitizen having a permanent-duty station outside the several States and the District of Columbia.

(c) For the purposes of this section, "service" means service which is creditable for the purposes of the Civil Service Retirement Act.

§ 88.22 Election.

(a) Each eligible retired employee must elect during the months of March and April, 1961. Failure to elect shall be considered an election not to participate in the program unless the failure is determined by the Bureau of Employees' Compensation to be for cause beyond the control of the retired employee. In any case in which compensation is being paid to a payee in behalf of a retired employee, the payee shall make the election for the retired employee.

(b) (1) A retired employee may elect to participate in the program for self only or for self and members of the family.

(2) Survivors, if actually or constructively living in the same household, shall have only one right of election among them. The election shall be made by the payee. The fact that one payee is receiving compensation for all members of the family is prima facie evidence that they are living in the same household. The existence of more than one payee is prima facie evidence that each payee and the survivors in whose behalf the payee is receiving compensation constitute a separate household, and each such payee may elect for the survivors in whose behalf he is receiving compensation, but where a family is receiving

compensation through more than one payee, one payee may, with the consent of the other payees, elect for the whole family.

(3) A retired employee may not be covered under more than one election.

(4) A retired employee who is entitled to compensation and annuity is entitled to only one election.

(c) Each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan must file with his election a certificate of the carrier, on the form prescribed by the Commission for the purpose, that he is a subscriber to a health benefits plan. The Commission, or the Bureau of Employees' Compensation, may at any time require that any retired employee renew the certificate, or may take such other action as it considers desirable to verify the continuing eligibility of the retired employee to receive a Government contribution. The Bureau of Employees' Compensation may suspend the Government contribution whenever there is a reasonable doubt of the retired employee's continuing eligibility to receive the Government contribution.

(d) In the discretion of the Bureau of Employees' Compensation, a representative of the retired employee having a written authorization to do so may elect for him.

(e) The election provided by paragraphs (a) to (d) of this section is effective on July 1, 1961, for survivors. For survivors withholdings and contributions will be effective for the month beginning June 1, 1961. The election provided by this section is effective July 13, 1961, for retired employees other than survivors. For retired employees other than survivors withholdings and contributions will be effective for the four-week period beginning June 15, 1961.

(f) A person who is not eligible, during the months of March and April, 1961, to elect to subscribe to the uniform plan or to receive a Government contribution toward the cost of a private health benefits plan, may apply to the Bureau of Employees' Compensation when he becomes eligible. If the Bureau of Employees' Compensation determines that he is eligible, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. If the Bureau of Employees' Compensation determines that a retired employee was unable, for cause beyond his control, to make an election within the time limits prescribed by this section, it shall notify the retired employee that he is eligible to make an election in accordance with paragraphs (a) to (d) of this section within 60 days of the date of the notice. Elections made under this paragraph are effective, for survivors, on the first day of the third month following the month in which the Bureau of Employees' Compensation receives the election. Withholdings and contributions are effective for months beginning on and after the first day of the second month following the month in which the Bureau of Employees' Compensation receives the election. For other retired employees changes of election made under this paragraph are effective on the first day of the third four-week period following the four-week period in which the Bureau of Employees' Compensation receives the election, and withholdings and contributions are effective beginning with the second four-week period following receipt of the election. This paragraph does not apply to retired employees who have been, at any time, covered by the election of another under this part.

§ 88.23 Change of election.

(a) Whenever, in this section, "month" is used, it applies to survivors, and the section shall apply to retired employees other than survivors as if "four-week period" were used in place of "month".

(b) Retired employees must change their elections in accordance with the following table:

TABLE OF REQUIRED CHANGES

Event requiring change	Type of election to which requirement applies	Change required	Effective date of change
(1) Loss of member of family by death or otherwise, leaving only one person covered by the election.	Election for self and family for uniform or private health benefits plan.	Change to self only	First day of month following the event requiring change. Changes in withholdings and contributions are effective for compensation accruing for the month in which the event requiring change occurs.
(2) Termination of subscription to a private health benefits plan for all persons covered by the election but the retired employee making the election.[1]	Election for self and family for private health benefits plan.	do	Do.
(3) Termination of subscription to a private health benefits plan for all persons covered by the election.[1]	Election for self only or for self and family for private health benefits plan.	Change to not participating (optional change may be made in accordance with paragraph (c) of this section).	Do.

[1] If the termination is immediately succeeded by a similar subscription in another private health benefits plan a change of election is not required, but the retired employee must file a certificate of the new carrier that he is a subscriber. A form for the certificate may be obtained from the Bureau of Employees' Compensation.

(c) Retired employees may change their elections in accordance with the following table by notifying the Bureau of Employees' Compensation at any time:

TABLE OF OPTIONAL CHANGES

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self only or self and family for uniform or private health benefits plan.	First day of month specified in notice to Bureau of Employees' Compensation, or first day of month following receipt of notice by Bureau of Employees' Compensation, whichever is later. Changes in withholdings and contributions are effective for compensation accruing for the month preceding the effective date of the change.
(2) Change from basic and major medical to basic only or to major medical only.	Election for self only or self and family for uniform plan (basic and major medical).	Do.
(3) Change to self only in same plan	Election for self and family for uniform or private health benefits plan.	Do.
(4) Change to self and family in same plan.	Election for self only for uniform or private health benefits plan.	First day of fourth month following month in which notice is received by Bureau of Employees' Compensation. Changes in withholdings and contributions are effective for compensation accruing for the third month following month in which notice is received by the Bureau of Employees' Compensation.
(5) Change from major medical only to basic or to basic and major medical.	Election for self only or self and family for uniform plan (major medical only).	Do.
(6) Change to self only or self and family for uniform (basic only) or private health benefits plan.	Election not to participate	Do.

(d) Two changes may be made by the same notice.

Example. A retired employee originally elected to receive a Government contribution for self and family toward the cost of a private health benefits plan. The subscription to the private health benefits plan is terminated March 15, 1962. He notifies the Bureau of Employees' Compensation of the termination and at the same time notifies the Bureau that he wishes to elect the uniform plan (basic only) for self and family. The Bureau of Employees' Compensation receives the notice March 22, 1962. His election becomes an election not to participate on April 1, 1962, and the Government contribution is not added to the compensation accrued for March 1962. On July 1, 1962, the family is covered by the basic coverage of the uniform plan, and withholdings and contributions are made for the compensation accruing in June 1962.

§ 88.24 Suspension and termination.

(a) Whenever compensation is entirely suspended, Government contributions are suspended. If the election is to subscribe to the uniform plan, and compensation is suspended, withholdings and Government contributions are suspended, but the subscription continues.

(b) If the suspension covers 3 months or less (three 4-week periods or less for retired employees other than survivors), Government contributions and withholdings for the period of suspension will be made when payment is resumed. If the suspension covers more than 3 months (three 4-week periods or less for retired employees other than survivors), the retired employee's election is terminated effective at the end of the third month, or 4-week period, as the case may be, of suspension. A terminated election is renewed when compensation payment is resumed. When a terminated election is renewed pursuant to this paragraph, withholdings and Government contributions will be made for the period of suspension before termination. Withholdings and Government contributions shall be made for compensation accruing after the election is renewed.

(c) If title of a retired employee to compensation is terminated, his eligibility under this part is terminated.

(d) If the eligibility of a retired employee is terminated and other members of the same family continue to be eligible under this part, the election of the former retired employee will continue for the remainder of the family unless and until changed in accordance with § 88.23.

§ 88.25 Government contributions.

(a) The Commission will pay, through the Bureau of Employees' Compensation, $3.00 monthly to each survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $6.00 monthly to each survivor who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will pay, through the Bureau of Employees' Compensation, $2.80 each 4-week period to each retired employee other than a survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and $5.60 each 4-week period to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will not pay, in any case, more than the cost of the private health benefits plan each month or 4-week period, as the case may be.

(b) The Commission will contribute to the cost of the uniform plan $3.00 monthly for survivors, and $2.80 each 4-week period for other retired employees, for an election for self only; and $6.00 monthly for survivors, and $5.60 each 4-week period for other retired employees, for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the Bureau of Employees' Compensation shall withhold from his compensation his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

§ 88.26 Responsibilities of the Bureau of Employees' Compensation.

(a) The Bureau of Employees' Compensation is responsible only for retired employees who are receiving compensation from the Bureau and is responsible even though the retired employee has retired under a retirement office from which he is not currently receiving annuity. If the retired employee is currently receiving annuity from a retirement office, that retirement office, rather than the Bureau of Employees' Compensation, will have the responsibilities imposed on retirement offices by this part for that retired employee.

(b) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for withholding from the compensation of each retired employee within its jurisdiction who elects to subscribe to the uniform plan his share of the cost, for forwarding the amount withheld to the Retired Federal Employees Health Benefits Fund, and for reporting to the Commission amounts required for Government contributions for these retired employees.

(c) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for reporting to the Commission amounts required for Government contributions to employees within its jurisdiction who have elected to receive a Government contribution toward the cost of a private health benefits plan, and for paying the Government contribution to these retired employees.

(d) The Bureau of Employees' Compensation is responsible for advising retired employees within its jurisdiction of their rights and obligations under this part.

(e) Whenever one or more of the family members is a child 19 or over who is incapable of self-support because of mental or physical incapacity that existed prior to his reaching the age of 19, the Bureau of Employees' Compensation shall obtain the necessary evidence and make a determination of incapacity.

(f) The Bureau of Employees' Compensation is responsible, in accordance with regulations and instructions issued by the Commission, for verifying continuing eligibility of retired employees to receive Government contributions.

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

[F.R. Doc. 61-2173; Filed, Mar. 10, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 122]

[Docket No. 33687]

MONTHLY RAILROAD OPERATING REPORTS

Notice of Proposed Rule Making

FEBRUARY 27, 1961.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission proposes to amend 49 CFR 122.1 *Revenues and expenses,* and 49 CFR 122.2 *Selected income and balance-sheet items,* to provide that all Class I railroads, except Class I switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be required to file quarterly reports in lieu of monthly reports in accordance with quarterly report forms to be designated Form R & E—Quarterly Report of Revenues and Expenses, and Form IBS—Quarterly Report of Selected Income and Balance Sheet Items.

The effect of the change will be to require, on a quarterly basis, data the same as that now required on a monthly basis, by forms bearing designations the same as those specified above, under the present terms of 49 CFR 122.1 and 122.2. No change is contemplated in matters to be reported, the number of copies to be filed, the place of filing, or the number of days following the close of the period covered by the reports in which the respective report forms must be filed.

Any party desiring to make representations in favor of or against the proposed changes may do so through submission of written data, views or arguments. The original and five copies of such representations must be filed with the Interstate Commerce Commission, Washington, D.C., within 30 days of the publication hereof in the FEDERAL REGISTER.

A copy of this notice shall be served upon all Class I railroads, except switching and terminal companies, subject to the provision of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and notice shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-2153; Filed, Mar. 10, 1961; 8:46 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 12027]

AEROLINEAS EL SALVADOR, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 23, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., March 7, 1961.

[SEAL] CURTIS C. HENDERSON,
Hearing Examiner.

[F.R. Doc. 61-2176; Filed, Mar. 10, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRAIRIE CENTER SALES CO. AND SENNETT SALES CO.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Prairie Center Sales Company,
King City, Missouri.
Sennett Sales Company,
Sennett, New York.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of March 1961.

H. L. JONES,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-2164; Filed, Mar. 10, 1961; 8:48 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Only change in the list for March is dropping of gum turpentine from the list because remaining CCC stocks have been sold.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program.

The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for March 1961 are 3¼ percent for periods up to six months, 3¾ percent for periods from over six and up to 18 months, and 4¼ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or

advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate CSS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

Commodity	Sales price or method of sale
Nonfat dry milk	Sales are in carlots only in store at storage location or products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office. Domestic, unrestricted use: Announced prices, under LD–29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices. Announced prices under LD–35: When sales are made under LD–33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Sales under both announcements may be applied to arrangements for barter and approved credit sales.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN–A (revised June 3, 1960), as amended (sales by local sales agencies of 1960-crop Choice (A) cotton for unrestricted use), Announcement NO–C–14, as amended (sale of 1959 and prior crops cotton for unrestricted use), and Announcement NO–C–15, as amended (sale of 1960-crop Choice (A) cotton for unrestricted use). Under CN–A (revised) cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO–C–14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO–C–15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable 1960 Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960), as amended, and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton (except cotton offered under CN–A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN–A (revised June 3, 1960), as amended, may be obtained from local sales agencies.
Wheat, barley, rye, grain sorghums, bulk.	Domestic, unrestricted use: Market price basis in store, but not less than the applicable 1960 loan rate plus the applicable amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area) [1] Bushel	22	19	Chicago	No. 1 RW	$2.27
			Minneapolis	No. 1 DNS	2.34
			Kansas City	No. 1 HW	2.27
			Portland	No. 1 SW	2.18
Barley Do	16	14	Minneapolis	No. 2 or better	1.14
Rye Do	18	15	do	No. 2 or better (or No. 3 on TW only).	1.27
Grain sorghums Hundredweight	33	27	Kansas City	No. 2 or better	2.14

[1] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support rate by 33 percent before adding amount shown above.

Available CSS Commodity Offices located in producing areas. (See page 10 for addresses of commodity offices handling grain.)

Export:

Wheat:

(1) Under Announcement GR–345 (revised June 30, 1960), as amended for redemption of certificates under payment-in-kind programs, (2) under Announcement GR–212 (revision 2, January 9, 1961), for specified offerings as announced (i.e., current East Coast flat Spring Wheat offerings through Evanston CSS Commodity Office under Announcement EV–10) and (3) as wheat under Announcement GR–261 (revision 2, January 9, 1961), or as flour under Announcement GR–262 (revision 2, January 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Barley, rye, grain sorghums:

Under Announcement GR–368 (revised August 31, 1959), as amended, for feed grain payment-in-kind program, and under Announcement GR–212 (revision 2, January 9, 1961), for application to arrangements for barter and approved credit and emergency sales.

Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

Commodity	Sales price or method of sale

Corn and oats, bulk

Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus the amount shown below. For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added.

Unit	In store at		Examples of minimum prices		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Corn: Bushel	14	17	Chicago	No. 2 yellow, 13.3%.	[2] $1.39½
			Minneapolis	Moisture, 1.4% f.m.	[3] 1.23¼
Oats: do	14	16	Chicago	No. 3	[2] .74¼
			Minneapolis	No. 3	[3] .65¼

[1] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
[2] Includes average paid in freight from Woodford County, Ill.
[3] Includes average paid in freight from Redwood County, Minn.

Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations, through the Commodity Offices indicated on following page.
Export:
Under Announcement GR–212 (revision 2, January 9, 1961), for application to arrangements for barter and approved credit and emergency sales and under Announcement GR–368 (revised August 31, 1959), as amended, for feed grain payment-in-kind program.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

Rice, milled (as available)

Domestic, unrestricted use: Market price but not less than the equivalent 1960 loan rate for rough rice, by varieties and grades, plus 5 percent, adjusted for milling, plus 34 cents per hundredweight, basis in store.
Export:
Under GR–379, as amended, for application to arrangements for barter and approved credit sales.
Available Dallas CSS Commodity Office.

Rice, broken (as available)

Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses.
Available Portland CSS Commodity Office.

Rice, rough (as available)

Domestic, unrestricted use: Market price but not less than the applicable 1960 loan rate plus 5 percent, plus 34 cents per hundredweight, basis in store.
Export:
As milled or brown under Announcement GR–369, as amended, Rice Export Program Payment-in-Kind, and under GR–379, as amended, for approved credit sales.
Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.

Peanuts, shelled (as available), All types.

Domestic, unrestricted use: 1960 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3 as shown below or market prices, whichever is higher:

Virginias:	*Cents per lb.*
Extra large kernels	26.14
Mediums	22.48
No. 1's	20.36
S.E. Runner, No. 1's	20.33
S.E. Spanish, No. 1's	20.71
S.W. Spanish, No. 1's	20.99

Peanuts, shelled and unshelled, farmers stock (as available). Tung oil

Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised February 16, 1959), as amended.
Domestic or export, unrestricted use: Competitive bid and under the terms and conditi of tung oil Announcement DL–OP–11.
Available Dallas CSS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: March 6, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Stabilization Service.

[F.R. Doc. 61–2166; Filed, Mar. 10, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 10, set forth below, to License No. R–38. The amendment provides an additional authorization to General Dynamics Corporation to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as requested in the Corporation's application for license amendment dated December 28, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, 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.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

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 the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after 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, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see (1) the application for license amendment dated December 28, 1960, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed experiments prepared by the hazards evaluation staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC'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 6th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R–38; Amdt. No. 10]

License No. R–38, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R–38, as amended, General Dynamics Corporation is authorized to conduct experiments in its TRIGA reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as described in its application for license amendment dated December 28, 1960. The conduct of the experiments shall be in accordance with the procedures and subject to the limitations contained in License No. R–38, as amended, and in the application for license amendment dated December 28, 1960, and to the additional conditions set forth below:

A. The experiments shall be terminated upon the detection of any indication of possible failure, or abnormal behavior, of any of the capsules or fuel elements, or of any unusual reactor behavior. In such instance, a written report describing the results of the experiments shall be promptly submitted to the Commission and the experiments shall not be resumed until so authorized in writing by the Commission.

B. As promptly as practicable, but no later than 60 days after the date of issuance of this amendment, the licensee shall submit a written report to the Commission describing the measured values, for operation of the reactor at 1.5 megawatts, of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

C. The licensee shall promptly submit a written report to the Commission whenever, during conduct of the experiments authorized by this amendment, any of the operating conditions or characteristics of the reactor, including those described in paragraph 1.B. above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

2. Paragraph 3.J. is hereby amended to read as follows:

Except when operating the reactor under the conditions described in paragraphs 3.H. or 3.I., or conducting the experiments described in the application for license amendment dated December 28, 1960, the reactor shall not be operated at power levels in excess of 250 kilowatts (thermal).

This amendment is effective as of the date of issuance and shall expire at 12:01 a.m., on the one hundred and twentieth day thereafter.

Date of issuance: March 6, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-2137; Filed, Mar. 10, 1961; 8:45 a.m.]

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on January 24, 1961, the Atomic Energy Commission has issued License No. R-76 authorizing Washington State University to possess and operate at power levels up to 100 kilowatts (thermal) a pool-type reactor located on its campus at Pullman, Washington. Notice of the proposed action was published in the FEDERAL REGISTER on January 25, 1961, 26 F.R. 759.

Dated at Germantown, Md., this 6th day of March 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-2138; Filed, Mar. 10, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 24]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Fairbanks Land District

MARCH 6, 1961.

Notice is hereby given that the following protraction diagram has been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO NO. 6

Approved January 6, 1961

Sheet No.
Revised 8. Ts. 5 through 8 N., Rs. 17 through 20 W.

Copies of this diagram are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 61-2184; Filed, Mar. 10, 1961; 8:50 a.m.]

Bureau of Reclamation

[Public Announcement 26, Amdt. 3]

COLUMBIA BASIN PROJECT, WASHINGTON

Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, and published in the FEDERAL REGISTER at 21 F.R. 8826, as amended by Amendment No. 1, dated April 8, 1958, and published in the FEDERAL REGISTER at 23 F.R. 2538, and Amendment No. 2, dated May 28, 1959, and published in the FEDERAL REGISTER at 24 F.R. 4565, is amended as follows:

The requirement of subsection 16.d. that a purchaser shall reside on the farm unit for a period of not less than 12 months is reduced to a period of not less than 6 months for Farm Unit 198, Irrigation Block 18, which was sold under the provisions of subsection 1.a.

KENNETH HOLUM,
Assistant Secretary of the Interior.

[F.R. Doc. 61-2151; Filed, Mar. 10, 1961; 8:46 a.m.]

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4, of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to delegate additional authority to regional directors and certain field personnel.

1. Section 4 AM 4.5A(1) is revised to read as follows:

4.5 *Contracting matters*—A. *Contracts for procurement.* * * *

(1) *Authorized officials.* Chief, Division of Administration, and Chief and Assistant Chief, Branch of Property Management, may exercise this authority, unlimited as to amount. Regional directors, administrative officers and property management officers may exercise this authority in amounts not exceeding $300,000.

Project leaders and their assistants, and chiefs of field parties, may make open market purchases not exceeding $2,500 in any one case, and purchases from established contracts and emergency purchases, unlimited as to amount.

2. The second paragraph of section 4 AM 4.5E is revised to read as follows:

E. *Cooperative agreements.* * * *

District agents may execute predator and rodent control field and local agreements, except those agreements which provide for reimbursement of Bureau funds. District agents and other field employees of the Branch of Predator and Rodent Control may negotiate and execute permits and agreements with individuals for entry and conduct of operations on private premises. None of the authority in this section may be redelegated. (Secretary's Order No. 2821.)

DANIEL H. JANZEN,
Director.

[F.R. Doc. 61-2147; Filed, Mar. 10, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

HONDURAS

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted

to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Honduras, from which evidence it appears that Honduras does not have in effect a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement or death.

Accordingly, it is hereby determined and found that Honduras does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

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

Approved: March 7, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-2172; Filed, Mar. 10, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13014 etc.; FCC 61M-370]

BUREAU BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Russell Armentrout and Mildred Armentrout, d/b as Bureau Broadcasting Company, Princeton, Illinois, Docket No. 13014,[1] File No. BP-12135; Richard Goodman, Madon Loundy, Egmont Sonderling, and WOPA, Inc., a partnership d/b as Village Broadcasting Company (WOPA), Oak Park, Illinois, Docket No. 13023,[1] File No. BP-12303; Burlington Broadcasting Co. (KBUR), Burlington, Iowa, Docket No. 13035,[2] File No. BP-12644; Northwestern Publishing Company (WDAN), Danville, Illinois, Docket No. 13044,[1] File No. BP-12794; for construction permits, Docket Nos. 13016, 13017, 13018, 13019, 13022, 13025, 13027, 13029, 13030, 13031, 13032, 13033, 13039, 13042, 13046, 13049.

On February 17, 1961, Bureau Broadcasting Company, Village Broadcasting (WOPA), Burlington Broadcasting Co. (KBUR), and Northwestern Publishing Company (WDAN), filed a petition for reconsideration and grant, requesting the Commission to sever their applications and forthwith grant them. This petition had been filed before petitioners were aware of the new procedure announced by the Commission, requiring petitions for severance to be addressed to the Hearing Examiner, and accordingly, on February 21, 1961, petitioners, in effect, filed an amendment to their petition to denominate it a petition for severance and immediate hearing addressed to the Hearing Examiner.

[1] Group III.
[2] Group IV.

Three of the subject applications are in Group III of this consolidated proceeding, and the application of KBUR is in Group IV.

Time for filing objections has expired, and none have been filed.

Accordingly, it is ordered, This 7th day of March 1961, that the "petition for severance and immediate hearing," filed on February 21, 1961, and amending and redesignating the "petition for reconsideration and grant" filed February 17, 1961, is granted, the applications of Bureau Broadcasting Company, Village Broadcasting Company (WOPA), Burlington Broadcasting Co. (KBUR), and Northwestern Publishing Company (WDAN) are severed from the consolidated proceeding, and a hearing on the applications severed herein is scheduled for Friday, March 17, 1961, at 11:30 a.m., in the offices of the Commission, Washington, D.C.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2177; Filed, Mar. 10, 1961; 8:49 a.m.]

[Docket Nos. 13805-13807; FCC 61M-368]

KOMY, INC., ET AL.

Order Continuing Hearing

In re applications of KOMY, Inc., Watsonville, California, Docket No. 13805, File No. BPH-2942; G. Stuart Nixon, San Jose, California, Docket No. 13806, File No. BPH-2961; Franklin Mieuli (KHIP), San Francisco, California, Docket No. 13807, File No. BPH-3075; for construction permits.

The Hearing Examiner having under consideration an oral request for a continuance of the hearing date in the above-entitled proceeding;

It appearing that the hearing is now scheduled for March 13, 1961;

It is ordered, This 6th day of March 1961, that the request to continue hearing is granted and the hearing is continued from March 13 to March 16, 1961.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2178; Filed, Mar. 10, 1961; 8:49 a.m.]

[Docket Nos. 13958, 13959; FCC 61M-362]

ROBERT F. NEATHERY AND RADIO COMPANY OF TEXAS COUNTY

Order for a Prehearing Conference

In re appliations of Robert F. Neathery, Houston, Missouri, Docket No. 13958, File No. BP-12913; W. R. McKnight, Nolan Hutcheson, Raymond E. Duff, S. E. Ferguson, Maurice W. Covert, Wm. H. Duff, A. W. Roffe, Chester S. Sieloff, d/b as Radio Company of Texas County, Houston, Missouri, Docket No. 13958, File No. BP-14108; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 3d day of March 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisoins of § 1.111 of the Commission's rules on March 21, 1961, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

The prehearing conference will be concerned with the pertinent topics specified in § 1.111 of the rules and such other matters as will be conducive to the expeditious conduct of the hearing. In this connection, attention is also called to the provisions of the Commission's "Hearing Manual for Comparative Broadcast Proceedings" which are applicable to Issue 6 in this proceeding.

The applicants should be prepared to discuss their compliance with the local notice requirements of § 1.362 of the Commission's rules, as amended effective December 12, 1960.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2179; Filed, Mar. 10, 1961; 8:49 a.m.]

[Docket Nos. 13969, 13970; FCC 61M-364]

NICHOLASVILLE BROADCASTING CO. AND JESSAMINE BROADCASTING CO.

Order Scheduling Hearing

In re applications of Pierce E. Lackey, F. E. Lackey, and Katherine Peden, d/b as Nicholasville Broadcasting Co., Nicholasville, Kentucky, Docket No. 13969, File No. BP-13253; Inman S. Wood and Paul Everman, d/b as Jessamine Broadcasting Co., Nicholasville, Kentucky, Docket No. 13970, File No. BP-13358; for construction permits.

It is ordered, This 6th day of March 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 5, 1961, in Washington, D.C.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2180; Filed, Mar. 10, 1961; 8:50 a.m.]

[Docket Nos. 13965-13967; FCC 61M-363]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Notice of Prehearing Conference

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W.

Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

There will be a prehearing conference, under § 1.111, on Monday, April 3, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: March 6, 1961.

Released: March 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2181; Filed, Mar. 10, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-75-Alaska]

ALASKA

Determination and Vacation of Withdrawal

MARCH 6, 1961.

Lands withdrawn in Power Site Classification No. 396 and Project No. 353; Docket No. DA-75-Alaska, Bureau of Land Management, United States Department of the Interior.

An application was filed by the Bureau of Land Management, United States Department of the Interior, for a determination under section 24 of the Federal Power Act with respect to certain lands described in the withdrawal made in Power Site Classification No. 396 as—

Lands situated in Alaska and located approximately at latitude 59°40' North and longitude 135°16' West, being every smallest legal subdivision, any portion of which, when surveyed will be within one-half mile of Taiya River from the mouth of Nourse River to the International Boundary, aggregating roughly 5,000 acres.

and with respect to certain lands described in a notice of withdrawal issued October 30, 1922, for Project No. 353 as—

Lands situated in Alaska and located approximately at latitude 59°25' North and longitude 135°20' West, being all land lying within 200 feet of North Fork Skagway River, for the stretch of stream lying at a distance of one-quarter mile or less from Bridge No. 7-C of the White Pass & Yukon Railway approximately as shown on a map marked "Exhibit F" and entitled "Proposed Skagway River Development of the Home Power Company, Skagway, Alaska" being designated as part of the application for preliminary permit made by said company on September 16, 1922, for Project No. 353, containing approximately 25 acres.

Taiya River Withdrawal. The above-described lands on the Taiya River are withdrawn in Power Site Classification No. 396, dated April 23, 1948.

The lands have potential value for power development since a considerable amount of head would be available through the construction of a dam at approximately the 600-foot elevation and power developed through a conduit drop to a powerhouse near the mouth of the Nourse River at 250 feet elevation.

No plan that proposes use of the lands in connection with power development is known to be under consideration at this time and use of the lands in the meantime will not injure materially their power value.

Skagway River Withdrawal. The above-described lands on the Skagway River lie on both sides of said river in the portion occasionally referred to as the North Fork Skagway River, and about four miles above the town of Skagway. The lands on the east side of the river are within the Tongass National Forest.

The lands were reserved pursuant to the filing on September 30, 1922, of an application for a preliminary permit for proposed Project No. 353 and surrender of a license for the project, which was subsequently issued, was accepted effective as of December 31, 1943. It is noted that the description of the lands, based on project map data, is defective in denoting points of latitude and longitude which place the area considerably south of the mouth of the Skagway River on Taiya Inlet. The furnished data are sketchy, making it difficult to locate the area with accuracy on the 1951 Skagway (C-1) quadrangle.

The proposed project and the low dam development suggested as Potential Project No. 69 in the 1947 Report on Water Powers of Southeast Alaska by the Forest Service appear to be identical. The same 1947 report includes a so-called alternative high dam development located a short distance upstream from the low dam project at the head of the Skagway River Cascades.

It appears that the power requirements of Skagway and vicinity are being supplied through the facilities of Community Utilities, Inc., under license as Project No. 1051. So far as is known, since surrender of the license for Project No. 353 no further consideration has been given to the development of either of the above-mentioned sites. Because of the relatively small block of power proposed to be developed through diversion-conduit methods and the lack of substantial storage for uniform regulation, the power value of the lands appears to be negligible. Under the circumstances vacation of the power withdrawal pertaining to said lands is appropriate.

The Commission finds:

(1) Inasmuch as the above-described lands in the Skagway River withdrawal have negligible value for purposes of power development, vacation of the existing power withdrawal pertaining to said lands under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 353 is in the public interest.

(2) Inasmuch as power development does not appear imminent and use of the above-described lands on the Taiya River in the meantime for other purposes will not injure materially their power value, a determination as hereinafter provided with respect thereto is justified.

The commission determines: The value of the above-described lands on the Taiya River will 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, as amended.

The Commission orders: The existing power withdrawal pertaining to the above-described lands in the Skagway River withdrawal under section 24 of the Federal Power Act pursuant to the filing of the application for a preliminary permit for Project No. 353 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-2146; Filed, Mar. 10, 1961; 8:45 a.m.]

[Docket No. CP61-118]

COLORADO INTERSTATE GAS CO.

Notice of Application and Date of Hearing

MARCH 7, 1961.

Take notice that on October 17, 1960, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed an application in Docket No. CP61-118, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to sell and deliver for a period of time ending April 30, 1961, a maximum volume of 3,000 Mcf of interruptible natural gas per day to Kansas-Colorado Utilities, Inc. (Kansas-Colorado), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to delays in its expansion application in Docket No. G-16904, it has available volumes of excess gas, and that the sale proposed herein will give Applicant relief by disposing of a substantial volume of such excess gas.

Pursuant to the agreement, dated September 30, 1960, between Applicant and Kansas-Colorado the subject short term sale will be made at a price of 14.5 cents per Mcf of natural gas.

No new facilities are proposed since the subject sale and delivery will be made by means of existing facilities.

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 April 6, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under

the procedure herein provided for, unless otherwise advised, it will be unnecessary for 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 March 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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-2145; Filed, Mar. 10, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2488]

COMMITTEE OIL CO.

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

MARCH 7, 1961.

I. Committee Oil Co., a Colorado corporation (issuer), 4601 Race Street, Denver 16, Colorado, filed with the Commission on February 1, 1961, a notification on Form 1-A and an offering circular relating to an offering of 16,666 units, each unit consisting of one debenture, face value $15, and three shares of its $1 par value common stock at $1 per share for an aggregate offering in the amount of $299,988 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

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

1. The failure to disclose the source of funds with which the issuer intends to pay interest and principal on the debt securities being offered;

2. The failure to disclose the alternative use of proceeds should the company fail to acquire the oil and gas properties;

3. The forecast of profits which are based on conjecture;

4. The failure to disclose adequately the risks involved in the oil and gas business;

5. The failure to disclose adequately the extent to which the properties of the issuer are to be explored and developed;

6. The statement that the company will pay all direct sales costs and other expenses and will prepare and file applications for State registration of the securities when in fact no funds or other assets are available for these purposes;

7. The use of oil and gas reserve figures based upon secondary recovery methods although such methods have not as yet proved successful on the properties involved; and

8. The statement that the offering includes 49,998 shares of issuer's $1 par value common stock whereas the authorized capitalization of the company is only 45,000 shares.

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

1. The Consent of Oilfield Research Laboratories, registered engineers named in the offering circular as having prepared a report, a part of which is used in the offering circular, has not been filed;

2. The issuer has failed to furnish a reasonably itemized statement of the purpose for which the net cash proceeds to the issuer from the sale of securities are to be used and the amount to be used for each such purpose and the order of priority in which the proceeds will be used;

3. The jurisdictions in which the securities are to be offered have not been disclosed as required by Item 8 of Form 1-A.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A 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. 61-2156; Filed, Mar. 10, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Amdt. 2 to Taylor's I.C.C. Order 129]

MERIDIAN AND BIGBEE RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Meridian & Bigbee Railroad Company, due to flood conditions, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Meridian & Bigbee Railroad Company, and its connections, being unable to transport traffic in accordance with shippers' routing because of flood conditions, is hereby authorized to divert or reroute traffic moving over its line over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., March 6, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., March 15, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agree-

ment under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., March 6, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61–2154; Filed, Mar. 10, 1961; 8:46 a.m.]

[Notice 462]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63977. By order of March 6, 1961, the Transfer Board approved the transfer to Holley Brothers Company, Inc., 804½ North Fourth Street, Kentland, Ind., of Certificate No. MC 89524 issued June 19, 1956, to Morris W. Holley, Marlowe E. Holley, and Clarence A. Holley, a Partnership, doing business as Holley Brothers Company, 804½ North Fourth Street, Kentland, Ind., authorizing the transportation, over irregular routes, of crushed stone and agricultural limestone, from Kentland, Ind., to points in Iroquois and Vermilion Counties, Ill., and from the plant site of the Newton County Stone Company near Kentland, Ind., to points in Kankakee County, Ill., and sand and gravel, from the plant site of the Brandt's Gravel and Sand Company near Morocco, Ind., to points in Iroquois and Kankakee Counties, Ill.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–2152; Filed, Mar. 10, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WALLACE E. CARROLL

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 change.
B. Additions: No change.

This statement is made as of February 18, 1961.

WALLACE E. CARROLL.

FEBRUARY 20, 1961.

[F.R. Doc. 61–2167; Filed, Mar. 10, 1961; 8:48 a.m.]

RICHMOND LEWIS

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: Flexangle Corporation.
B. Additions: Bay State Corporation.

This statement is made as of February 27, 1961.

RICHMOND LEWIS.

MARCH 2, 1961.

[F.R. Doc. 61–2168; Filed, Mar. 10, 1961; 8:48 a.m.]

MARGUERITE M. SAUERS

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 change.
B. Additions: J. P. Stevens & Company and American Metal Products Co.

This statement is made as of February 28, 1961.

MARGUERITE M. SAUERS.

FEBRUARY 28, 1961.

[F.R. Doc. 61–2169; Filed, Mar. 10, 1961; 8:48 a.m.]

MICHAEL SUISMAN

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 change.
B. Additions: Control Data Corp.

This statement is made as of February 1, 1961.

MICHAEL SUISMAN.

MARCH 1, 1961.

[F.R. Doc. 61–2170; Filed, Mar. 10, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Burlington Manufacturing Co., 111 West Third Street, Chanute, Kans.; effective 2–25–61 to 2–24–62 (overalls and jackets).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; effective 2–19–61 to 2–18–62 (dresses).

Gopher Manufacturing Co., Buffalo, Minn.; effective 2–27–61 to 2–26–62 (children's outer garments and playclothes).

Greer Shirt Corp., Greer, S.C.; effective 2–20–61 to 2–19–62 (sport shirts).

F. Jacobson and Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 2–27–61 to 2–26–62 (men's dress shirts).

Luzerne Outerwear Manufacturing Corp., 87–93 North Canal Street, Shickshinny, Pa.; effective 2–27–61 to 2–26–62 (men's jackets and surcoats).

The Solomon Co., Leeds, Ala.; effective 2–27–61 to 2–26–62 (men's and boys' dress trousers and walking shorts).

Southland Manufacturing Co., Inc., Benson, N.C.; effective 2–23–61 to 2–22–62 (men's and boys' sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 2–24–61 to 2–23–62; 10 learners (men's work clothing).

Covco Garment Co., Corner Iris Drive and Covco Street, Sparta, Tenn.; effective 2–22–61 to 2–21–62; 10 learners (cotton coveralls).

Mt. Pleasant Garment Corp., First Avenue, Mt. Pleasant, Tenn.; effective 2–24–61 to 2–23–62; 10 learners (boys' sport shirts).

Nightingale Uniform Co., Inc., Mill Street, Georgiana, Ala.; effective 2–27–61 to 2–26–62; 10 learners (nurses' uniforms).

Ronox Dress, Inc., Noxen, Pa.; effective 2–25–61 to 2–24–62; 10 learners (ladies' dresses).

Ruleville Manufacturing Co., Ruleville, Miss.; effective 2-24-61 to 2-23-62; 10 learners (men's and boys' outerwear jackets).

Shroyer Dress Co., 315 North Water Street, Selinsgrove, Pa.; effective 2-27-61 to 2-26-62; 10 learners (women's and misses' dresses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

General Shirt Manufacturing Corp., Monterey, Tenn.; effective 2-25-61 to 8-24-61; 45 learners (dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 2-27-61 to 2-26-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Delta Undies, Inc., Sumner, Miss.; effective 2-27-61 to 2-26-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 3d day of March 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-2155; Filed, Mar. 10, 1961; 8:46 a.m.]

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