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FEDERAL REGISTER

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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

[C.C.C. Texas Flaxseed Bulletin]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions of 1961 and Subsequent Crop Texas Flaxseed Purchase Programs

Sec.

421.626 General.
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421.637 Storage charges.
421.638 Service charge.
421.639 Liens.
421.640 Setoffs.
421.641 Payment.

AUTHORITY: §§ 421.626 to 421.641 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421.

§ 421.626 General.

This bulletin (hereinafter called subpart) contains the regulations which will be applicable to the 1961 and subsequent crop Texas Flaxseed Purchase Programs which are formulated for price support purposes by Commodity Credit Corporation (referred to in this subaprt as CCC). This subpart supersedes CCC Texas Flaxseed Bulletin, Provisions of 1959 and Subsequent Crop Texas Flaxseed Purchase Programs (24 F.R. 2853). This subpart will be amended or supplemented each year for which a program is authorized to set forth the purchase rates, premiums and discounts applicable to the crop and to set forth such other changes as may be necessary. CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized dealers from the time of harvest through July 31, of the year in which the flaxseed was produced. All such purchases shall be made in accordance with this subpart.

§ 421.627 Administration.

(a) This program will be administered by Commodity Stabilization Service (referred to in this subpart as CSS) under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by the CSS Commodity Office, Dallas, Texas, the Texas Agricultural Stabilization and Conservation State Committee, and designated Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the office of the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county office to schedule deliveries in an orderly manner. Delivery instructions issued by the county office will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. The place of delivery will be an authorized dealer as designated by the county office. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.630. 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 purchase documents shall be retained in the county office. County office managers, State and county committees, and the CSS commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.628 Period and area of operation.

This program will be available on eligible flaxseed from the time of harvest through July 31, of the year in which the flaxseed was produced in the Texas counties indicated in the supplement to this subpart. Deliveries of flaxseed under this program must be completed on or before July 31, of the year in which the flaxseed was produced.

§ 421.629 Eligible producer.

An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other legal entity and whenever applicable, a State, political subdivision of a State, or any agency thereof which (a) has produced flaxseed in the year for which a program is authorized in any of the designated counties as landowner, landlord, tenant or sharecropper, and (b) has applied to the appropriate county office for delivery instructions. 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 purchase documents executed by them are legally valid. A minor shall be an eligible producer only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings, (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian, or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 421.630 Eligible flaxseed.

Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in the year for which a program is authorized in any of the counties named in the supplement to this subpart.

(b) (1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for purchase, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested. Any producer who is in doubt as to whether his interest in the flaxseed complies with the requirements of this subpart should make available to the county committee all pertinent information prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must Grade No. 1 or No. 2 and must not contain mercurial compounds or other substances poisonous to man or animals. Sample grade flaxseed will not be purchased under this program.

(d) Flaxseed produced in violation of restrictive leases on Federally-owned land shall not be eligible for purchase under this program.

(e) An authorized dealer shall not accept flaxseed from a producer for the account of CCC unless the producer presents a copy of the delivery instructions issued by the county office.

§ 421.631 Personal liability of the producer.

(a) If the producer has made a fraudulent representation in his sale under this program or in the purchase documents, the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for any loss which CCC sustains upon the flaxseed covered by the applicable purchase documents. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on such flaxseed plus all costs sustained by CCC in connection with such flaxseed, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC, of the flaxseed delivered on the date of delivery, or the sales price if the flaxseed is sold in order to determine its market value.

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

(c) If the amount disbursed under a purchase exceeds the amount authorized under this program, the producer shall be personally liable for repayment of the amount of such excess and shall promptly refund such amount to CCC.

§ 421.632 Authorized dealer.

An authorized dealer shall be any individual, partnership, association, corporation or other legal entity operating under a Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. Dealers interested in becoming authorized dealers under this program should make application to the county office of the county in which they are located. A list of authorized dealers to whom producers may deliver flaxseed for the account of CCC under this program may be obtained from the offices indicated in § 421.627.

§ 421.633 Purchase documents.

(a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) hereinafter referred to as "dealer's receipt", issued by an authorized dealer to the producer for flaxseed delivered, and if applicable, the registered freight bill and/or warehouseman's supplemental certificate, (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The dealer's receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31 of the year in which the flaxseed was produced. Each dealer's receipt must show: (1) Gross weight and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage, when such factor and not test weight determines the grade, and (7) whether the flaxseed arrived by rail, truck or barge. In the case of dealers' receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.634 Basis of purchase.

Eligible flaxseed will be purchased on the basis of weight, grade and quality factors. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture, except that wherever the services of such a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS commodity office at any time.

§ 421.635 Determination of Quantity.

(a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.636 Issuance of purchase prices, premiums and discounts.

Basic county and terminal market purchase prices, and premiums and discounts applicable to eligible flaxseed delivered to authorized dealers for the account of CCC from counties authorized under this program will be contained in annual supplements to this subpart.

§ 421.637 Storage charges.

To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel (gross weight basis) of flaxseed purchased shall be made from the basic purchase prices set forth in the supplement to this subpart:

For flaxseed deposited in:	*Deduction (cents per bushel (gross weight basis))*
April of the authorized program year	11.0
May of the authorized program year	10.0
June of the authorized program year	9.0
July of the authorized program year	8.0

§ 421.638 Service charge.

A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.639 Liens.

If there are any liens or encumbrances on the flaxseed, waivers that will fully protect the interests of CCC must be presented to the county office at the time of application for delivery instructions even though the liens or encumbrances are satisfied from the purchase proceeds.

§ 421.640 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 lienholders.

(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.

§ 421.641 Payment.

Payment to the producer for flaxseed purchased under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.633, subject to the provisions relating to setoffs and service charges.

Issued this 3d day of May 1961.

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

[F.R. Doc. 61-4235; Filed, May 8, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 618, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.72-2 of the regulations supplemental to the white-fringed beetle quarantine (7 CFR 301.72-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.72-2a are hereby revised to read as follows:

§ 301.72–2a Administrative instructions designating regulated areas under the white-fringed beetle quarantine and regulations.

Infestations of white-fringed beetles have been determined to exist, in the quarantined States, in the respective counties, parishes, cities, sections, townships, militia districts, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated as white-fringed beetle regulated areas within the meaning of the provisions in this subpart:

ALABAMA

Autauga County. Secs. 9, 10, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34 35, and 36, T. 17 N., R. 16 E.

Baldwin County. The entire county.

Calhoun County. Secs. 17, 18, 19, and 20, T. 13 S., R. 10 E.

Chilton County. All of the area within the corporate limits of the city of Clanton.

Clarke County. N⅓ T. 8 N., R. 3 E., and S⅓ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the north line of T. 5 N.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. The entire county.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dale County. That part of the W½ T. 4 N., R. 26 E. lying in Dale County, and secs. 25 and 36, T. 4 N., R. 25 E.; secs. 1 and 12, T. 3 N., R. 23 E.; and all the area within the corporate limits of Ozark and Ariton.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; and T. 16 N., Rs. 7, 8, and 9 E.

Elmore County. Secs. 3 and 4, T. 17 N., R. 17 E.; secs. 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34, T. 18 N., R. 17 E.; sec. 20, T. 18 N., R. 19 E.; secs. 11, 12, 13, 14, 23, and 24, T. 18 N., R. 21 E.; and that part of secs. 7, 18, and 19, T. 18 N., R. 22 E. lying west of the Tallapoosa River.

Escambia County. Secs. 1, 2, 3, 10, 11, and 12, T. 2 N., R. 5 E.; secs. 35 and 36, T. 3 N., R. 5 E.; Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. The entire county.

Houston County. All of Houston County lying west of west line of R. 28 E. and R. 10 W.; secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, T. 1 N., R. 28 E.; secs. 17, 18, 19, 20, 29, and 30, T. 3 N., R. 28 E.; and all of T. 7 N., R. 10 W. lying in Houston County.

Jefferson County. That area included within the corporate limits of the city of Birmingham, and that area within the corporate limits of the cities of Tarrant City; Wylam, Fairfield, Homewood, Hollywood, and Mountain Brook; secs. 17, 18, 19, and 20, T. 18 S., R. 3 W.; those portions of sec. 12, T. 18 S., R. 3 W., and sec. 7, T. 18 S., R. 2 W. lying between the city limits of Birmingham and Homewood and west of U.S. Highway 31; secs. 9, 10, 15, and 16, T. 15 S., R. 1 W.; secs. 24, 25, and 26, T. 17 S., R. 2 W., and those portions of secs. 23 and 27, T. 17 S., R. 2 W., lying outside the city of Birmingham.

Lowndes County. The area within the corporate limits of Fort Deposit and that part of the county lying within Tps. 13 and 14 N., Rs. 12 and 13 E.

Macon County. Secs. 4, 5, 6, 7, 8, 9, 16, 17, and 18, T. 18 N., R. 23 E.

Madison County. Secs. 9, 10, 11, 14, 15, 16, 21, 22, and 23, T. 3 S., R. 1 W.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. The entire county.

Monroe County. The entire county.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that portion of T. 18 N., R. 18 E., lying in Montgomery County.

Tallapoosa County. That part of the county lying in the S½ T. 18 N., R. 22 E.

Washington County. The entire county.

Wilcox County. N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of Pine Barren Creek.

FLORIDA

Calhoun County. That portion of the county within a line beginning at the southwest corner of sec. 31, T. 1 N., R. 8 W.; and extending north along the west boundary of R. 8 W. to the south boundary of T. 2 N.; thence west along said township boundary to the Chipola River; thence north along the Chipola River to the Calhoun-Jackson County line; thence east along said county line to the Apalachicola River; thence south along the Apalachicola River to the south boundary of T. 1 N.; thence west along said township line to the point of beginning. That area east of the Chipola River included within secs. 16, 17, 20, 21, 28, and 29, T. 1 S., R. 9 W.

Escambia County. The entire county.

Gadsden County. That area bounded on the north by the Florida-Georgia State line; on the east by the east boundary of sec. 32, T. 4 N., R. 5 W., and sec. 5, T. 3 N., R. 5 W.; on the south by the south boundaries of secs. 5 and 6, T. 3 N., R. 5 W.; and the south boundaries of secs. 1, 2, 3, 4, 5, and 6, T. 3 N., R. 6 W.; and on the west by the Apalachicola River.

Holmes County. That area bounded on the north by the Florida-Alabama State line; on the east by Holmes Creek; on the south by the south boundaries of secs. 23, 22, 21, 20, and 19, T. 5 N., R. 14 W., and secs. 24 and 23, T. 5 N., R. 15 W., and that portion of sec. 22, T. 5 N., R. 15 W. extending to its intersection with State Highway 177A; and on the west by State Highway 177A.

Jackson County. The entire county.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. The entire county.

Walton County. That part of the county lying north of the south line of T. 3 N.

Washington County. That area bounded on the north by the Washington County and Jackson County lines; on the east by the east boundaries of secs. 22, 27, and 34, T. 5 N., R. 13 W., and secs. 3 and 10, T. 4 N., R. 13 W.; on the south by the south boundaries of secs. 10, 9, and 8, T. 4 N., R. 13 W.; on the west by the west boundaries of secs. 8 and 5, T. 4 N., R. 13 W., and secs. 32, 29, and 20, T. 5 N., R. 13 W.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville and that area south of Milledgeville bounded on the north by the Milledgeville city limits, on the east by the Oconee River, on the south by Camp Creek, and on the west by U.S. Highway 441; and an area 1 mile wide beginning at the north corporate limits of Milledgeville extending northerly along U.S. Highway 441 with said highway as a center line to Tabler Creek.

Ben Hill County. That portion of the county in Fitzgerald Georgia Militia District 1537 and Ashton Georgia Militia District 1659.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. The entire county.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. All of that portion of the county west of U.S. Highway 25 from the Jenkins County line to the city limits of Statesboro and north of the Central of Georgia Railroad from the Candler County line to the city limits of Statesboro, and the area not already described within a circle having a radius of 4 miles with center at the Bulloch County Courthouse at Statesboro.

Burke County. That area, comprising parts of Georgia Militia Districts 60 and 62, bounded on the east by Fitz Branch; on the south by a line beginning at the intersection of Fitz Branch and State Highway 24 and extending due west to the intersection of Hephzibah Road and Highway 56; on the west by Hephzibah Road to Brier Creek; and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. All of Metter Georgia Militia District 1685 and an area 1 mile wide with Georgia Highway 46 as a center line, extending from the east boundary of Georgia Militia District 1685 to the Candler-Bulloch County line, including all of the town of Pulaski.

Coffee County. That area included within the corporate limits of the city of Douglas; and that area bounded on the west by a line projected due northward from the west intersection of Highway 32 and the city limits of Douglas to the Seventeen Mile Creek; thence east and southeast along Seventeen Mile Creek to its intersection with U.S. Highway 221, and the proposed Highway F105–1; thence along the proposed Highway F105–1 to its intersection with State Highway 32; thence westward along State Highway 32 to its intersection with the city limits of Douglas.

That area included within a circle having a 2-mile radius with the center at the Atlanta, Birmingham, and Coast Railroad Depot in Ambrose, including all of the town of Ambrose.

An area 3 miles wide beginning at the north city limits of Broxton extending along U.S. Highway 441 with said highway as a center line to and bounded on the north by Culley Creek.

Colquitt County. That area included within the city limits of Norman Park and an area bounded on the north by the Colquitt-Worth County line, on the east by State Highway 256, on the south by a line extending from the intersection of the Atlantic Coast Line Railroad with the Norman Park City limits to Oakdale Church, and on the west by Oakdale Church road.

Coweta County. That area included within a circle having a 2-mile radius and center at the Newnan town square.

Crawford County. The lower half of the county lying southeast of U.S. Highway 80 and the adjoining area within a circle hav-

ing a radius of 1½ miles with center at the intersection of U.S. Highways 80 and 341 at Roberta.

Crisp County. That portion of Listonia Georgia Militia District 1040 north of Cemetery Road (Secondary route S–533); that area within a circle with a 1-mile radius with center at the intersection of Cedar Creek and the Albany and Northern Railroad; and that area within a circle having a 2-mile radius with center at the intersection of U.S. Highways 41 and 280 at Cordele.

Dodge County. That area within a circle having a radius of 5 miles with center at the intersection of U.S. Highways 341 and 23 at Eastman.

Dooly County. The entire county.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. All of the area in Georgia Militia Districts 142, 143, and 163; and all of the area within the corporate limits of Penfield.

Houston County. The entire county.

Irwin County. The entire county.

Jasper County. All of the area in Georgia Militia Districts 262, 289, 295, and 365, and the portions of Georgia Militia Districts 288 and 291 lying south of White Oak and Murder Creeks; and that area included within a circle with a 1-mile radius with center at the intersection of Georgia Highways 83 and 142.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. All of the area in Wrightsville Georgia Militia District 1201, including the city of Wrightsville.

Lamar County. That area within the corporate limits of the city of Barnesville.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a centerline to the Laurens-Wilkinson and Laurens-Bleckley County lines; including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a centerline for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. All of the area lying north of Toteover Creek and east of the Flint River; and that area included within the corporate limits of the city of Oglethorpe.

Monroe County. That area within a circle having a radius of two miles with the County Courthouse at Forsyth as center.

Montgomery County. That area bounded by a line beginning at the intersection of Georgia Highway 30 and the Oconee River and extending eastward and southeastward along Georgia Highway 30 to its intersection with the western city limits of Mount Vernon, thence north and eastward along the city limits of Mount Vernon and Ailey to its intersection with Georgia Highway 227, thence eastward along a line projected to a point where U.S. Highway 280 intersects with Georgia Militia District 1567, thence southwestward along U.S. Highway 280 for a distance of 2⁹⁄₁₀ miles to the intersection of said highway and a county road, thence southeastward along said county road to the intersection of Cypress Branch, thence southward along Cypress Branch for a distance of ⅒ mile to its intersection with another county road, thence westward along said county road to its intersection with county road S1653, thence northwestward along said road to its intersection with the city limits of Mount Vernon, thence westward along the southern city limits of Mount Vernon to its intersection with Limestone Creek, thence southwestward along said creek to its intersection with Oconee River, thence northward along said river to the point of beginning.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale; all of the area in the city of Covington; and that area included within a circle having a radius of 1 mile with center at High Point Church on Georgia Highway 36.

Peach County. The entire county.

Putnam County. All of Ashbank Georgia Militia District 389 and that portion of Eatonton Georgia Militia District 368 lying east of U.S. Highway 129, including all of the town of Eatonton.

Randolph County. That area bounded on the north, east, south, and west by lines parallel to and ½ mile beyond the Cuthbert city limits, including all of the city of Cuthbert.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. All of the area within the Georgia Militia District 789.

Talbot County. All of the area in Georgia Militia Districts 681, 685, 689, 894, 902, and 904.

Taylor County. That area bounded by a line beginning at a point where U.S. Highway 19 intersects Flint River, and extending south and east along said river to its intersection with the Macon County line. Thence south and west along the Taylor-Macon County line to its intersection with Whitewater Creek, thence northwest along Whitewater Creek to the mouth of Black Creek, thence due north on a line projected from said point to its intersection with Patsiliga Creek, a distance of three miles, thence east along Patsiliga Creek to its intersection with U.S. Highway 19, thence north along said highway to the point of beginning.

Toombs County. All of Vidalia Georgia Militia District 51 and all of the city of Lyons.

Treutlen County. All of the area in Soperton Georgia Militia District 1386 west of a line beginning at the intersection of Pendleton Creek and U.S. Highway 221 and extending southwestward along said highway to its intersection with State Highway 227, thence southward along State Highway 227 to its intersection with Georgia Highway 46, thence southeastward along Georgia Highway 46 to its intersection with a county road at Zaidee, thence southward along said county road to its intersection with the Treutlen-Montgomery County line.

Turner County. An area 2 miles wide with U.S. Highway 41 and State Highway 7 as center line, beginning at the north and northwest boundaries of Ashburn Georgia Militia District 1624 and extending south to a line ½ mile south of Sycamore, including all of the towns of Ashburn and Sycamore.

An area one mile wide with Georgia Highway 32 as center line beginning at Hat Creek and extending east to Gulley Branch.

An area 1 mile wide with State Highway 159 as center line and extending northeastward along State Highway 159 from Deep Creek for a distance of 2 miles, including the town of Amboy.

Twiggs County. All of the county east of U.S. Highway 23.

Washington County. All of Washington County excluding Georgia Militia Districts 88, 90, 92, 96, 98, and 99.

Wheeler County. That area included within a circle having a 2-mile radius with center at the intersection of U.S. Highway 280 and State Highway 126 at Alamo; and an area 2 miles wide beginning at the east corporate limits of Alamo and extending east and southeast for 6 miles along State Highway 126 with said highway as a center line.

Wilkinson County. That portion of the county consisting of Turkey Creek Georgia Militia District 353.

LOUISIANA

Acadia Parish. Secs. 21, 22, 23, 26, 27, 28, 31, 32, 33, 34, and 43, T. 9 S., R. 1 E., and the portions lying east of Bayou Plaquemine Brule of secs. 20, 29, 30, and 44, T. 9 S., R. 1 E.; and secs. 3, 4, 5, and 37, T. 10 S., R. 1 E.

East Baton Rouge Parish. Secs. 39 and 41, T. 7 S., R. 1 W.; sec. 58, T. 6 S., R. 1 E.; T. 7 S., R. 1 E. and that portion of T. 7 S., R. 2 E. lying in East Baton Rouge Parish.

Jefferson Parish. That portion of the parish lying north of the north line of T. 15 S.

Lafayette Parish. Secs. 24 and 25, T. 9 S., R. 3 E.; and secs. 19, 20, 29, 30, and 31, T. 9 S., R. 4 E.

Livingston Parish. Secs. 32, 33, and 47, T. 6 S., R. 3 E.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That portion of the parish lying north of the north line of T. 16 S.

Saint Bernard Parish. The entire parish.

Saint Tammany Parish. Secs. 33 and 43, T. 4 S., R. 10 E.; secs. 3 and 4, T. 5 S., R. 10 E.; secs. 49, 50, 58, 59, and 61, T. 4 S., R. 12 E.; secs. 27, 28, and 33, T. 4 S., R. 13 E.; secs. 27, 29, 30, 31, 32, 38, 40, 41, and 42, T. 6 S., R. 11 E.; secs. 15, 16, 17, 18, 19, 20, 21, 37, and 42, T. 7 S., R. 10 E.; secs. 6, 34, 38, 39, 40, 41, 42, 44, 45, 46, 47, and that portion lying north and west of the Abita River of sec. 48, T. 7 S., R. 11 E.; secs. 21, 22, 26, 27, 28, 33, 34, 35, 37, 38, and 39, T. 7 S., R. 14 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that portion of the parish lying south of the south line of T. 8 S.

Tangipahoa Parish. Sec. 46, T. 2 S., R. 7 E.; secs. 4, 5, 32, 33, 50, and 55, T. 3 S., R. 7 E.; secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E.; secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 28, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 39, 40, and 41, T. 6 S., R. 8 E.; secs. 19, 20, 21, 28, 29, 30, and 38, T. 6 S., R. 9 E.; secs. 1, 11, 12, 56, and 57, T. 7 S., R. 7 E.; secs. 6 and 7, T. 7 S., R. 8 E.; and secs. 13, 14, 15, 16, 39, 44, and 45, T. 7 S., R. 9 E.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E⅔ T. 4 S., R. 13 E.; E⅓ T. 1 S., R. 13 E.; E⅚ T. 2 S., R. 13 E.; E⅔, and secs. 19, 20, 29, 30, and 37, T. 3 S., R. 13 E.; secs. 23, 24, 25, 26, 41, and 42, T. 3 S., R. 12 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 8, 9, 10, 14, 15, 16, 17, 20, 21, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.; and that portion of the parish lying between the M. & O. Railroad, and Bogue Chitta River, south of the northern

boundary of sec. 44, T. 3 S., R. 11 E., and west of the east boundary of T. 4 S., R. 12 E.

MISSISSIPPI

Amite County. That portion of the county lying within the corporate limits of Centreville.

Attala County. Secs. 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, and 26, T. 15 N., R. 6 E.; secs. 18, 19, and 30, T. 15 N., R. 7 E.; secs. 1 and 2, T. 13 N., R. 7 E.; S⅝ T. 14 N., R. 7 E.; sec. 6, T. 13 N., R. 8 E.; secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 30, 31, T. 14 N., R. 8 E.; and secs. 31, 32, and 33, T. 15 N., R. 8 E.

Clarke County. Tps. 1, 2, 3, and 4 N., R. 14 E.; N½ T. 2 N., R. 15 E.; Tps. 3 and 4 N., R. 15 E.; secs. 5, 6, 7, 8, 17, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 2, 3, 4, 9, 10, 11, 14, 15, and 16, T. 10 N., R. 9 W.; and that portion of sec. 21, T. 10 N., R. 9 W., lying in Clarke County.

Copiah County. Secs. 31, 32, 34, 35, and 36, T. 1 N., R. 2 W.; N½ T. 10 N., R. 8 E.; and N½ T. 1 N., R. 1 E., lying west of Pearl River.

Covington County. The entire county.

Forrest County. The entire county.

George County. The entire county.

Greene County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; secs. 3, 4, 5, 8, 9, 10, 15, 16, and 17, T. 4 N., R. 3 W.; E⅝ T. 6 N., R. 3 W.; W⅓ T. 6 N., R. 2 W.; that area within the corporate limits of the city of Jackson, and the remaining area within Tps. 4 and 5 N., R. 1 E. west of Pearl River.

Jackson County. The entire county.

Jasper County. All that part of Jasper County lying south of the south line of T. 4 N.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. Secs. 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, T. 11 N., R. 16 E.; secs. 4, 5, and 6, T. 9 N., R. 18 E.; and SW¼ T. 10 N., R. 18 E.

Lamar County. The entire county.

Lauderdale County. Tps. 5 and 6 N., Rs. 15 and 16 E.; S½ T. 7 N., Rs. 15 and 16 E.; secs. 4, 5, and 6, T. 7 N., R. 17 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 8 N., R. 17 E.

Lawrence County. The entire county.

Leake County. The entire county.

Lincoln County. T. 7 N., R. 8 E.; and E½ T. 7 N., R. 7 E.

Marion County. The entire county.

Neshoba County. N½ T. 10 N., Rs. 11 and 12 E.; T. 11 N., Rs. 11 and 12 E.; that portion of the county lying in the corporate limits of Union; and secs. 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 9 N., R. 13 E.

Newton County. Tps. 5 and 6 N., R. 11 E.; W½ T. 6 N., R. 12 E., and that portion of the county lying in the corporate limits of Union.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. That portion of the county lying west of the west line of R. 9 E.

Rankin County. Tps. 3, 4, and 5 N., R. 2 E.; Tps. 3 and 5 N., R. 3 E.; T. 4 N., R. 1 W.; Tps. 4 and 5 N., R. 1 E.; and T. 6 N., Rs. 1 and 2 E., lying east of Pearl River.

Scott County. W⅔ Tps. 7 and 8 N., R. 8 E.

Simpson County. The entire county.

Smith County. That portion of the county lying in the corporate limits of Raleigh; secs. 3, 4, 9, 10, 15, and 16, T. 1 N., R. 15 W.; and that portion of the county lying in T. 10 N., Rs. 13, 14, 15, and 16 W., including all of the city of Mize.

Stone County. The entire county.

Walthall County. The entire county.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. T. 8 N., Rs. 6 and 7 W.; N½ T. 8 N., Rs. 8 and 9 W.; T. 9 N., Rs. 7, 8, and 9 W.; and that portion of the county lying in T. 7 N., Rs. 5 and 6 W.

Wilkinson County. E½ T. 1 N., R. 1 E., excluding all that portion of sec. 12 falling within said E½, and including all of sec. 25, a portion of which extends into W½ T. 1 N., R. 1 E.; and SE¼ T. 2 N., R. 1 E.

NORTH CAROLINA

Anson County. That area beginning at a point east of Lilesville where United States Highway 74 joins State Secondary Road 1801, thence southeast along State Secondary Road 1801 to its jurisdiction with State Highway 85, thence southwest along said highway to its junction with Jones Creek, thence west along Jones Creek to its junction with State Secondary Road 1812, thence northwest along said road to its junction with U.S. Highway 74, thence east along U.S. Highway 74 to the point of beginning, including all of the city of Lilesville.

That area beginning at a point southeast of Polkton where U.S. Highway 74 joins State Secondary Road 1248, thence southwest along State Secondary Road 1248 to its junction with State Secondary Road 1121, thence north along said road to its junction with State Secondary Road 1246, thence southwest along said road to its junction with State Secondary Road 1250, thence south along said road to its junction with State Secondary Road 1244, thence west along said road to its junction with State Secondary Road 1240, thence northwest along said road to its junction with State Secondary Road 1252, thence southwest along said road to its junction with State Secondary Road 1233, thence southwest along said road to the Union-Anson County line, thence north along said county line to its junction with State Secondary Road 1443, thence northeast along said road to its junction with State Highway 218, thence southeast along said highway to its junction with State Secondary Road 1415, thence northeast along said highway to its junction with State Secondary Road 1432, thence east and south along said road to its junction with State Secondary Road 1428, thence east along said road to its junction with State Highway 742, thence southeast along said highway to its junction with State Secondary Road 1422, thence south along said road to its junction with U.S. Highway 74, and State Secondary Road 1248, the point of beginning.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U.S. Highway 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U.S. Highway 15A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollicksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad crosses the Northeast Cape Fear River, thence south along said railroad to its junction with State Highway 132, thence southeast and south along said highway to its junction with U.S. Highway 421, thence northwest along said highway to its junction with the city limits of the city of Wilmington, thence along said city limits west and north to its junction with the Cape Fear River, thence north along said river to its junction with the Northeast Cape Fear River, thence north and east along the Northeast Cape Fear River to its junction with the Atlantic Coast Line Railroad, the point of beginning.

Onslow County. That area included within the corporate limits of the city of Jacksonville.

Pender County. That portion of the county lying west of the Northeast Cape Fear River.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of Intersection of U.S. Highway 15A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U.S. Highway 15A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. That area included within the corporate limits of the city of Goldsboro.

SOUTH CAROLINA

Beaufort County. That area bounded by a line beginning at a point where the Bull River and the Coosaw River join, thence west along Coosaw River to its intersection with Highway 21, thence north on said highway to its junction with State Highway 238, thence east along said highway to its junction with State Highway 43, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northeast along said railroad to its intersection with Wimbee Creek, thence southeast along Wimbee Creek and Bull River to the point of beginning.

TENNESSEE

Hardeman County. Civil District 1; that portion of Civil District No. 6, lying west of the GM&O Railroad; and that portion of Civil District No. 7, lying south of the Hatchie River.

Shelby County. The entire county.

Tipton County. That area within a circle having a ½-mile radius and center at the E. L. Reed homeplace, excluding any area not in Tipton County and including that area within the corporate limits of the town of Mason.

(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)

The foregoing administrative instructions shall become effective May 9, 1961, when they shall supersede P.P.C. 618,

Revised, 7 CFR 301.72–2a, effective July 19, 1957.

These revised administrative instructions add to the regulated areas the County of Dooly, Georgia; and certain parts of 7 counties in Alabama, 3 counties in Florida, 5 counties in Georgia, 3 counties in Louisiana, and 2 counties in Mississippi, which counties had not previously been regulated. The instructions also extend the previously regulated areas in 7 counties in Alabama, 2 counties in Florida, 29 counties in Georgia, 6 counties in Louisiana, 18 counties in Mississippi, 2 counties in North Carolina, 1 county in South Carolina, and 1 county in Tennessee. Hamilton County, Tennessee, was removed in its entirety from the regulated area. Some previously regulated portions of Holmes County, Florida; Onslow, Pender, and Wayne Counties, North Carolina; and Turner County, Georgia, were removed from a regulated status.

These instructions should become effective as soon as possible with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the white-fringed beetle and with respect to the area removed from regulation in order to be of maximum benefit to affected shippers. Accordingly, pursuant to 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 these instructions are impracticable and contrary to the public interest, 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 3d day of May 1961.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 61–4234; Filed, May 8, 1961; 8: 50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA: INSPECTION, CERTIFICATION AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Miscellaneous Amendments

On February 25, 1961, there appeared in the FEDERAL REGISTER (26 F.R. 1666) a notice of proposed rule-making concerning amendments of the regulations governing the inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155), under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624). After due consideration of all relevant matters and under the authority of said sections 203 and 205, the regulations are hereby amended, as follows:

1. § 155.29 is amended to read as follows:

§ 155.29 Composition of certified product for dogs, cats, and other carnivora.

(a) *Composition of canned maintenance food.* (1) Only ingredients which are normal to canned food for dogs, cats, and other carnivora or are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of maintenance food.

(2) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, shall be used in the preparation of canned maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the maintenance food.

(3) Maintenance food shall contain not less than 10 percent of protein.

(4) Maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(5) Vegetables and grains and their derivatives, used as ingredients of maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

(6) Inedible material such as tankage, dried blood, bone meal, and the like shall not be used as ingredients of maintenance food.

(b) *Composition of canned or fresh frozen animal protein supplement.* (1) Animal protein supplement shall contain not less than 95 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

(2) Animal protein supplement shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260) as amended (21 U.S.C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U.S.C. 96), in order to insure decharacterization of the product for human food purposes.

(3) Animal protein supplement may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise fit for use as animal food.

(4) Animal protein supplement shall contain not less than 15 percent protein.

(5) Animal protein supplement shall contain not less than 3 per cent fat.

(c) *Composition of canned pet stew.* (1) Pet stew shall contain not less than 25 per cent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used.

(2) Pet stew shall contain a variety of vegetables and may contain other ingredients which are favorable to adequate nutrition.

(3) Vegetables and grains and their derivatives used as ingredients of stews shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

(4) Pet stew shall contain not less than 8 percent protein.

(5) Pet stew shall contain not less than 2 percent fat.

(6) Pet stew may contain not more than 75 percent moisture.

§ 155.30 [Deletion]

2. Section 155.30 is deleted in its entirety.

§ 155.32 [Amendment]

3. Section 155.32(a), subparagraph (2) is amended to read as follows:

(2) Class of product as outlined in paragraphs (a), (b), and (c) of § 155.29 shall be declared on either the main display or 20 percent panel of the label.

The service provided for by the regulations is purely voluntary and is made available only upon request of interested persons. The amendments relieve restrictions and will make the service of greater benefit to persons using the service.

Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of May 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–4250; Filed, May 8, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 580; Amdt. 43–13]

PART 43—GENERAL OPERATION RULES

Installation and Use of Flight Recorders in Certain Airplanes Used by Air Carriers and Commercial Operators

The currently effective provisions of Parts 40, 41, and 42 of the Civil Air Regulations require the installation and use of an approved flight recorder on all large airplanes (more than 12,500 pounds maximum certificated takeoff weight) certificated for operations above 25,000 feet, and on all large turbine-powered airplanes, when such airplanes are being operated under the terms of an air carrier or commercial operator certificate. These rules are not applicable while the airplanes are being used by an air carrier or a commercial operator for flight checks, training flights, ferry flights, airworthiness test flights, or other operations conducted in accordance with the general operation rules of Part 43.

Civil Air Regulations Draft Release No. 60–18, dated November 23, 1960 (25 F.R. 12299, 12524), proposed to amend Part 43 to require the holder of an air carrier or commercial operating certificate to have installed and in operation an approved flight recorder on all large turbine-powered airplanes, and on all other large airplanes certificated for operation above 25,000 feet, when such airplanes are being used for flights conducted in accordance with the general operation rules. For purposes of clarity, the usual types of operation to which the rule would be applicable were listed in the proposal as flight checks, training flights, ferry flights, or airworthiness test flights. Provisionally certificated airplanes falling within the scope of this proposed rule were to be allowed until May 1, 1961, to comply.

As stated in Draft Release 60–18, the safety considerations which formed the basis of the flight recorder provisions of Parts 40, 41, and 42 are equally applicable to other operations, such as flight checks, training flights, airworthiness test flights, and ferry flights, when such flights are conducted by air carriers and commercial operators with large airplanes certificated for operation above 25,000 feet and with large turbine-powered airplanes. It is essential, therefore, that information be obtained for accident investigation and other safety purposes when these airplanes are being used to conduct any flight, regardless of the regulations under which such flights are conducted.

All comments received in response to Draft Release 60–18 indicated general concurrence with the rule as proposed. However, several persons pointed out the need for greater flexibility in the conduct of ferry flights with an inoperative flight recorder, and of airworthiness test flights with the recorder turned off. In light of these comments, the rule as adopted herein will permit the ferry flight of a newly acquired airplane not equipped with a flight recorder from the place of delivery to a base where a recorder is to be installed. Also, the rule will permit an airplane with an inoperative flight recorder, when located at a place where repair or replacement facilities are not available, to be ferried to a place where the recorder can be repaired or replaced. In addition, in the event of failure of the flight recorder after the airplane becomes airborne on a ferry flight, the flight will be permitted to continue as planned, rather than required to terminate at the next stop where repairs or replacements can be made. Provisions have also been included to allow the flight recorder to be turned off during airworthiness test flights conducted to test the operations of the recorder, or communication or electrical systems, when the successful conduct of such tests so requires.

Since the effective date of this amendment is later than the May 1, 1961, compliance date proposed for provisionally certificated airplanes, the requirement for flight recorders on such airplanes is not stated as a separate provision in the rule. However, the requirement for flight recorders, as set forth herein, is applicable to provisionally certificated airplanes.

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

In consideration of the foregoing, Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is amended by adding a new § 43.32 to read as follows, effective June 6, 1961.

§ 43.32 Flight recorders.

(a) The holder of an air carrier or commercial operator certificate shall not operate any of the following airplanes in the conduct of flights (other than a ferry flight conducted for the purpose of delivering a newly acquired airplane from the place where an air carrier or commercial operator takes possession to a base where a flight recorder is to be installed), unless there is installed on the airplane an approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading:

(1) Airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude;

(2) Turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an air carrier or commercial operator conducts a flight with an airplane which has a flight recorder installed as required by paragraph (a) of this section, the flight recorder shall be operated continuously from the instant the pilot commences the takeoff roll until he has completed the landing roll at a place of landing, subject to the following exceptions:

(1) If an airplane with an inoperative flight recorder is located at a place where facilities for the repair or replacement of the recorder are not available, the airplane may be ferried with the flight recorder inoperative to a base where the recorder can be repaired or replaced.

(2) If the flight recorder becomes inoperative after the airplane has become airborne, the particular flight may be continued and completed as originally planned.

(3) During an airworthiness flight test, the flight recorder may be turned off for any period of time necessary to conduct tests of the operation of the recorder, or any communication or electrical equipment, installed in the airplane.

(c) Recorded information shall be retained by the air carrier or commercial operator for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

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

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

N. E. HALABY,
Administrator.

[F.R. Doc. 61–4216; Filed, May 8, 1961; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 732; Amdt. 282]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller Model UH–12D and UH–12E Series Helicopters

Subsequent to adoption of Amendment 261, 26 F.R. 1982, applicable to defective gears in the main transmission of Hiller UH–12D and –12E helicopters, it has been determined that certain acceptable heat lot numbers may be added to those now listed in Item 1, paragraph (a). Therefore, Amendment 261 is being amended to include the additional acceptable numbers and to reference a revised manufacturer's Service Information Letter. Since this amendment is a relaxation 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 amended as follows:

Amendment 261 (26 F.R. 1982) is amended by:

1. Changing Item 1, paragraph (a) to read as follows:

(a) Inspect planet spur gear, P/N 23527, spiral bevel ring gear, P/N 23528, and tail rotor bevel gear shaft, P/N 23522, for heat lot number. The heat lot number is prefaced by the designation "VHI" and is etched on the gears. Remove and replace any of those

gears not bearing the following appropriate lot VHI numbers: For P/N 23527 (UH–12E Series only), VHI 180, 185, 186, 196, 275, 309 and subsequent. For P/N 23527 (UH–12D only), VHI 35, 59, 71, 125, 171, 180, 181, 182, 185, 186, 196, 217, 245, 275, 309 and subsequent. For P/N 23528 (UH–12D and UH–12E Series), VHI 40, 40R, 277, 279, 286, 288, 293, 293A, 295, 309 and subsequent. For P/N 23522 (UH–12D and UH–12E Series), VHI 291, 292, 309 and subsequent.

NOTE: Those gears not bearing any lot numbers and identified by Western Gear P/N's 1962C171, 1962D58, or 1962D65 are satisfactory and may be reinstalled.

2. Changing the parenthetical reference statement at the end of the directive to read "No. 3015D" instead of "No. 3015A."

This amendment shall become effective May 9, 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 May 3, 1961.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61–4215; Filed, May 8, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7657 o.]

PART 13—PROHIBITED TRADE PRACTICES

Arnold Constable Corp.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Arnold Constable Corporation, New York, N.Y., Docket 7657, January 12, 1961]

Order requiring the operator of specialty stores in New York City and suburbs to cease making, in newspaper advertising, deceptive pricing and savings claims for its merchandise, such as use of the abbreviation "Reg." preceding a price figure for which they had never sold the ladies' luggage advertised, and representing a fictitious figure as "customary retail value" for cashmere coats copied from more expensive coats and specially made for the sale from fabrics which were "seconds".

The order to cease and desist is as follows:

It is ordered, That respondent Arnold Constable Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of luggage, wearing apparel, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That any amount is respondent's usual and customary retail price of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold by respondent in the recent regular course of its business.

2. That any amount is the retail value or price of an article of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made.

3. That any savings are afforded in the purchase of merchandise from respondent's usual and regular prices unless the prices at which it is offered constitute reductions from the prices at which said merchandise is usually and customarily sold by respondent in the normal course of its business.

4. That any savings are afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representations are made unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail in such trade area or areas.

B. Misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondent in the recent regular course of its business, or from the price at which said merchandise is usually and customarily sold in the trade area, or areas, where the representation is made.

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

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

Issued: January 12, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61–4220; Filed, May 8, 1961; 8:46 a.m.]

[Docket 8043 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

J. Fiddelman and Son, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, J. Fiddelman & Son, Inc., et al., New York, N.Y., Docket 8043, January 10, 1961]

In the Matter of J. Fiddelman & Son, Inc., and Syndicate Diamonds, Inc., Corporations, and Sidney Fiddelman and Donald H. Fiddelman, Individually and as Officers of Said Corporations

Consent order requiring two affiliated New York City jewelry distributors to cease representing falsely in advertisements they furnished to jeweler-customers that jewelry offered for sale by said retailers consisted of respondents' overstocked merchandise, that its regular retail price was $300 or any other fictitious amount, and that it was offered for sale at one-half the usual price; and to cease attaching to their merchandise tags bearing fictitious amounts, represented thereby as the usual retail prices.

The order to cease and desist is as follows:

It is ordered, That respondents J. Fiddelman & Son, Inc., and Syndicate Diamonds, Inc., corporations, and their officers, and Sidney Fiddelman and Donald H. Fiddelman, individually and as officers of said corporations, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of jewelry or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Furnishing advertising matter or any other means or instrumentality to others by and through which they may represent, directly or by implication:

(a) That the merchandise offered for sale by them is respondents' surplus or overstocked merchandise, unless such is the fact;

(b) That any amount is the usual and customary retail price of their merchandise when it is in excess of the price at which they have usually and customarily sold the merchandise in the recent and regular course of their business.

(c) That a saving is afforded to purchasers of their merchandise unless the price at which it is offered constitutes a reduction from the price at which they have usually and customarily sold the merchandise in the recent and regular course of business.

2. Preticketing merchandise sold to others for resale to the public which tickets set out prices which are in excess of the prices at which the merchandise is usually and customarily sold at retail.

3. Misrepresenting in any other manner the retail price of their merchandise or the amount of savings afforded to purchasers at retail from the usual and customary retail prices of their merchandise.

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

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

Issued: January 10, 1961.

By the Commission.

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

[F.R. Doc. 61-4221; Filed, May 8, 1961; 8:47 a.m.]

[Docket 7339 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Employment Information Service et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Samuel A. Cannon et al. doing business as National Employment Information Service, Newark, N.J., Docket 7339, January 12, 1961]

In the Matter of Samuel A. Cannon, and Geraldine Cannon, Individuals, Trading and Doing Business as National Employment Information Service

Order requiring two individuals in Newark, N.J., engaged in selling publications concerning employment opportunities for which they charged $3.00, to cease advertising falsely—in magazines and newspapers, under "Help Wanted" and "Job Opportunities" columns, or otherwise or in follow-up circulars sent in answer to requests for the "free information" offered—that numerous jobs were available in the various occupations set out, both in the U.S. and in foreign countries; that they had knowledge of such jobs; that purchasers of their publications who applied for a job on any of the projects listed therein, could expect to obtain employment; and that information respecting employment opportunities was furnished free.

The order to cease and desist is as follows:

It is ordered, That respondents Samuel A. Cannon and Geraldine Cannon, individually and trading and doing business as National Employment Information Service, or trading under any other name, their agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of their publications, "Job and Opportunity Digest" and "Project Listings", or any similar publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication:

1. That they have knowledge of available jobs in any occupation or that numerous jobs are available on the projects listed in said publications.

2. That persons answering respondents' advertising or purchasing said publications may expect to obtain employment.

3. That information respecting employment opportunities is furnished free to persons requesting such information.

B. Placing any advertisement in "Help Wanted", "Job Opportunities", or similar columns in newspapers or periodicals, or representing in any manner that they are offering employment or are operating an employment agency.

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

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

Issued: January 12, 1961.

By the Commission.

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

[F.R. Doc. 61-4222; Filed, May 8, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55377]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

Merchandise in Transit Between Ports in the United States Through Contiguous Foreign Territory

The U.S. In-Transit Manifest provided for in § 5.8(b) of the Customs Regulations for merchandise in transit between ports in the United States through contiguous foreign territory is required to be certified by a customs inspector. It has been determined that certification of such a manifest by the carrier rather than an inspector would in some instances facilitate the movement of such shipments without endangering the revenue. To provide that certification by the carrier may be accepted as an alternative to certification of the manifest by a customs inspector; to revise the sample manifest form in § 5.8(b) to provide for its use for less-than-carload shipments as well as shipments in carload lots; and to make necessary conforming changes, the Customs Regulations are amended as follows:

A. Section 5.8 is amended as follows:

1. The sample manifest form following the third sentence, and the fourth, fifth, and sixth sentences of paragraph (b) are deleted and the following substituted therefor:

U.S. CUSTOMS IN-TRANSIT MANIFEST

(Merchandise in transit between ports in the United States through contiguous foreign territory)

Car No. and initials: _____

_____ (Carrier)

Port of exit:
Buffalo, N.Y. (Fort Erie, Ontario).

Port of reentry:
(Port Huron, Mich.) ☐
(Sarnia, Ontario) ☐
(Niagara Falls, N.Y.) ☐
(Niagara Falls, Ontario) ☐
(Detroit, Mich.) ☐
(Windsor, Ontario) ☐
(St. Albans, Vt.) ☐
(LaColle, Quebec) ☐

Description of articles (include marks and Nos. and number of packages for LCL shipments).

_____

_____

_____ (Agent of carrier)

Name of consignee and destination (for LCL shipments)

_____ (Date)

I certify that the above car number and initials are correct and (check applicable statement).

☐ That the car has not been sealed with customs seals, or
☐ That the car has been sealed with customs seals verified to be intact and locked.

_____*

☐ U.S. Customs Inspector
☐ Agent of carrier

*The certificate shall be signed with ink or indelible pencil.

It will be noted that the name of the port of exit is followed by the name of the foreign port of entry and that the names of the ports of reentry are followed by the names of the foreign ports of exit. The names of the foreign ports may be omitted. In the case of a conveyance other than a railroad car, the conveyance shall be identified in a suitable manner, as by the name and rig of a vessel, in the place provided for car number and initials, and the certificate shall be modified appropriately. The collector may require that the carrier execute the certificate on the U.S. Customs In-Transit Manifest as an alternative to certification of the form by a customs officer. In such a case, if the merchandise is forwarded without being under customs Tyden seals, the agent of the carrier shall carefully examine the packages covered by the in-transit manifests to satisfy himself that the merchandise agrees with the manifests as to quantity and description.

2. Paragraph (e) is amended to read:

(e) Each manifest shall be presented by the carrier to the customs officer at the port of exit of the conveyance or at the port of lading of the vessel, as the case may be. An extra copy of the manifest may be required to be furnished for use as a record of the transaction at such port, provided it serves an essential administrative purpose. When the merchandise is to be transshipped under customs supervision in foreign territory, an additional copy of the manifest shall be so presented by the carrier for each place of transshipment. In the case of mixed ladings, that is, ladings made up of several shipments, which are to go forward in a conveyance or compartment sealed with customs seals, the description shall be "miscellaneous shipments."

3. The last sentence of paragraph (g) is amended to read: "The conveyance shall not proceed until after the customs inspector has finished the inspection and certified the in-transit manifest or verified its certification in accordance with paragraph (b) of this section."

4. Paragraph (h) is amended by deleting "when transshipment" in the first sentence and substituting "under paragraph (e) of this section when transshipment under customs supervision" so that the sentence will read as follows: "The original manifest shall accompany the merchandise and the additional copies required under paragraph (e) of this section when transshipment under customs supervision is involved shall be mailed to the customs officers stationed at the places of transshipment."

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

B. Section 5.9 is amended as follows:

1. Paragraph (a) is amended by inserting a period after the word "another" and inserting "If the transshipment requires the breaking of customs Tyden seals, it shall be" so that the paragraph will read as follows:

(a) Merchandise in transit may be transshipped in foreign territory from one conveyance to another. If the transshipment requires the breaking of customs Tyden seals, it shall be under the supervision of a customs officer, who shall also supervise the sealing of the conveyance or compartments to which the merchandise is transshipped, note his action on both the additional copy of the manifest received by him in accordance with § 5.8(h) and on the conductor's, master's, aircraft commander's, or driver's copy, and return the latter to the conductor, master, aircraft commander, or driver to accompany the merchandise.

2. Paragraph (b) is amended to read:

(b) When the transshipment involves the breaking up of the in-transit contents of a conveyance or compartment, and the circumstances are such as to require separate manifests for articles previously covered by a single manifest, the customs officer supervising the transshipment shall take up the carrier's copy of the manifest and require the carrier to prepare a new manifest, in duplicate, for each conveyance to which the merchandise is transshipped. If there is to be a further transshipment, an additional copy of each new manifest shall be presented by the carrier for mailing by the customs officer to the customs officer at the point of further transshipment, or be forwarded in a sealed envelope in care of the conductor, master, aircraft commander, or driver as provided for in § 5.8(h). After supervising the transshipment and sealing of the conveyances or compartments to which the merchandise is transshipped, and certifying the new manifests, the customs officer shall return the originals of such new manifests to the carrier to accompany the merchandise to the port of reentry into the United States.

3. Paragraph (d) is amended to read:

(d) When merchandise moving under in-transit manifests and customs Tyden seals is to be stored in foreign territory awaiting transshipment, the customs officer at the place of transshipment shall check the merchandise into a storehouse, where it shall remain under customs locks or seals until transshipment is effected under customs supervision.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

C. Section 5.10 is amended as follows:

1. Paragraph (c) is amended by deleting "a manifest or manifests, signed or initialed by a customs officer at the port of exit, or the port of lading in the case of a vessel, or the place of transshipment when the merchandise has been transshipped in foreign territory;" and "the initials, car numbers, and port of exit of each car in the train," in the first sentence and substituting "the accompanying manifest or manifests described in §§ 5.8 and 5.9;" and "the car initials and car numbers." respectively, so that the paragraph will read as follows:

(c) On arrival of an in-transit shipment at the first port in the United States after transportation through foreign territory, the carrier shall present to the customs officer for each loaded conveyance the accompanying manifest or manifests described in §§ 5.8 and 5.9; and in the case of a railroad train the conductor shall also present a train sheet showing the car initials and car numbers. In the case of mixed ladings under § 5.8(e), the waybills shall be available at the port of return or discharge for use by customs officers for necessary checking purposes.

2. Paragraph (f) is amended to read:

(f) Merchandise which shall have been transshipped in foreign territory without customs supervision when the transshipment required the breaking of customs Tyden seals shall, upon return to the United States, be treated in the same manner as other merchandise arriving from Canada or Mexico, as the case may be. Similar treatment shall be accorded the merchandise in any other case if the inspector finds any of the customs seals applied to the conveyance or compartment at the port of exit are unlocked or missing. If any instances of substitution of merchandise are found, the merchandise shall be detained and the facts reported to the Bureau.

(Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

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

Approved: April 28, 1961.

ROBERT H. KNIGHT,
Acting Secretary of the Treasury.

[F.R. Doc. 61-4237; Filed, May 8, 1961; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—FOURTH CLASS

PART 27—OFFICIAL MAIL

PART 33—METERED STAMPS

PART 94—HIGHWAY TRANSPORTATION

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 25.2 *Classification* subparagraphs (1) and (2) of paragraph (b) are amended to (1) more clearly state the definition of and method of determining parcel post zones; and (2) to show that the "Parcel Post Zone Guide, 2G Series" is now available. As so amended, subparagraphs (1) and (2) read as follows:

§ 25.2 Classification.

* * * * *

(b) *Application of rates.* (1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and the zone (or distance) to which mailed. Articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and naval vessels) require postage at the zone rate applicable between mailing office and post office shown in the address.

(2) There are eight parcel post zones, determined as follows:

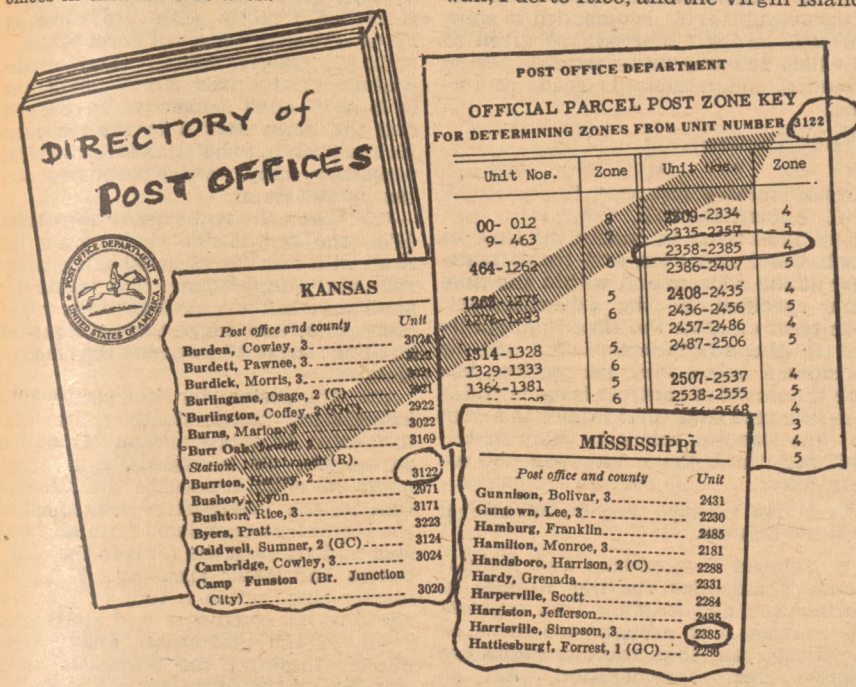
(i) The United States and its territories and possessions are divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. Each unit of area is designated by a number.

(ii) The zones are based on the straight line distance between the unit of area in which the mailing post office is located and the unit of area in which the post

office of address is located, measured from the center of one unit to the nearest point in the other. The zone equivalents of straight line distances are shown in the column headings of the rate chart in § 25.1(a).

(iii) A zone key, prepared for each unit of area, lists all the other units of area in numerical order and indicates the zone distance to each of these other units of area. Each numbered unit of area has its own identically numbered zone key, and the key is used at all post offices in that unit of area.

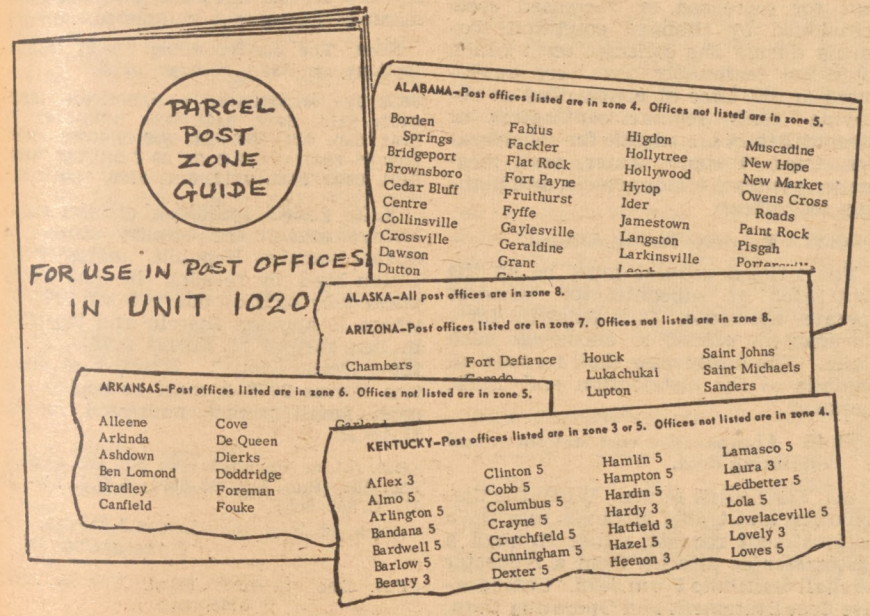
(iv) To ascertain the parcel post zone (distance) to a particular post office, consult the "Directory of Post Offices." Under the State listing locate the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the unit of area. Then refer to the "zone key of the unit of area of the office of mailing." This key will list the unit of area of the office of address and to the right thereof the parcel post zone. This procedure is also used to determine zones within Alaska, Hawaii, Puerto Rico, and the Virgin Islands.



Determining the parcel post zone from Burrton, Kansas (Unit 3122), to Harrisville, Mississippi (Unit 2385), using the "Directory of Post Offices and the Official Parcel Post Zone Key" (Unit 3122).

(v) A "Directory of Post Offices" may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. A "Parcel Post Zone Key" for the unit of area in which the mailing post office is located may be obtained free by request to the postmaster.

(vi) To assist mailers of large volumes subject to zone postage charges, "Parcel Post Zone Guides, ZG Series," have been prepared for selected units of area.



A guide shows the proper parcel post zones from a unit of area to other post offices in the United States and possessions. Patrons desiring a guide for mailing at any post office in any of the units of area listed below should direct a request to the postmaster of that post office, or to the Headquarters Services Division, Post Office Department, Washington 25, D.C. The guides are free, and a schedule of the postal rates in § 25.1 (a) and (b) accompanies each guide, thereby enabling mailers to accurately determine the zone and the postage and to fully prepare their parcels prior to deposit at the post office.

Major cities	*Unit area*
Albany, N.Y	713
Albuquerque, N. Mex	4028
Atlanta, Ga	1781
Augusta, Ga	1532
Austin, Tex	3138
Baltimore, Md	1020
Baton Rouge, La	2488
Billings, Mont	4157
Birmingham, Ala	2031
Boise, Idaho	4961
Boston, Mass	464
Bridgeport, Conn	666
Buffalo, N.Y	1213
Charleston, S.C	1333
Charleston, W. Va	1522
Charlotte, N.C	1428
Chattanooga, Tenn	1878
Chicago, Ill	2115
Cincinnati, Ohio	1820
Cleveland, Ohio	1516
Columbus, Ohio	1669
Dallas, Tex	3033
Davenport, Iowa	2415
Dayton, Ohio	1769
Denver, Colo	3819
Des Moines, Iowa	2715
Detroit, Mich	1664
Erie, Pa	1364
Fargo, N. Dak	3005
Flint, Mich	1712
Fort Wayne, Ind	1866
Fort Worth, Tex	3083
Fresno, Calif	5325
Grand Rapids, Mich	1913
Greensboro, N.C	1326
Greenville, S.C	1579
Harrisburg, Pa	1018
Hartford, Conn	615
Houston, Tex	2889
Indianapolis, Ind	1969
Jackson, Miss	2384
Jacksonville, Fla	1538
Kansas City, Kans	2820
Kansas City, Mo	2820
Knoxville, Tenn	1727
Lansing, Mich	1816
Lincoln, Nebr	3017
Little Rock, Ark	2579
Long Beach, Calif	5181
Los Angeles, Calif	5180
Louisville, Ky	1922
Madison, Wis	2622
Manchester, N.H	463
Memphis, Tenn	2378
Miami, Fla	1397
Milwaukee, Wis	2112
Minneapolis, Minn	2659
Mobile, Ala	2187
Montgomery, Ala	1984
Nashville, Tenn	2026
Newark, N.J	767
New Haven, Conn	616
New Orleans, La	2389
New York, N.Y	717
Norfolk, Va	975
Oakland, Calif	5573
Oklahoma City, Okla	3128
Omaha, Nebr	2916
Orlando, Fla	1491
Peoria, Ill	2317
Philadelphia, Pa	869
Phoenix, Ariz	4582

Major cities	*Unit area*
Pittsburgh, Pa	1318
Portland, Maine	361
Portland Oreg	5607
Providence, R.I	465
Raleigh, N.C	1227
Reading, Pa	918
Richmond, Va	1073
Roanoke, Va	1324
Rochester, N.Y	1112
Rockford, Ill	2264
Sacramento, Calif	5471
Saginaw, Mich	1712
St. Louis, Mo	2371
St. Paul, Minn	2659
St. Petersburg, Fla	1643
Salt Lake City, Utah	4517
San Antonio, Tex	3190
San Diego, Calif	5083
San Francisco, Calif	5573
San Jose, Calif	5524
Schenectady, N.Y	713
Scranton, Pa	916
Seattle, Wash	5553
Shreveport, La	2733
Sioux City, Iowa	2964
Sioux Falls, S. Dak	3011
South Bend, Ind	1965
Spokane, Wash	5053
Springfield, Ill	2319
Springfield, Mass	614
Stockton, Calif	5473
Syracuse, N.Y	962
Tacoma, Wash	5554
Tampa, Fla	1593
Terre Haute, Ind	2070
Toledo, Ohio	1715
Topeka, Kans	2920
Trenton, N.J	818
Tulsa, Okla	2926
Utica, N.Y	862
Waco, Tex	3085
Washington, D.C	1071
Waterbury, Conn	665
West Palm Beach, Fla	1395
Wichita, Kans	3073
Wilkes-Barre, Pa	916
Wilmington, Del	919
Worcester, Mass	514

NOTE: The corresponding Postal Manual section is 135.221 and 2.

(R.S. 161, as amended, secs. 501, 4551, 4553, 4555, 74 Stat. 580, 674, 676 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 4551, 4553, 4555)

II. Section 27.7 *Former Presidents and widows of former Presidents* is amended by inserting "Dwight D. Eisenhower" therein. As so amended, § 27.7 reads as follows:

§ 27.7 Former Presidents and widows of former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower; and all mail of Anna Eleanor Roosevelt, widow of former President Franklin Delano Roosevelt, and Edith Bolling Wilson, widow of former President Woodrow Wilson, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side.

NOTE: The corresponding Postal Manual section is 137.7.

(R.S. 161, as amended, secs. 501, 4165, 74 Stat. 580, 663 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 4165)

§ 33.1 [Amendment]

III. In § 33.1 *Postage meters*, amend subparagraph (5) of paragraph (d) by deleting "(authorization limited to only New York City and Westchester County N.Y.)" where it appears following the manufacturer therein to remove the limitation on use of the postalia postage meter.

NOTE: The corresponding Postal Manual section is 143.14e.

(R.S. 161, as amended, secs. 501, 4052, 4053, 74 Stat. 580, 656, 657 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 4052, 4053)

IV. In Part 94—Highway Transportation, as published in FEDERAL REGISTER document 61–2398, 26 F.R. 2287–2310, make the following changes.

A. In § 94.3 *Contracts*, subdivision (ii) of paragraph (c)(6) is amended to show the consideration that will be given to late bids for star-route service. As so amended, subdivision (ii) reads as follows:

§ 94.3 Contracts.

* * * * *

(c) *Obtaining bids.* * * *

(6) *Submitting bids.* * * *

(ii) Bids must be mailed in time to reach the distribution and traffic manager at the address and within the time limit specified in the advertisement. Bids received after the time limit specified in the advertisement will not be considered unless they are received before the award of contract is made and it is determined that their failure to arrive on time was due solely to delay in the mail for which the bidder was not responsible.

NOTE: The corresponding Postal Manual section is 521.336b.

B. Subpart F—Contract Pay Adjustment—is amended for the purpose of clarification and to show that requests for contract pay adjustments must be in writing and that subcontractors are eligible for consideration. As so amended, Subpart F reads as follows:

Subpart F—Contract Pay Adjustments

§ 94.43 Eligibility for adjustment.

The laws authorizing pay adjustments provide that the compensation of a contractor may be readjusted with his consent for increased or decreased costs occasioned by changed conditions occuring during the contract term which could not reasonably have been anticipated at the time of contracting or renewing. Only regular contractors or subcontractors are eligible for consideration (star, T-route, water, mail messenger, contract motor vehicle, and highway post office).

§ 94.44 Requests for adjustment.

The written request must be by the contractor or subcontractor, whoever operates the route. It is unlawful for a Government official to encourage such claim. The postmaster shall forward all requests to the distribution and traffic manager.

§ 94.45 Comparative cost statement and operating data.

(a) *Furnishing forms.* When the distribution and traffic manager receives a readjustment request, either through a postmaster or directly from a requester he shall distribute Form 5478, "Comparative Cost Statement and Operating Data, Contract Services," under cover of Form 5478–A, "Transmittal Letter and Instructions for Completing Form 5478," as follows:

(1) *For routes under postmaster's supervision.* The supervising postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A.

(2) *For routes not under postmaster's supervision.* When the verification or comments of a postmaster are desired, the postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A: otherwise, the requester will be furnished directly with two copies of Form 5478 under cover of Form 5478–A.

(b) *Completing forms.* (1) When the postmaster receives Forms 5478 and 5478–A, he shall deliver two Forms 5478 and the Form 5478–A to the requester. He shall retain two Forms 5478 and independently complete the postmaster section of the forms.

(2) When the requester returns Form 5478, the postmaster shall review the form with him for reasonableness, accuracy, and completeness. The postmaster shall point out any obvious errors or discrepancies, and suggest correction; but shall not suggest increasing the amounts claimed.

(3) The postmaster shall compare the information independently collected as instructed in subparagraph (1) of this paragraph. If substantially in agreement, he shall transcribe the information in the Postmasters' Statement to the requester's completed form and shall sign and forward the form to the distribution and traffic manager. The postmaster shall retain a copy of the form showing his comments and statements.

(4) If the postmaster and the requester disagree, the postmaster shall sign one of the forms completed by him and forward it with the requester's Form 5478 to the distribution and traffic manager.

(c) *Highway post office readjustments.* The processing of HPO readjustments will be handled directly between distribution and traffic managers and contractors or subcontractors. Form 5478 for this service need not have the Postmasters' Statement completed.

NOTE: The corresponding Postal Manual sections are 526.1 through 526.3.

(R.S. 161, as amended, secs. 501, 6101, 6401, 6402, 6411, 6412, 6423–6425, 6428–6431, 74 Stat. 580, 687, 696, 698, 699, 701–703 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 6101, 6401, 6402, 6411, 6412, 6423–6425, 6428–6431)

V. In § 168.5 *Individual country regulations*, amend the country "Union of Soviet Socialist Republic" under Postal Union Mail, by revising the item *Small packets* by striking out "a Form 2976–A" where it appears therein and inserting in lieu thereof "2 Forms 2976–A (Customs Declaration)". Effective at once; two Forms 2976–A must be enclosed in each small packet addressed to the U.S.S.R.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Pub. Law 86–682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–4197; Filed, May 8, 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 B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055 as amended; 21 U.S.C. 348, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), and after having considered all data accumulated with reference to the proposed order published in the FEDERAL REGISTER of August 12, 1960 (25 F.R. 7698), containing a list of synthetic flavoring substances regarded as generally recognized as safe within the meaning of section 409 of the act, the Commissioner has concluded that the substances in that list are safe for their intended use. *Therefore, it is ordered,* That the food additive regulations (21 CFR 121.101) be amended by adding to § 121.101 the following new paragraph (g):

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(g) Synthetic flavoring substances that are generally recognized as safe for their intended use, within the meaning of section 409 of the act, are as follows:

Acetaldehyde (ethanal).
Acetoin (acetyl methylcarbinol).
Aconitic acid (equisetic acid, citridic acid, achilleic acid).
Anethole (parapropenyl anisole).
Benzaldehyde (benzoic aldehyde).
Brominated vegetable oils.
N-Butyric acid (butanoic acid).
d- or *l*-Carvone (carvol).
Cinnamaldehyde (cinnamic aldehyde).
Citral (2,6-dimethyloctadien-2,6-*al*-8, geranial, neral).
Decanal (*N*-decylaldehyde, capraldehyde, capric aldehyde, caprinaldehyde, aldehyde C-10).
Diacetyl (2,3-butandeione).
Ethyl acetate.
Ethyl butyrate (so-called rum ether).
3-Methyl-3-phenyl glycidic acid ethyl ester (ethyl-methyl-phenyl-glycidate, so-called strawberry aldehyde, C-16 aldehyde).
Ethyl vanillin.
Eugenol.
Geraniol (3,7-dimethyl-2,6 and 3,6-octadien-1-*ol*).
Geranyl acetate (geraniol acetate).
Glycerol (glyceryl) tributyrate (tributyrin, butyrin).
Limonene (*d-, l-, and dl-*).
Linalool (linalol, 3,7-dimethyl-1,6-octadien-3-*ol*).
Linalyl acetate (bergamol).
l-Malic acid.
Methyl anthranilate (methyl-2-aminobenzoate).
Piperonal (3,4-methylenedioxy-benzaldehyde, heliotropin).
Vanillin.

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

(Secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371)

Dated: May 2, 1961.

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

[F.R. Doc. 61-4228; Filed, May 8, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

HYDROXYLATED LECITHIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition by Food Technology, Inc., 5903 Northwest Highway, Chicago 31, Illinois, and other relevant material, has concluded that the following amendment should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive hydroxylated lecithin to provide for an alternative method of manufacture. 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), § 121.1027(a) of the food additive regulations (21 CFR 121.1027; 25 F.R. 13217) is amended to read as follows:

§ 121.1027 Hydroxylated lecithin.

* * * * *

(a) The additive is obtained by the treatment of lecithin in one of the following ways, under controlled conditions whereby the separated fatty acid fraction of the resultant product has an acetyl value of 30 to 38:

(1) With hydrogen peroxide, benzoyl peroxide, lactic acid, and sodium hydroxide.

(2) With hydrogen peroxide, acetic acid, and sodium hydroxide.

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: May 2, 1961.

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

[F.R. Doc. 61-4229; Filed, May 8, 1961; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

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

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended as follows:

1. Section 141a.1 *Sodium penicillin* * * * is amended in the following respects:

a. Paragraph (c) is amended by changing the third sentence to read: "Keep this solution under refrigeration and use for 2 days only."

b. Paragraph (e) is amended by changing the last two sentences to read as follows: "Determine by appropriate tests the quantity of this resulting dilution to be added to each 100 milliliters of agar, which has been melted and cooled to 48° C., for the secondary layer that will give sharp, clear zones of inhibition. The suspension may be used for 1 week."

2. Section 141a.5 *Sodium penicillin* * * * is amended in the following respects:

a. The first equation at the end of paragraph (d)(1) is changed to read:

$$\text{Units of penicillin G per milligram} = \frac{\text{Difference in titers} \times \text{potency of FDA penicillin G working standard in units per milligram}}{\text{Sample weight (milligrams) in 2.0 milliliters} \times F}$$

b. Paragraph (g) is amended by changing the last three sentences and the equation to read as follows: "Determine the absorbance of the blank compared with 0.1 *N* NH_4OH at 220 mμ and 224 mμ. Determine the absorbance of the sample at 220 mμ and 224 mμ compared with the blank. Calculate the quantity of benzoic acid in the solution from the equation:

$$x=\frac{R(A224)-(A220)}{RB-A}$$

where:

x = concentration of milligrams per milliliter of benzoic acid in sample.

A = absorbance per milligram of benzoic acid U.S.P. per milliliter 0.1 *N* NH_4OH at 220 mμ.

absorbance per milligram of benzoic acid U.S.P. per milliliter of 0.1 *N* NH_4OH at 224 mμ.

R = absorbance of blank at 220 mμ / absorbance of blank at 224 mμ.

$A220$ = absorbance of sample at 220 mμ.

$A224$ = absorbance of sample at 224 mμ.

Calculate the quantity of penicillin G in the sample from the equation:

$$\frac{3.05\times(50)(100)}{\text{Weight of sample in milligrams}}$$

= percent penicillin G.

c. Paragraph (h) is amended to read:

(h) *Penicillin O content.* (1) Accurately weigh approximately 100 milligrams of the sample in a 25-milliliter glass-stoppered test tube and add 5.0 milliliters of chloroform (previously washed with water) and 15 milliliters of distilled water. Place the tube in an ice bath for 5 minutes and then add 1.5 milliliters of 1 to 4 H_3PO_4. Shake the tube vigorously for 2 minutes, centrifuge for 1 minute to separate the layers, and withdraw the lower chloroform layer with the aid of a 10-milliliter hypodermic syringe equipped with a 3-inch needle. Superficially dry the chloroform by filtering through a pledget of cotton, using a U-shaped funnel to reduce evaporation during filtration. Collect the filtrate in a 5-milliliter glass-stoppered bottle and use within an hour. Place this chloroform solution in the absorption cell, which consists of two rock-salt plates with a 1.0-millimeter polyethylene spacer between them, clamped firmly in the cell holder. Adjust the amplification of a suitable infrared spectrometer to full-scale deflection for 1 μv., set the slit opening at 0.300 millimeter, and record the spectrum from 10.7 μ to 9.4 μ, taking a zero reading (shutter closed) at the beginning and at the end of the run. Calculate the baseline absorbance from the following equation:

$$A_b=\text{Log}_{10}\frac{I_b}{I_p}$$

where:

A_b = baseline absorbance.

I_b = distance from the zero line to the transmission peak at 10.3 μ.

I_p = distance from the zero line to the maximum absorption of the band at 10.1 μ.

The absorptivity, a, of the sample in the particular cell being used is calculated as follows:

$$a=\frac{A_b}{\text{Weight of sample}}.$$

Using an accurately weighed sample of about 100 milligrams of the potassium penicillin O working standard in the above procedure, determine its absorptivity in the same cell. Obtain the percent penicillin O in the sample under test by the following calculation:

$$\frac{a\text{ (sample)}}{a\text{ (standard)}}\times 100=\text{percent potassium penicillin O.}$$

$$\frac{a\text{ (sample)}}{a\text{ (standard)}}\times 95.6=\text{percent sodium penicillin O.}$$

(2) If the sample is potassium penicillin O, the following method may be used: Grind the sample to a uniform powder, using a mortar and pestle. Weigh, by difference, 100 milligrams to 150 milligrams of liquid petrolatum into an agate mortar. Divide the actual weight of the liquid petrolatum by three, and add exactly this amount of the powdered penicillin O to the liquid petrolatum in the mortar. Mix with a small spatula and then mull thoroughly with the pestle until a uniform consistency is obtained. Use two circular rock-salt plates, each 2 inches in diameter, as the absorption cell. Place a small drop of the mull in the center of one of the rock-salt plates. Place a brass spacer, 0.0036-thick, on the plate. (This spacer is cut in the shape of a circular gasket with a 1-inch center hole and a slit to permit the escape of air when the two plates are pressed together.) Put on the top salt plate gently and slowly squeeze together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. (The cell holder consists of two metal plates, one containing a rectangular center slit ¼-inch wide x ⅝-inch long, the other with a center hole 1 inch in diameter. The two plates are clamped together by means of threaded studs and nuts.) Examine the assembled cell by holding it up to the light. It should appear smooth, free of any air bubbles, and not in contact with the spacer. Place the cell in a suitable infrared spectrophotometer. Adjust the amplification of the spectrometer to full-scale deflection for 1 μv., set the slit opening to about 0.300, and run the spectrum from 9.4 μ to 10.7 μ, using an automatic slit-control mechanism and taking a zero reading (shutter closed) at the beginning and at the end of the run. Draw a baseline between two points, one on each side of the analytical band (10.1 μ), and calculate the baseline absorbance, using the following equation:

$$A_b=log_{10}\frac{I_b}{I_p}$$

where:

A_b = baseline absorbance.

I_p = distance from the zero line to the maximum absorption of the band.

I_b = distance from the zero line to the baseline, measured at the same wavelength as I_p.

Using known mixtures of penicillin G working standard and penicillin O working standard, prepare a standard curve by plotting the baseline absorbance values obtained against the percent penicillin O. Obtain the percent penicillin O in the sample under test from this standard curve.

3. In § 141a.8 *Penicillin ointment,* paragraph (a) (2) is amended by deleting the words "of a 10-percent solution".

4. In § 141a.10 *Potassium penicillin V* * * *, paragraph (f) is amended by changing the formula at the end of the paragraph to read:

$$\text{Percent potassium penicillin V}=\frac{\text{Absorbance at 276 m}\mu\times 100{,}000\times 100}{\text{Milligrams of sample (in 100 milliliters)}\times a_{vs}\times 90.2}$$

where:

a_{vs} = absorptivity (1%, 1 cm.) of the penicillin V working standard similarly treated.

90.2 = percentage of penicillin V in pure potassium penicillin V.

5. In § 141a.21 *Capsules penicillin and novobiocin,* paragraph (c) (1) (iii) is amended by changing the words "at 5° C. or less" to read "under refrigeration."

6. In § 141a.27 *Procaine penicillin in oil,* paragraph (a) (1) (ii) is amended by changing the number "90" in the first sentence to "98."

7. In § 141a.29 *Procaine penicillin for aqueous injection,* paragraph (a) is amended by changing the words "a 50 percent acetone-water solution" to read "redistilled methyl alcohol."

8. In § 141a.33 *Buffered penicillin powder,* paragraph (a) is amended to read as follows:

(a) *Potency.* Reconstitute the drug as directed in its labeling and proceed as directed in § 141a.1, except if it is procaine penicillin proceed as directed in § 141a.48(a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

9. In § 141a.41 *Pencillin-bacitracin troches* * * *, paragraph (a) (2) is amended by changing "§ 141e.403(a)" to read "§ 141e.404(a)".

10. In § 141a.47 *Benzathine penicillin G,* paragraph (h) is amended to read:

(h) *Penicillin G content.* Dissolve 50 milligrams of the sample, accurately weighed, in absolute methyl alcohol and make to a volume of 100 milliliters with absolute methyl alcohol. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 263 mμ compared with absolute methyl alcohol as a blank.

$$\text{Percent benzathine penicillin G}=\frac{\text{Absorbance at 263 m}\mu\times 100{,}000}{\text{Milligrams of sample (per 100 milliliters)}\times a_{bs}},$$

where:

a_{bs} = absorptivity (1%, 1 cm.) of benzathine penicillin G working standard, similarly treated.

11. In § 141a.51 *Diethylaminoethyl ester penicillin G hydriodide,* paragraph (h) is amended by changing the last two sentences and the equation to read: "Determine the absorbance of the filtered chloroform solution in a 1-centimeter cell at 265 mμ and 280 mμ, using a suitable spectrophotometer. Treat the working standard of sodium penicillin G in the same manner, using an accurately weighed sample of approximately 30 milligrams.

$$\text{Percent penicillin G} = \frac{(A_x \text{ at } 265 \text{ m}\mu - A_x \text{ at } 280 \text{ m}\mu)\,(\text{wt. } s)\,(100)}{(A_s \text{ at } 265 \text{ m}\mu - A_s \text{ at } 280 \text{ m}\mu)\,(\text{wt. } x)\,(0.635)},$$

where:

A = absorbance.

x = diethylaminoethyl ester penicillin G hydriodide.

s = sodium penicillin G working standard."

12. In § 141a.56 *Chloroprocaine penicillin O,* paragraph (b) is amended by changing the equation to read:

$$\frac{a\ (\text{sample})}{a\ (\text{standard})} \times 168 = \text{percent chloroprocaine penicillin O.}$$

13. Section 141a.65 *Penicillin-streptomycin-neomycin in oil* * * * is amended as follows:

a. Paragraph (a) (4) (i) is amended by changing "§ 141e.414(b) (1)" in the first sentence to read "§ 141e.410(b) (1)".

b. Paragraph (a) (4) (ii) is amended to read as follows:

(ii) The neomycin content may also be determined as follows: Place 1.0 milliliter of the sample in a separatory funnel containing 50 milliliters of peroxide-free ether and extract with four successive 20-milliliter portions of 0.1 *M* potassium phosphate buffer at pH 7.8 to 8.0. Make the combined aqueous extractions to 100 milliliters with the 0.1 *M* potassium phosphate buffer. Pipette an appropriate volume for assay and accurately add sufficient 0.1 *M* potassium phosphate buffer to provide a solution containing 10 micrograms of neomycin per milliliter if the test organism is Staphylococcus aureus and 1.0 microgram of neomycin per milliliter if the test organism is Staphylococcus albus. Proceed as directed in § 141b.410(b) (1) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present. If Staphylococcus aureus is used as the test organism, use the Food and Drug Administration dihydrostreptomycin-resistant strain of Staphylococcus aureus (A.T.C.C. 6538–PR) which is grown and maintained on media containing 1,000 micrograms of dihydrostreptomycin per milliliter of agar.

14. In § 141a.75 Hydrabamine penicillin G, paragraph (g) is amended to read:

(a) *Absorptivity.* Accurately weigh approximately 100 milligrams of the sample, dissolve in absolute methyl alcohol, and make to 100 milliliters. Determine the absorptivity of the sample at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and 1-centimeter quartz cells. Set the instrument to 100-percent transmission with absolute methyl alcohol. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 mμ to 300 mμ. If a nonrecording spectrophotometer is used, determine the absorbance of the solution at the 276 mμ absorption peak, using a slit width of 0.4 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.) Calculate the absorptivity (1%, 1 cm.) of the sample at the absorption peak at 276 mμ.

15. In § 141a.77 *Capsules crystalline penicillin G* * * *, paragraph (a) is amended by deleting the words "of a 10-percent aqueous solution" from the second sentence.

16. In § 141a.81 *Penicillin V,* paragraph (f) is amended by changing the equation to read:

$$\text{Percent penicillin V} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000}{\text{Milligrams of sample (per 100 milliliters)} \times a_{vs}},$$

where:

a_{vs} = the absorptivity (1%, 1 cm.) of the penicillin V working standard similarly treated.

17. In § 141a.82 *Penicillin V for oral suspension* * * *, paragraph (a) is amended by changing "§ 141a.1" in the first sentence to read "§ 141a.48(a)".

18. In § 141a.83 *Benzathine penicillin V* * * *, paragraph (h) is amended by changing the equation to read:

$$\text{Percent benzathine penicillin V} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000 \times 100}{\text{Milligrams of sample (in 100 milliliters)} \times a_{vs} \times 69.2},$$

where:

a_{vs} = absorptivity (1%, 1 cm.) of the penicillin V working standard similarly treated.

69.2 = percentage of penicillin V in pure benzathine penicillin V.

19. In § 141a.84 *Tablets benzathine penicillin G and penicillin V,* paragraph (a) (2) is amended by changing the equation to read:

$$\text{Penicillin V units per tablet} = \frac{\text{Absorbance at 276 m}\mu \times \text{average weight of each tablet} \times 1{,}695{,}000}{\text{Weight of powder taken} \times 2 \times a_{vs}},$$

where:

a_{vs} = absorptivity (1%, 1 cm.) of penicillin V working standard in chloroform, similarly treated.

20. Section 141a.91 *Hydrabamine penicillin V* * * * is amended as follows:

a. Paragraph (f) is amended by changing the section heading to read "(f) *Hydrabamine absorptivity*" and the last sentence to read: "Calculate the hydrabamine absorptivity (1%, 1 cm.) as follows:

$$\text{Absorptivity} = \frac{\text{Absorbance at 276 m}\mu}{\text{Grams of sample per 100 milliliters}}.$$

b. Paragraph (g) is amended by changing the equation to read:

$$\text{Percent hydrabamine penicillin V} = \frac{\text{Absorbance at 276 m}\mu \times 100{,}000 \times 100}{\text{Milligrams of sample (in 100 milliliters)} \times a_{vs} \times 54.0}$$

where:

a_{vs} = absorptivity (1%, 1 cm.) of the penicillin V working standard, similarly treated.

54.0 = percentage of penicillin V in pure hydrabamine penicillin V.

21. In § 141a.94 *Procaine penicillin-streptomycin-neomycin-erythromycin in oil* * * *, paragraph (a) (4) is amended to read as follows:

(4) *Neomycin content.* Using an aliquot of the buffer solution prepared in subparagraph (1) of this paragraph, proceed as directed in § 141e.410(b) (1) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present. If Staphylococcus aureus is used as the test organism, use the Food and Drug Administration dihydrostreptomycin-resistant strain of Staphylococcus aureus (A.T.C.C. 6538–PR), which is grown and maintained on media containing 1,000 micrograms of dihydrostreptomycin per milliliter of agar. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

22. In § 146a.21 *Capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary,* paragraph (d) (2) (iii) is amended by changing the words "extinction coefficient" to read "absorptivity".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments provide more efficient tests and methods of assay for penicillin preparations in order to assure accurate and reliable analyses of the drugs to establish compliance with applicable standards of strength, quality, and purity.

The setting of the effective date of this order will be delayed 30 days to permit any interested person to file comments or objections. Any such comments should be submitted in triplicate to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

(Secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371)

Dated: May 2, 1961.

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

[F.R. Doc. 61–4230; Filed, May 8, 1961; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

Technical Amendments Relating to Minimum Standards of Construction and Equipment

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments of this part, which relate solely to grants to States, political subdivisions, and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

1. Section 53.134 is revised to read as follows:

§ 53.134 General hospital.

Units required in the general hospital:

(a) *Administration department.*

Up to and including 100 beds:
- Business office with information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.[1]
- Medical record room.
- Staff lounge.
- Lobby.
- Public toilets.

Over 100 beds:
- Business office.
- Information counter.
- PBX Board and night information.[1]
- Administrator's office.
- Director of nurses' office.
- Admitting office.
- Medical social service room.[1]
- Medical record room (should be easily available to O. P. D.)
- Staff lounge.
- Library, conference and board room.
- Lobby.
- Retiring room.[1]
- Public toilets.

(b) *Adjunct diagnostic and treatment facilities.* Except for the morgue and autopsy, this department preferably should be located convenient to both in- and out-patients.

Laboratory:
- Adequate facilities for chemical, bacteriological, serological, pathological and hematological services.

Basal metabolism and electrocardiography:
- Up to and including 100 beds; No special provisions required. Can be done in bed rooms.
- Over 100 beds: One room near the laboratory.

Morgue and autopsy: [1] may not be required in hospitals under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least 1 radiographic room with adjoining darkroom, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department shall have ray protection as required.

Physical therapy: [1] In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:
- Up to and including 100 beds: Drug room with minimum facilities for compounding.
- Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital.

(c) *Nursing department.*

General:
- No room should have more than 4 beds. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room. No patients' bed rooms shall be located on any floor which is below grade.

Size of nursing unit: Not more than 35 beds.[1] Larger units permissible, if additional facilities are provided.

Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 100 minimum sq. ft. in one-bed rooms.

Service rooms in each nursing unit:
- Nurses' station.
- Utility room.
- Floor pantry (one per floor).[2]
- Toilet facilities.
- Bedpan facilities.
- One bathroom.
- Stretcher alcove.
- Linen and supply storage.
- Janitors' closet.

Treatment room: [1] One for each two nursing units per floor.

Solarium: One for each nursing floor.[1]

Nurses' toilet room: One for each nursing floor.

In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

(d) *Nursery department.*

Full term nursery:
- Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
- Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
- Examination and work room: One examination and work room between each two full term nurseries.

Premature nursery: Recommended in hospitals of 16 or more maternity beds and required in hospitals of 25 or more maternity beds.
- Area required: 30 square feet per bassinet.
- Number of bassinets: Not more than six in each premature nursery.
- Workroom: Work area may be within premature nursery but the area so provided shall be in addition to the required bassinet area.

Observation nursery:
- Area required: 40 square feet per bassinet.
- Number of bassinets: Approximately 10% of full term bassinets. Not more than 6 bassinets in each observation nursery.
- Workroom: One workroom for each two observation nurseries.

Formula room: Location in obstetrical nursery area or near kitchen optional.

(e) *Surgical department.* (Shall be located to prevent traffic through it to any other part of the hospital.)

Operating rooms:
- Major: One operating room for each 50 beds or major fraction thereof up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
- Cystoscopy: One in each hospital over 100 beds highly desirable. Should have an adjoining toilet room. Location in hospital optional.
- Fracture room: [1] One in each hospital over 100 beds. Shall have an adjoining splint room. Location in hospital optional.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Nurses' locker room with toilet.
- Janitors' closet.
- Instrument storage.
- Clean-up room.
- Anesthesia equipment storage.
- Surgical Supervisor station.
- Doctor's locker room with toilet.
- Storage closet.
- Stretcher alcove.
- Storage room for sterile supplies beginning at 100 beds.
- Dark room beginning at 100 beds.[1]

Central sterilizing and supply room:
- Divided into work space, sterilizing space and sterile storage space.
- Adjacent room for storage of unsterile supplies.
- Location in hospital optional.

(f) *Obstetrics department.* (Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from surgical department.)

Delivery rooms: One for each 20 maternity beds.

Labor beds: One for each 10 maternity beds.

Auxiliary rooms:
- Sub-sterilizing facilities.
- Scrub-up facilities.
- Clean-up room or utility room.
- Supervisors' station.
- Nurses' locker room with toilet starting at 50 beds.[1]
- Sterile storage closet.
- Stretcher alcove.
- Janitors' closet.
- Doctors' locker room with toilet starting at 50 beds.

(g) *Emergency department.*

Accident room:
- With separate ambulance entrance.[1]
- Shall be separated from operating suite and obstetrical suite.
- Additional facilities will depend on amount of accident work expected.

(h) *Service department.*

Dietary facilities:
- Main kitchen and bakery.
- Dietitian's office.
- Dishwashing room.
- Adequate refrigeration.
- Garbage refrigerator.[1]
- Can washing facilities.
- Day storage room.
- Personnel dining space.
- Provide 12 square feet per person; may be designed for multiple seatings.
- Cafeteria or table service optional.

Housekeeping facilities:
- Laundry; unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days' laundry in work week and contain the following areas:
  - Sorting area—completely enclosed.
  - Processing area.
  - Clean linen and sewing room separate from laundry.
  - Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
  - Where no laundry is provided in the hospital, a soiled linen room and a clean linen and sewing room shall be provided.

[1] Desirable but not mandatory.

[2] If required by program.

Housekeeper's office: May be combined with clean linen room in hospitals up to 100 beds.
Mechanical facilities:
Boiler and pump room.
Shower and locker facilities.[1]
Engineers' space.
Maintenance shops: In hospitals up to and including 100 beds at least one room shall be provided.[1] In larger hospitals separation of carpentry, painting and plumbing should be provided.
For minimum requirements for mechanical and electrical work see the respective sections.
Employees' facilities:
Nurses' locker room:
Lockers as required.
Rest room.
Toilet room.
Female help lockers:
Locker room.
Rest room.
Toilet and shower room.
Male help lockers:
Locker room.
Toilet and shower room.
Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.
Storage:
Inactive record storage.
General storage: 20 square feet per bed and to be concentrated in one area insofar as possible. Mechanical maintenance storage may be in a separate area.

(i) *Out-patient department.* (If survey indicated that the out-patient department is unnecessary it may be omitted.)

General:
Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory, and physical therapy.
The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.
An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.
Administrative:
Waiting space with public toilets.
Appointment and cashiers' office.
Social service office.
Clinical:
History or screening room.
Examination and treatment rooms:
Eye, ear, nose, and throat room.[1]
Dental facilities (2 chairs desirable).[1]
Utility room.

(j) *Contagious disease nursing unit.*[1] Where 10 or more beds are contemplated for nursing contagious diseases, they should be housed in a separate contagious disease nursing unit.

Patient rooms:
A maximum of 2 beds in each room.
Glazed partition between beds.[1]
Patient rooms shall have a view window from corridor.
Each patient room shall have a separate toilet and a lavatory in the room.
Each nursing unit shall contain:
Nurses' station.
Utility room.
Nurses' work room.
Treatment room.
Scrub sinks strategically located in the corridor.
Serving pantry with separated dishwashing room adjacent.
Doctors' locker space and gown room.
Nurses' locker space and gown room.
Janitors' closet.
Storage closet.
Stretcher alcove.

(k) *Pediatric nursing service.*[1]

Where 16 or more pediatric beds are contemplated, a separate pediatric nursing unit shall be provided and contain the following items:
General:
Each bed in a multi-bedroom shall be in a clear glazed cubicle.[1]
Each room shall have a lavatory.
Patients' rooms wherever possible should have clear glazing between them and in the corridor partitions.
Minimum area:
80 square feet per bed in two-bed rooms and over.
100 square feet in single rooms.
40 square feet per bassinet in nurseries.
Each nursing unit shall contain:
Nursery with bassinets in cubicles.
Observation suite.
Treatment room.
Nurses' station.
Nurses' toilet room.
Utility room.
Floor pantry.[2]
Play room or solarium.
Bath room.
Toilet room for each sex.
Bed pan facilities.
Wheelchair and stretcher alcove.
Janitors' closet.
Storage closet.

(l) *Psychiatric nursing unit in the general hospital.*[1]

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.
Minimum room areas:
80 square feet per bed in 4-bed rooms.
100 square feet in single rooms.
40 to 50 square feet per patient in day rooms.
Each nursing unit shall contain:
Doctors' office.
Examination room.
Nurses' station.
Day room.
Utility room.
Bedpan facilities.
Pantry.
Dining room.
Toilet room.
Shower and bathroom.
Continuous tub room (for disturbed patients).[2]
Patients' laundry (personal) for women's wards only.
Patients' locker room.
Storage closet (for recreational and occupational therapy).
Stretcher closet.
Linen closet.
Supply closet.
Janitors' closet.

2. In § 53.135(c) the items "Floor pantry * * *" and "Space for wheel chairs * * *" are revised to read as follows:

§ 53.135 Tuberculosis hospital.

* * * * *

(c) *Nursing department.*

* * * * *

Service rooms in each nursing unit:

* * * * *

Floor pantry (one per floor).[2]

* * * * *

Space for wheel chairs and stretchers.

3. In § 53.149(d) the item "Floor pantry" is revised to read as follows:

§ 53.149 Nursing homes.

* * * * *

(d) *Nursing department.*

* * * * *

Floor pantry: One for each nursing floor in multi-story buildings.[2]

* * * * *

4. Section 53.150 is amended as follows: The item "No doors * * *" under paragraph (a) and the item "Lavatories * * *" under paragraph (b) are revised to read as follows:

§ 53.150 Details.

* * * * *

(a) *General requirements for hospitals.*

* * * * *

Door swings: No doors shall swing into the corridor except closet doors.

* * * * *

(b) *Chronic disease hospitals, rehabilitation facilities and nursing homes.*

* * * * *

Lavatories: Lavatories for patient use shall be supported on brackets to allow wheelchairs to slide under. The front edge of the lavatory shall be set out not less than 22" from the wall to which it is attached.

* * * * *

5. In § 53.151(a), the final item under "Floors", reading "The floors of the following areas shall have conductive flooring * * *", is superseded in its entirety by the following item:

§ 53.151 Finishes.

(a) *General.*

Floors:

* * * * *

Floors in anesthetizing areas and in rooms used for storage of flammable anesthetic agents in surgical suites shall be conductive as required by the NFPA No. 56—Code for Use of Flammable Anesthetics.

* * * * *

6. In § 53.152, item 2 of the list under paragraph (a) is revised to read as follows:

§ 53.152 Structural.

(a) *Codes.*

* * * * *

2. Basic Building Code: Building Officials Conference of America, 1525 East 53d Street, Chicago 15, Illinois.

* * * * *

7. Section 53.153 is amended as follows: Paragraphs (a) (1), (2), (6), (7), (10), (12), (ii), (c) (7), (9), (13), (15), and (f)(1) are revised to read as follows:

§ 53.153 Mechanical and electrical.

(a) *Heating; steam systems and ventilation*—(1) *Codes.* The heating system, steam system, boilers, ventilation system, and air conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth in this section. Where there is

[1] Desirable but not mandatory.

[2] If required by program.

no local or State boiler code, the recommendations of the A. S. M. E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

(2) *Boilers.* Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down, except that spare boiler capacity for heating will not be required in design temperature zone +20° F. or higher as shown by the current edition of the ASHRAE Guide. Boilers which supply high pressure steam to sterilizers, kitchens, laundry, etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. It is desirable to operate boilers, supplying steam for laundries, at not less than 105 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

* * * * *

(6) *Temperatures.* It shall be possible to maintain a temperature of 70° F. in each room and occupied space except that in operating and delivery rooms and nurseries it shall be 75° F. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level. Radiators and convectors, if used, shall be provided with hand control valve except where individual room automatic control is provided.

(7) *Piping.* Steam and hot water piping may be copper pipe and fittings, standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the ASHRAE Guide. The ends of all steam mains and low points in steam mains shall be dripped.

* * * * *

(10) *Auxiliary heat.* The heating system serving operating rooms, delivery rooms, recovery rooms, and nurseries shall be designed so that heat is available on a year round basis.

* * * * *

(12) *Ventilation.* * * *

(ii) Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50′ 0″ from any window. The ventilation of these spaces shall comply with the State or local codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Air from the laundry sorting area shall be discharged with no recirculation. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts. Oxygen storage and oxygen manifold rooms shall comply with the regulations set forth in the latest edition of the NFPA–56.

* * * * *

(c) *Electrical installations.* * * *

(7) *Equipment and installation in hazardous areas.* All electrical equipment and installation in operating, delivery, emergency, anesthesia storage and anesthesia induction rooms shall comply with National Fire Protection Association Code NFPA No. 56.

* * * * *

(9) *Receptacles (convenience outlets).* Receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall not have less than two duplex receptacles, with at least one receptacle near the head of each bed. Polarized receptacles for special equipment shall be installed where required. Grounding type receptacles shall be installed not more than 50 feet apart in all nursing unit corridors. At least three three-pole grounded receptacles shall be installed in each operating, delivery, and emergency room.

* * * * *

(13) *Fire alarms.* A manually operated fire alarm system shall be installed in each hospital, rehabilitation facility, and nursing home. It is recommended that this system be coded and electrically supervised. The alarm system shall comply with applicable local codes, or in the absence of such codes the NFPA 101—"Building Exits Code" and NFPA 72—"Standard for Proprietary Protective Signalling Systems" shall apply.

* * * * *

(15) *Tests.* Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts, or open circuits, that motors rotate correctly and that all equipment operates as specified.

* * * * *

(f) *Kitchen equipment*—(1) *Codes.* The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 37, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U.S. Public Health Service," and with the minimum general standards set forth in this section.

* * * * *

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042; 42 U.S.C. 291e)

These amendments were approved by the Federal Hospital Council on March 2, 1961, and shall become effective immediately on the date of publication in the FEDERAL REGISTER.

[SEAL] LUTHER L. TERRY,
Surgeon General, Chairman,
Federal Hospital Council.

Approved: May 2, 1961.

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

[F.R. Doc. 67-4231; Filed, May 8, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-601]

PART 1—PRACTICE AND PROCEDURE

Implementation of Expeditious Procedure in Processing of Applications Filed by Existing Class IV Stations Requesting Increase in Power

1. On May 28, 1958, the Commission amended its rules to provide, with certain restrictions, that the limit on the daytime power of Class IV stations be increased from 250 watts to 1 kilowatt (17 RR 1541), and on April 13, 1959, the processing of applications for such facilities was begun. In administering this new rule change, it soon became apparent the great majority of the Class IV applications requesting an increase in power involved, or would eventually involve, co-channel and/or adjacent channel interference problems which would render such applications in violation of § 3.28(c) of the Commission's rules, commonly referred to as the "10% Rule". In an effort to establish a more satisfactory procedure for the processing of these Class IV applications and recognizing that an additional change in allocation policy was required in order to enable and encourage a greater number of Class IV stations to file applications for increased power, the Commission, on December 14, 1960, amended § 3.28(c)(3) of the rules to exempt existing Class IV stations, seeking daytime power increases, from the provisions of the 10% Rule.

2. In addition thereto, section V–A of FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station" was amended to secure in more detail the engineering showing required in support of an applicant's proposal for a new standard broadcast station or major changes in an existing one. This amendment, which became effective April 25, 1960, had as its purpose the institution of a more uniform and adequate basis for the processing of such applications which, it was expected, would further facilitate the processing of all applications on the processing line.

3. Although these rule changes have assisted considerably in facilitating the processing of Class IV applications, we are still confronted with procedural complexity which frustrate our continuing efforts to diminish the vast number of applications presently on the processing line. This backlog has, among other things, prevented the early disposition of pending Class IV applications requesting increased power, thereby delaying the full realization of those public benefits to be derived from increasing the daytime power ceiling on the local channels. Moreover, because of the many Class IV applications on file it has also greatly delayed the processing of other classes of applications.

4. Our records show that there are presently in the United States a total of 1110 Class IV stations. In accordance with the limitations specified in section 3.21(c) of the Rules, all but 38 of these 1110 Class IV stations are permitted to increase power to 1 kilowatt. There have been authorized, as of March 13, 1961, a total of 308 Class IV power increases to 1 kilowatt, and there are presently pending before the Commission an additional 343 applications requesting increased power to 1 kilowatt. There remain, then 421 Class IV stations which have not yet filed an application for increased power to 1 kilowatt; most of which can be expected to do so in the near future. Thus, it appears evident that our present delay in processing these applications can only become more aggravated unless definitive measures are taken to facilitate the disposition of the Class IV applications now on file and those which it can be expected will be filed by other existing Class IV stations.

5. After careful consideration of these problems, we believe that in order to expedite reduction of the backlog of applications which presently exist on the processing line, we must as expeditiously as possible dispose of Class IV applications requesting increased power. To this end, we propose to amend the provisions of § 1.354(c) of the Commission's rules as set forth below.

6. Section 1.354(c) of the rules provides, in substance, that the file number of a standard broadcast application determines the order in which processing is begun. The one exception thereto is that the Broadcast Bureau is authorized to group together for processing all conflicting applications timely filed with the lead application under consideration where it appears that they must be designated for hearing in a consolidated proceeding. Experience has demonstrated that in many cases Class IV applications involving interlinking interference problems can be favorably considered without the necessity of a hearing provided they are granted simultaneously. However, as the rule presently provides, such consideration is not permitted. Rather, hearings must often be ordered, thereby adding to the already large number of applications there awaiting consideration.

7. In addition, we have found, that the "cut-off procedure" specified in § 1.354 (c) of the rules, has further restricted and frustrated our efforts to resolve this Class IV application processing dilemma. The fact that we are obliged to apply this procedure to Class IV applications requesting increased power has, of necessity, resulted in the present policy of authorizing power increases subject to the condition that permittee accept such interference as may be caused by the subsequent grant of other Class IV stations increasing power to 1 kilowatt. Thus, by this condition, we have been able to insure grants to other Class IV stations requesting increased power without the necessity that such applications be designated for hearing because of interference caused to previously authorized 1 kilowatt Class IV operations. However, in many instances we find that Class IV applications under consideration cause interference to the existing 250 watt operations of other Class IV stations which also have pending, although not timely filed, applications for increased power. Since, under our present rules, we are precluded from considering such applications simultaneously, our only recourse would appear to be an order designating the Class IV application for hearing and making the existing station, receiving such interference, a party respondent thereto. It is obvious, however, that no useful purpose is served by such an approach, since, although adjudication after hearing would be based upon the record made in the proceeding, such a hearing would necessarily carry as a major decisional factor, the improvement of service which a nationwide chain of local station power increases would achieve and accordingly, only in very exceptional cases could it be expected that the hearing record would establish a basis for concluding that the public interest would be served by denying a Class IV application requesting an increase in power. Moreover, in most instances, such a hearing, prior to its completion, would be rendered moot by the consideration of the party respondent's application for an increase in power, which had, prior to this time, been awaiting study in the processing line.

8. Simultaneous consideration, on the other hand, of all pending Class IV applications for increased power, which involve interlinking interference problems only, regardless of their respective dates of filing, would eliminate the necessity of a hearing in the above instances, by enabling mutual increases in power. Such mutual increases would have the result of increasing the population within the service area of each station and in addition, increasing the signal intensity over the area previously served with lower power, without resulting in interference to any area previously served with the lower power. This procedure would, moreover, expedite considerably the disposition of such Class IV applications. Further, it is believed that by expediting consideration of Class IV applications, we can diminish the backlog which presently exists on our processing line and thereby reduce, considerably, the present delay of 14 months necessary to reach applications for study.

9. In administering the rule change set forth in the attached appendix, it appears unavoidable that, in some instances, a group of Class IV applications involving interlinking interference problems only, will include one or more proposals which in turn involve interference with the existing or proposed operations of other class stations operating on adjacent channels. We do not, in these situations, intend to designate all for hearing. Rather, those applications which only involve interference with other Class IV stations will be granted simultaneously subject to the condition that they accept whatever interference may be caused by the subsequent increases in power of other Class IV stations. The remaining Class IV applications, which involve substantial adjacent channel interference with other than Class IV stations, will either be returned to the processing line to await study and designation for hearing, or, if their respective positions on the processing line warrant, will be designated for hearing immediately. Thus it behooves each Class IV applicant for power increase to 1 kilowatt, to consider carefully its proposal and to avoid objectionable interference, to other than Class IV operations, by utilization of a directional antenna system, lest action on its application be delayed pending completion of the hearing process.

10. It is also appropriate at this time to note that our experience with Class IV applications already considered shows that interference to adjacent channel stations of other classes is, in practically all cases, no bar to their ultimate grant, since this interference approaches substantial proportions only in rare instances. In light of this experience and in order to permit increases in power for Class IV stations as expeditiously as possible, as well as to counteract the consequent backlog of applications both at the processing and hearing stage, we propose to grant without designation for hearing, those Class IV applications for increases in power that involve slight adjacent channel interference only, and it is hopeful that the demands for hearing may be eased by the expectation, that in all but those cases involving substantial interference, the interference to adjacent channel stations will not override the benefits which can be expected from nationwide Class IV increases in power. Although as indicated, supra, adjudication after hearing must necessarily be based upon the record made in the proceeding, the improvement of service to be derived from a nationwide chain of local station power increases, will retain a position of superior decisional significance.

11. Serious consideration will continue to be given to those Class IV stations which are not permitted to increase power to 1 kilowatt because of their locations within the restricted areas defined in § 3.21(c) of the rules. Since any loss in the present service areas of these stations cannot be regained by a similar increase in power to 1 kilowatt we intend to consider very carefully those applications wherein increased power will cause interference to a station within any of the geographically restricted areas of the United States and it will be expected that where substantial interference is involved, applicants will specify the use of a directional antenna system designed to protect stations located in these geographically restricted areas.

12. The rules change, as set forth below, has as its purpose the implementation of a more expeditious procedure in the processing of Class IV applications requesting increases in power and are, therefore, procedural in nature. The public interest in eliminating the administrative delays of serious proportions now encountered in the processing of these applications dictates that the changes to the Rules be effective immediately. It is expected that facilitating the consideration of Class IV

applications requesting increased power will not only make it possible to more rapidly realize those benefits to be derived from an increase in the power ceiling of local radio service but also eliminate serious obstacles to the expeditious consideration of other applications presently awaiting consideration. Section 4(a) of the Administrative Procedure Act exempts from the requirement of publication of general notice of proposed rule making "rules of agency organization, procedure, or practice". Similarly, the effective date provision of section 4(c) of that Act applies only to substantive rules. (See also §§ 1.211(a) and 1.219(b) of our rules.) Therefore, the changes adopted herein being procedural, notice of rule making is not required by the Administrative Procedures Act. We have also found that the public interest would be served by making the changes effective promptly.

13. In arriving at our decision to adopt the attached amendments to the procedural rules we have considered proposals submitted on October 26, 1960, by Community Broadcasters Association, Inc., looking toward the adoption of an extensive series of substantive rule changes and standards which would, among other things, alter the station assignment rules applying to Class IV AM stations. In our judgment it is in any event desirable to place the instant changes of the rules into effect now. Community's proposals for substantive rule changes will be given further consideration.

14. Authority for adoption of the subject amendment is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

15. *Accordingly, it is ordered,* This 3d day of May 1961, that § 1.354(c) of the Commission's rules is amended, effective May 8, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 3, 1961.

Released: May 4, 1961.

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

Section 1.354(c) is amended to read as follows:

§ 1.354 Processing of standard broadcast applications.

* * * * *

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number determines the order in which the staff's work is begun on a particular application. There are two exceptions thereto: The Broadcast Bureau is authorized to (1) group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding; and (2) to group together for processing and simultaneous consideration, without designation for hearing, all applications filed by existing Class IV stations requesting an increase in daytime power which involve interlinking interference problems only, regardless of their respective dates of filing. In order that those applications which are entitled to be grouped for processing may be fixed prior to the time processing of the earliest filed application is begun, the Commission will periodically publish in the FEDERAL REGISTER a Public Notice listing applications which are near the top of the processing line and announcing a date (not less than 30 days after publication) on which the listed applications will be considered available and ready for processing and by which all applications excepting those specified in subparagraph (2) of this paragraph must be filed if they are to be grouped with any of the listed applications.

[F.R. Doc. 61-4246; Filed, May 8, 1961; 8:52 a.m.]

[Docket No. 13903; RM-206]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Madison, Wis.

The report and order released April 10, 1961 (26 F.R. 3152), in the above docketed proceeding omitted the offset designation for Channel 33 at Madison, Wisconsin. The entry for Madison, Wisconsin in § 3.606 of the Commission's rules should read as follows:

City	*Channel No.*
Madison, Wis.	3, 15, *21—, 27—, 33+

Released: May 3, 1961.

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

[F.R. Doc. 61-4247; Filed, May 8, 1961; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), it is proposed to amend Part 151, Title 9, Code of Federal Regulations, governing the recognition of breeds and books of record of purebred animals and the certification of purebred animals under said paragraph 1606 of the Tariff Act, in the following respects:

§ 151.1 [Amendment]

1. Paragraph (j) of § 151.1 would be amended to read:

(j) *Certificate of pure breeding.* A certificate issued by the Director of the Division, for Bureau of Customs use only, certifying that the animal to which the certificate refers is a purebred animal of a recognized breed and duly registered in a book of record recognized under the regulations in this part for that breed.

2. The definition of "port of arrival" in paragraph (k) of § 151.1 would be deleted. A new paragraph (k) would be added as follows:

(k) *Agent.* The agent authorized by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U.S.C. 1201, par. 1606) to sign the affidavit referred to therein shall be a person acting under written authority from the owner or importer of the animal, such as a licensed customhouse broker or his employee.

3. Paragraph (l) of § 151.1 would be amended to read:

(l) *Port of entry.* Any port designated under § 92.3 of this chapter.

4. Sections 151.2, 151.3, 151.4, 151.6, and 151.7 would be amended to read:

§ 151.2 Issuance of a certificate of pure breeding.

The Director of the Division will issue a certificate of pure breeding for an animal claimed to be entitled to free entry under the act provided the requirements of the regulations in this part are complied with. Such certificate will be presented to the owner, agent, or importer who in turn shall present it to the collector of customs at the port where customs entry is made.

§ 151.3 Application for certificate of pure breeding.

An application for a certificate of pure breeding executed by the owner, agent, or importer of an animal shall be made on AIQ Form 338 (available from the collector of customs) before the animal will be examined as provided in § 151.17. Such application shall be made to the inspector at the port of entry for all animals: *Provided, however,* That the application for a certificate of pure breeding for dogs, other than those regulated under § 92.18 of this chapter, and cats may be made to the inspector either at the port of entry or at any other port where customs entry is made. An agent shall show the inspector written authorization from the owner or importer authorizing him to act for the owner or importer in connection with the application for a certificate of pure breeding.

§ 151.4 Pedigree certificate.

A pedigree certificate for an animal of a breed listed in § 151.9 issued by the custodian of the appropriate book of record listed in said section and on which there has been entered, in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer (for example, a lessee), shall be furnished by the owner, agent, or importer to the inspector at the time of the examination of the animal as provided in § 151.17. The inspector will return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

§ 151.6 Affidavit of identity.

An affidavit by the owner, agent, or importer shall be executed before an officer having authority to administer oaths, stating that the animal declared for free entry under the act is the identical animal described in the pedigree certificate presented therefor. This affidavit shall be executed and recorded on AIQ Form 338 and presented to the inspector before the animal will be examined as provided in § 151.7. In addition to other officers having authority to administer oaths, the affidavit may be executed before: (a) Director of the Division, or (b) any officer or employee of the Bureau of Customs designated for that purpose by the Secretary of the Treasury. No compensation or fee shall be demanded or accepted by Federal employees for administering oaths under the provisions of this section.

§ 151.7 Examination of animal.

(a) For the purpose of determining identity, an examination shall be made by an inspector of each animal for which free entry is claimed under the act. All animals shall be examined at the port of entry: *Provided, however,* That dogs, other than those regulated under § 92.18 of this chapter, and cats may be examined either at the port of entry or at any other port where customs entry is made.

(b) The owner, agent, or importer shall provide adequate assistance and facilities for restraining and otherwise handling the animal and present it in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animal will be refused or postponed by the inspector until the owner, agent, or importer meets these requirements.

(c) A pedigree certificate, as required by § 151.4 shall be presented at the time of examination to the inspector making the examination in order that proper identification of the animal may be made. When upon such examination of any animal, the color, markings, or other identifying characteristics do not conform with the description given in the pedigree certificate and the owner, agent, or importer desires to pursue the matter further, the inspector shall issue AIQ Form 419 to the owner, agent, or importer, and shall forward the pedigree certificate for this animal, together with AIQ Form 338, to the Washington office of the Division by certified mail. A determination will be made by such office as to the identity of the animal in question and the eligibility of the animal for certification under § 151.2. The pedigree certificate will be returned to the party who submitted it as soon as such determination is made. Removal of an animal from the port where examination is made prior to presentation of the pedigree certificate or other failure to comply with the requirements of this paragraph shall constitute a waiver of any further claim to certification under the regulations in this part.

The proposed change in § 151.1(j) is to provide for routing the certificate of pure breeding through the owner, agent, or importer as described in the proposed revisions of § 151.2. The proposed addition of § 151.1(k) contains a definition of the word "agent" as used in the regulation. The term port of arrival would be deleted from the regulation and the term port of entry redefined in order to clearly provide that animals, other than dogs regulated under 9 CFR 92.18 and cats, must be imported through the ports designated under 9 CFR 92.3. The proposed changes in § 151.7 (a) and (b) provide for examination of dogs, other than those regulated under 9 CFR 92.18, and cats at the port where customs entry is made for such animals. The proposed change in § 151.2 is to provide for the routing of the certificate of pure breeding through the owner, agent, or importer, for submission by him to the collector of customs at the port where customs entry is made, with all of the

other entry papers. The proposed change in § 151.3 provides for one standard form with respect to the application for a certificate of pure breeding, affidavit of identity, report of inspection, and certification concerning an imported purebred animal and requires the form to be executed by the owner, agent, or importer, prior to inspection of the animal. This would facilitate certification and in many instances complete it before the animal leaves the port. The proposed change would also require an agent to show written authority to act for the owner or importer under this part. The proposed change in § 151.4 is to clarify who the United States importer is when he is not the owner of the animal and remove the requirement that the pedigree certificate be presented to the Division following examination of the animal by the inspector, except when there is a question regarding the identity of the animal. The proposed change in § 151.6 would require the affidavit to be completed prior to examination of the animal, describes the persons who may administer oaths, and states that these employees shall not accept compensation for administering such oaths. The proposed change in § 151.7(c) provides for the issuance of a notice concerning the eligibility of import animals declared for free entry (AIQ Form 419) when there is a question regarding identity of the animal and would change the method of submitting such cases for review to be in keeping with the proposed method of applying for certification. It would also provide for mailing pedigree certificates by certified mail in lieu of registered mail.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within thirty days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of May 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–4251; Filed, May 8, 1961; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 378) has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the safe use of polyoxyethylene (20) sorbitan monostearate in sugar-type confection coatings at not to exceed 0.2 percent by weight of the finished coating.

Dated: May 2, 1961.

[SEAL] WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–4225; Filed, May 8, 1961; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 435) has been filed by The Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to establish a tolerance of 150 parts per million (0.015 percent) for residues of bromide in foods generally and a tolerance of 400 parts per million (0.04 percent) in spices, herbs, dog food, roquefort cheese, parmesan cheese, and dried eggs resulting from fumigation with methyl bromide to control pest infestations.

Dated: May 2, 1961.

[SEAL] WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F. R. Doc. 61–4226; Filed, May 8, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 296) has been filed by Parke, Davis and Company, Joseph Campau Avenue at the River, Detroit 32, Michigan, proposing the issuance of a regulation to provide for the safe use of 4-amino-2-methyl-1-naphthol hydrochloride as a dietary supplement.

Dated: May 2, 1961.

[SEAL] WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–4227; Filed, May 8, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILITIZATION FACILITIES

Notice of Proposed Rule Making

Notice is hereby given that adoption of the following amendments is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within sixty (60) days after publication of this notice in the FEDERAL REGISTER.

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Licensing of Production and Utilization Facilities," is hereby amended to add the following after § 50.71:

TRANSFERS OF LICENSES—CREDITORS' RIGHTS—SURRENDER OF LICENSES

§ 50.80 Transfers of licenses.

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

(b) An application for transfer of a license shall include as much of the information described in § 50.33 with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by that section if the application were for an initial license. The Commission may require additional information such as data respecting proposed safeguards against hazards from radioactive materials and the applicant's qualifications to protect against such hazards. The application shall include also a statement of the purposes for which the transfer of the license is requested, the nature of the transaction necessitating or making desirable the transfer of the license, and an agreement to limit access to Restricted Data pursuant to § 50.37. The Commission may require any person who submits an application for license pursuant to the provisions of this section to file a written consent from the existing licensee or a certified copy of an order or judgment of a court of competent jurisdiction attesting to the person's right (subject to the licensing requirements of the Act and these regulations) to possession of the facility involved.

(c) After appropriate notice to interested persons, including the existing licensee, and observance of such procedures as may be required by the Act or regulations or orders of the Commission, the Commission will approve an application for the transfer of a license, if the Commission determines—

(1) That the proposed transferee is qualified to be the holder of the license; and

(2) That transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

§ 50.81 Creditor regulations.

(a) Pursuant to section 184 of the Act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien upon any production or utilization facility

which is the subject of a license or upon any leasehold or other interest in such property: *Provided:*

(1) That the rights of any creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee pursuant to the provisions of the license, the Atomic Energy Act of 1954, as amended, and regulations issued by the Commission pursuant to said Act; and

(2) That no creditor so secured may take possession of the facility pursuant to the provisions of this section prior to either the issuance of a license from the Commission authorizing such possession or the transfer of the license.

(b) Any creditor so secured may apply for transfer of the license covering such facility by filing an application for transfer of the license pursuant to § 50.80(b). The Commission will act upon such transfer pursuant to § 50.80 (c).

(c) Nothing contained in this regulation shall be deemed to constitute consent by the Commission to the creation of any mortgage, pledge, or other lien on any special nuclear material, or to affect the means of acquiring, or the priority of, any tax lien or other lien provided by law.

(d) As used in this section—

(1) "License" includes any license or construction permit which may be issued by the Commission with regard to the facility;

(2) "Creditor" includes, without implied limitation, the trustee under any mortgage, pledge or lien on a facility made to secure any creditor, any trustee or receiver of the facility appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by such mortgage, pledge or lien, any purchaser of such facility at the sale thereof upon foreclosure of such mortgage, pledge, or lien or upon exercise of any power of sale contained therein, or any assignee of any such purchaser.

§ 50.82 Applications for termination of licenses.

(a) Any licensee may apply to the Commission for authorization to surrender a license voluntarily and to dismantle and dispose of the facility which is the subject of the license as other than a production or utilization facility. The application shall include a statement of the reasons why surrender, dismantling and disposal of the facility are proposed. The Commission may require additional information, including information as to proposed procedures for the disposal of radioactive material, decontamination of the site, and other procedures, to provide reasonable assurance that the proposed activities will comply with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

(b) If the application demonstrates that the dismantling and disposal of the facility will be performed in accordance with appropriate procedures to minimize danger to life and property, and after notice to interested persons, the Commission may issue an order authorizing the dismantling and disposal of the facility, and providing for the termination of the license upon completion of such procedures in accordance with any conditions specified in the order.

Dated at Germantown, Md., this 2d day of May 1961.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 61-4211; Filed, May 8, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 728; Draft Release No. 61-9]

AIR TRAFFIC RULES

Regulation of Aircraft Speed

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 60 of the Civil Air Regulations to establish a rule to regulate the speed at which aircraft shall be flown during the arrival phase of instrument flight rules (IFR) and visual flight rules (VFR) operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to July 10, 1961, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

There are currently no specific requirements relative to aircraft speed in Part 60 with the exceptions of the speed limiations of §§ 60.30(c) and 60.18(f) which apply to helicopters operating at reduced speed and to operations conducted within a High Density Air Traffic Zone. Draft Release 60-17, published in the FEDERAL REGISTER on October 7, 1960 (25 F.R. 9868), proposes to eliminate High Density Air Traffic Zones and, among other things, establish a maximum speed limit in the vicinity of certain airports. Draft Release 60-17 is limited in that it applies only to a small segment of airspace around certain airports and therefore does not deal with all of the problems toward which this proposal is directed.

Reduced aircraft speed increases the ability of the pilot to see and avoid other aircraft during flight in visual flight rules (VFR) weather conditions. It also enhances the pilot's capability to comply with the procedures associated with instrument flight rules (IFR) operations. Since the air traffic situations in terminal areas are constantly changing, the pilot operating under IFR within such areas must be prepared, with little prior notice, to enter a holding pattern, to turn his aircraft to a new course or in other ways to interrupt an unrestricted descent from en route cruising altitude to landing. To readily comply with such air traffic control clearances or instructions, the speed of the aircraft must be limited in such a manner as to permit maneuvering without using the excess amount of airspace typically required by operations at high speeds.

This proposal would simplify the provision of separation between aircraft by a greater standardization of speed and would facilitate the application of control procedures by improving the response of aircraft to pilot actions.

Aircraft performance characteristics are such that the great majority of aircraft can safely descend at 250 knots or less indicated air speed with a minimum penalty in increased flight time and increased fuel consumption. However, certain types of jet aircraft, such as tactical jet aircraft, may not be operated safely or effectively at 250 knots indicated air speed. In recognition of operational requirements, this proposal considers the necessity for maintenance of high power settings to preclude windshield icing and loss of maneuverability. Another factor in considering a speed limit for high performance jet aircraft is the low rate of descent which would result if these aircraft were required to descend at lower speeds. Such a requirement would result in lengthening the flight paths of descending aircraft, thus increasing the airspace required for high altitude approaches. In consideration of these factors, the speed limit for those aircraft which are unable to comply with the 250-knot limitation would be the minimum speed required by the operating limitations or military normal operating procedures.

It is proposed that the speed limitation be made applicable to both IFR and VFR operations in both controlled and uncontrolled airspace within 50 nautical miles of the airport at which the aircraft will land or practice approaches. This area would encompass the airspace within which terminal holding and maneuvering normally begins. It would also include the area wherein a concentration of arriving and departing aircraft creates congestion of air traffic.

The altitude of 14,500 feet mean sea level is proposed as the upper limit of applicability. This would coincide with the base of the continental control area and would recognize the more stringent VFR weather minimums applicable to flight in that area. It would permit descent from cruising or holding altitude to traffic pattern altitude with a minimum penalty in time and fuel consumption.

Aircraft operating at speeds in excess of 250 knots indicated air speed would be required to reduce speed prior to en-

tering the applicable airspace. Since the air traffic controller may be effecting longitudinal separation between aircraft based upon a ground speed being made good by the arriving aircraft, it is necessary that Air Traffic Control be informed at the time cruising air speed is reduced. This is consistent with a current statement in the Flight Information Manual that "* * * At any time the air speed at cruising altitude between reporting points varies or is expected to vary from that given in the flight plan by plus or minus 10 knots, this information should be forwarded to Air Traffic Control."

The proposed rule would apply to aircraft proceeding to an airport for the purpose of conducting practice approaches, regardless of whether landing is effected. The word "arriving" as used to establish applicability in the proposed rule is intended to include aircraft conducting, or proposing to conduct, practice approaches.

In consideration of the foregoing, it is hereby proposed that Part 60 of the Civil Air Regulations be amended by adding a new § 60.27 to read as follows:

§ 60.27 Aircraft speed.

Below 14,500 feet mean sea level and within 50 nautical miles of the airport of destination, no person shall operate an arriving aircraft at an indicated air speed in excess of 250 knots (288 m.p.h.) unless the operating limitations or military normal operating procedures require a greater minimum air speed, in which case the aircraft shall not be flown in excess of such speed.

Issued in Washington, D.C., on May 2, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–4217; Filed, May 8, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R–182]

RATE AND CERTIFICATE FILINGS BY OPERATORS AND COOWNERS OF PRODUCING PROPERTIES

Order Terminating Proceeding

MAY 1, 1961.

The Commission has under consideration in the above-entitled proceeding proposed rulemaking that would allow only the signatory operator under a gas sales contract to make independent producer rate and certificate filings. Where no signatory operator is involved, then the proposed rules provide that such filings could only be made by a single signatory coowner on behalf of himself and all other coowners. It also provides that a surety bond or an agreement and undertaking must be filed by the signatory operator, or by the single signatory coowner who had filed for increased rates, and that such bond or undertaking would assure payment of any refunds required of all coowners of gas being sold and delivered under a rate schedule subject to a suspension order.

General public notice of the proposed rulemaking in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on February 26, 1960 (25 F.R. 1696) and by mailing of notice to interested parties, including State and Federal regulatory agencies. In giving notice of the proposed rulemaking, the Commission invited all interested parties to submit data, views, and comments in writing concerning such rulemaking. In response to such notice, views and comments were received from two interstate pipeline companies and thirty-five independent producers.

After full consideration of the proposed rules and the views and comments submitted thereon, it is concluded that such rules should not be prescribed at this time. The Commission, however, reserves the right to consider this matter again at a later date if it should find it appropriate to do so.

The Commission finds: The proceeding in Docket No. R–182 should be terminated.

The Commission orders: The proceeding in Docket No. R–182 is hereby terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–4218; Filed, May 8, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 183–2]

CERTAIN OFFICIALS

Authorization to Perform Certain Functions of the Secretary

The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any delegable functions which the Secretary of the Treasury is authorized to perform and accordingly to sign in their own capacity documents and other papers appropriate to such functions.

Accordingly the Under Secretary may perform any of the delegable functions of the Secretary under this authority and will act as Secretary in the absence, unavailability or sickness of the Secretary. Each of the other officials named above may perform functions of the Secretary under this authority only within the areas of responsibility assigned to him by the Secretary except when, in the absence of the Secretary and other more senior officials, he is the Acting Secretary.

Notwithstanding the foregoing, each of these officials will be held responsible for keeping the Secretary informed on matters for which such official is responsible and for referring to the Secretary any matter, function or paper on which action should appropriately be taken by the Secretary.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

MAY 3, 1961.

[F.R. Doc. 61–4238; Filed, May 8, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1961.

The Department of Defense has filed an application, Serial No. Los Angeles 0164245, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the Taylor Grazing Act, the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use by the Atomic Energy Commission of the United States in connection with the Salton Sea test base for experimental and other purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 S., R. 11 E.,
Sec. 4, N½SW¼, SW¼SW¼.

Containing 120 acres, more or less.

The above-described area is situated in the vicinity of the Salton Sea in Imperial County and is included in a first form withdrawal for the Bureau of Reclamation.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 61–4236; Filed, May 8, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 3496]

GREENSBORO-HIGH POINT/WINSTON-SALEM SERVICE THROUGH A SINGLE AIRPORT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on June 7, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 4, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–4252; Filed, May 8, 1961; 8:53 a.m.]

[Docket 12399; Order E–16770]

REFUND OF LOST TICKETS

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1961.

By amendment filed April 7, 1961, to Agent John J. Klak's Local Passenger Rules Tariff C.A.B. No. 1, to become effective May 8, 1961, a rule is proposed which provides for refund of a lost ticket only after the expiration of the validity of the ticket. The presently effective provision requires a waiting period of 60 days.

No complaints have been filed.

The tariff in question establishes a validity of 60 days for one-way tickets and one year in the case of round-trip tickets. Thus, the waiting period imposed when a round-trip ticket is lost would be materially extended, notwithstanding possible acknowledgement by the carrier that a sum may be due the purchaser. There has been no justification advanced in support of this one year period, and the Board concludes that the proposed rule may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated.

Permitting the rule to take effect would represent a material departure from established practice in this area. The maximum period at present required is four months. Many carriers have established more limited periods of 30 or 60 days, and three large carriers have no mandatory waiting period. Under these circumstances, we have determined to suspend the proposal and defer its effectiveness, pending investigation.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 204(a) and 1002 thereof: *It is ordered,* That:

1. An investigation is instituted to determine whether Rule 3.5 appearing on the 3d Revised Page 7 of Agent John J. Klak's Local Passenger Rules Tariff C.A.B. No. 1, together with revisions and reissues thereof, is unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and if found to be unlawful, to determine and prescribe the lawful rule.

2. The investigation herein instituted will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. Pending such hearing and decision by the Board thereon, Rule 3.5 appearing on 3d Revised Page 7 of Agent John J. Klak's Local Passenger Rules Tariff C.A.B. No. 1, is hereby suspended and its use deferred to and including August 5, 1961, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

4. Copies of this order shall be filed with the tariff and shall be served upon the carriers listed below, each of which is made a party to this proceeding:

Air Cargo Express, Inc. (a/o/a Columbia Airlines).
Associated Air Transport, Inc.
California Air Charter, Inc.
Coastal Air Lines.
General Airways, Inc.
Meteor Air Transport, Inc.
Modern Air Transport, Inc.
President Airlines, Inc.
Saturn Airways, Inc.
Sourdough Air Transport.
Southern Air Transport, Inc.

S. S. W., Inc. (a/o/a Universal Airlines).
Standard Airways, Inc.
Trans International Airlines, Inc.
United States Overseas Airlines, Inc.
World Wide Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] JAMES L. DEEGAN,
Acting Secretary.

[F.R. Doc. 61-4253; Filed, May 8, 1961; 8:53 a.m.]

[Docket 12387; Order E-16760]

PAUL MANTZ AIR SERVICES; FREE TRANSPORTATION FOR TOUR CONDUCTORS

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1961.

By tariff marked to become effective May 4, 1961, Paul Mantz Air Services (Paul Mantz) proposes to offer free transportation for conductors accompanying organized group tours. The recipient of the free transportation must be a representative of the travel agency which books the tour or a tour organizer traveling with the group as their conductor, and in either case is responsible for the arrangement and supervision of the tour. One free passage is to be issued for each 15 fare paying passengers in the group when travel is in first-class service, and for each 20 such passengers when travel is in tourist service.

No complaints have been filed.

Upon consideration of the matters of record, the Board finds that the tariff, insofar as proposed to apply within the 48 contiguous states and the District of Columbia, may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial and should be investigated. The Board has consistently held to be unjustly discriminatory the offering within the above-described area of reduced fares according to the identity of the passenger, where significant differentiation in the characteristics of the service and the circumstances and conditions under which it is provided cannot be drawn, and where there exists no extraordinarily important and serious business interest of the carrier to justify the discrimination. In 1960, the Board had occasion to reconsider this matter and once again reached the same conclusion, disapproving an agreement of the domestic industry which contemplated the offering of similar privileged treatment to conductors of advertised all-expense group tours.[1] Under these circumstances, the Board has further concluded to suspend the operation of the tariff within the 48 states and the District of Columbia, and use thereof pending investigation.

[1] Orders E-14928 and E-15461, dated February 17, and June 28, 1960, respectively.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered:*

1. That an investigation be instituted to determine whether the provisions of Rule No. 112 on Original Page 17-A of Paul Mantz Air Services C.A.B. No. 1, so far as applicable to air transportation entirely within the 48 contiguous states of the United States and the District of Columbia, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful.

2. That pending investigation, hearing and decision by the Board Rule No. 112 on Original Page 17-A of Paul Mantz Air Services C.A.B. No. 1, so far as applicable to air transportation entirely within the 48 contiguous states of the United States and the District of Columbia, is suspended and its use deferred to and including August 1, 1961, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place to be designated.

4. Copies of this order shall be filed with the tariff and shall be served on Paul Mantz Air Services which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] JAMES L. DEEGAN,
Acting Secretary.

[F.R. Doc. 61-4254; Filed, May 8, 1961; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-18]

CONSTRUCTION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The Northwestern Bell Telephone Company, Omaha, Nebraska, proposes to construct a radio antenna structure near McCook, Nebraska, at latitude 40°12'52" north, longitude 100°39'51" west. The overall height of the antenna structure would be 2,980 feet above mean sea level (312 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency disclosed that the proposed structure would penetrate the inner conical surface of the "Joint Industry/Government Tall Structures Committee" criteria as applied to the McCook Municipal Airport by 126 feet. This factor is not in itself disqualifying, but indicates a requirement for aeronautical study. In this instance, the study revealed that the structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will become effective upon the date of its publication in the FEDERAL REGISTER.

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

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F. R. Doc. 61-4213; Filed, May 8, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-3]

PROPOSED CONSTRUCTION OF TV ANTENNA TOWER

Notice of No Airspace Objection; Amendment

A notice of No Airspace Objection (OE Docket No. 61-KC-3) was issued on January 25, 1961, and published in the FEDERAL REGISTER of January 28, 1961 (26 F.R. 923) with respect to a proposal by M & M Broadcasting Company, Inc., Green Bay, Wisconsin, operator of television station WLUK-TV, to construct a new television antenna tower at latitude 44°24'25" north, longitude 87°59'-26" west. The overall height of the proposed structure would be 2,049 feet above mean sea level (1,016 feet above ground).

Subsequent to that notice, the sponsor has requested a change in the location of the proposed tower to latitude 44°24'31.4" north, longitude 87°59'29" west.

An agency study has disclosed that the modification of location will present no substantial change in the basis of the original finding.

Therefore, the location of the television antenna tower proposed by M & M Broadcasting Company and specified in the above referenced OE Docket No. 61-KC-3 as latitude 44°24'25" north, longitude 87°59'26" west is hereby amended to latitude 44°24'31.4" north, longitude 87°59'29" west.

This amendment will be effective upon publication in the FEDERAL REGISTER.

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

N. E. HALABY,
Administrator.

[F.R. Doc. 61-4214; Filed, May 8, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13069, 13071; FCC 61M–784]

BERKSHIRE BROADCASTING CORP. AND GROSSCO, INC.

Order Scheduling Hearing

In re applications of Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP–12917; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No BP–13141; for construction permits.

The Hearing Examiner having under consideration informal agreement of parties regarding date for hearing;

It is ordered, This 2d day of May 1961, that the hearing herein is scheduled for June 21, 1961, at 10:00 a.m.

Released: May 3, 1961.

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

[F.R. Doc. 61–4239; Filed, May 8, 1961; 8:51 a.m.]

[Docket No. 14096; FCC 61M–788]

CRAWFORD COUNTY BROADCASTING CO. (WTIV)

Order Scheduling Hearing

In re application of Crawford County Broadcasting Company (WTIV), Titusville, Pennsylvania, Docket No. 14096, File No. BP–13656; for construction permit.

It is ordered, This 2d day of May 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 17, 1961, in Washington, D.C.

Released: May 3, 1961.

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

[F.R. Doc. 61–4240; Filed, May 8, 1961; 8:51 a.m.]

[Docket No. 12824; FCC 61M–776]

INTER-CITIES BROADCASTING CO.

Order Continuing Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP–10991; for construction permit for a new standard broadcast station.

The following ordering clause formalizes an oral ruling made by the Examiner on April 27, 1961:

It is ordered, This 1st day of May 1961, that effective April 27, 1961, the unopposed "Joint Petition of Inter-Cities Broadcasting Company and Peoples Broadcasting Corporation for Extension of Hearing Date" filed on April 27, 1961, is granted; and in accordance with the request contained in that pleading the hearing scheduled for April 28, 1961, is continued to May 19, 1961.

Released: May 2, 1961.

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

[F.R. Doc. 61–4241; Filed, May 8, 1961; 8:51 a.m.]

[Docket No. 14103; FCC 61M–791]

ISADORE PAUL GILLENSON

Order Scheduling Hearing

In the matter of Isadore Paul Gillenson, Burbank, California, Docket No. 14103; suspension of amateur radio operator license (WA6KCI).

It is ordered, This 2d day of May 1961, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 14, 1961, in Washington, D.C.

Released: May 3, 1961.

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

[F.R. Doc. 61–4242; Filed, May 8, 1961; 8:51 a.m.]

[Docket Nos. 14097–14100; FCC 61M–789]

LINDSAY BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Richard E. Lindsay, tr/as Lindsay Broadcasting Company, Punta Gorda, Florida, Docket No. 14097, File No. BP–12914; Peace River Broadcasting Corporation, Punta Gorda, Florida, Docket No. 14098, File No. BP–13336; New Sounds Broadcasting Corporation, Fort Myers, Florida, Docket No. 14099, File No. BP–13431; William H. Martin, Fort Myers, Florida, Docket No. 14100, File No. BP–13997; for construction permits.

It is ordered, This 2d day of May 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 17, 1961, in Washington, D.C.

Released: May 3, 1961.

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

[F.R. Doc. 61–4243; Filed, May 8, 1961; 8:51 a.m.]

[Docket Nos. 14101, 14102; FCC 61M–790]

GORDON A. ROGERS AND TRIPLE G BROADCASTING CO. (KWAY)

Order Scheduling Hearing

In re applications of Gordon A. Rogers, Vancouver, Washington, Docket No. 14101, File No. BP–13028 (Formerly BP–14146); Triple G Broadcasting Co. (KWAY), Vancouver, Washington, Docket No. 14102, File No. BP–13944; for construction permits.

It is ordered, This 2d day of May 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 19, 1961, in Washington, D.C.

Released: May 3, 1961.

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

[F.R. Doc. 61–4244; Filed, May 8, 1961; 8:51 a.m.]

[Docket Nos. 14031–14035; FCC 61M–777]

WEXC, INC., ET AL.

Order for a Prehearing Conference

In re applications of WEXC, Inc., Depew, New York, Docket No. 14031, File No. BP–12793; Leon Lawrence Sidell, Hamburg, New York, Docket No. 14032, File No. BP–13688; James C. Gleason, East Aurora, New York, Docket No. 14033, File No. BP–14082; De-Lan, Inc., Depew, New York, Docket No. 14034, File No. BP–14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP–14085; for construction permits.

On the Hearing Examiner's own motion: *It is ordered,* This 1st day of May 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, on May 23, 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."

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: May 2, 1961.

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

[F.R. Doc. 61–4245; Filed, May 8, 1961; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WEAVER BROS., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8501–2, between Weaver Bros. Inc., and Puget Sound Tug & Barge Co., modifies approved Agreement No.

8501, as amended, of the parties, covering a through billing arrangement on cargo between Seattle, Washington and places in the interior of Alaska, with transshipment at Seward, Alaska. The purpose of the modification is to amend the provision of the agreement covering the understanding of the parties with respect to claims and insurance.

Agreement No. 150–22, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that Conference (No. 150, as amended), in the trade from Japan, Korea and Okinawa to Pacific Coast ports of California, Oregon, Washington, Canada and ports of Hawaii and Alaska; and

Agreement No. 3103–18, between the member lines of the Japan-Atlantic & Gulf Freight Conference, modifies the basic agreement of that Conference (No. 3103, as amended), in the trade from Japan, Korea and Okinawa to U.S. Gulf ports and Atlantic Coast ports of North America.

These identical modifications amend the provisions of each of the conference agreements with respect to the responsibility of the member lines for acts of employees, agents, sub-agents, affiliates and subsidiaries, and assurances.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 4, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–4249; Filed, May 8, 1961; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC NATIONAL BANK OF JACKSONVILLE AND ATLANTIC TRUST CO.

Notice of Applications for Approval of Acquisition of Shares of a Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Atlantic National Bank of Jacksonville and Atlantic Trust Company, both of which are bank holding companies located in Jacksonville, Florida, for the prior approval of the Board of the acquisition by applicants of up to 39,400 of the 40,000 voting shares of Lake Shore Atlantic Bank, Jacksonville, Florida.

In determining whether to approve these applications submitted pursuant to section 3(a) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 2d day of May 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–4219; Filed, May 8, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MAY 3, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 4, 1961, to May 13, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–4223; Filed, May 8, 1961; 8:47 a.m.]

[File No. 1–4336]

TELECTRO INDUSTRIES CORP.

Order Summarily Suspending Trading

MAY 3, 1961.

The common stock, 10 cents par value, of Telectro Industries Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 4, 1961, to May 13, 1961, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–4224; Filed, May 8, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 492]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 4, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant

to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63880. By order of May 1, 1961, the Transfer Board approved the transfer to Thomas M. Lambert, Sr., doing business as Lambert Transfer Company, Opelika, Ala., of a portion of a Certificate in No. MC 115060, issued March 15, 1960, to Douglas W. Lambert, doing business as Lambert Transfer Company, Florence, Ala., which authorizes the transportation, over irregular routes, of household goods, as defined, between Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, not including Montgomery, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, North Carolina, Mississippi, Florida, Louisiana, and Arkansas, restricted against service between Florence, Sheffield, and Tuscumbia, Ala., on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee. John W. Cooper, Markstein and Cooper, 818–821 Massey Building, Birmingham 3, Ala., applicants' attorney.

No. MC–FC 63934. By order of April 20, 1961, the Transfer Board approved the transfer to Flegel Transfer Co., a corporation, Roseburg, Oreg., of Corrected Certificate No. MC 71836 issued June 26, 1956, to Albert G. Flegel and Austin F. Flegel, a partnership, doing business as Flegel Transfer and Storage, Roseburg, Oreg., authorizing the transportation of general commodities, livestock, and household goods, over irregular routes, between points in Douglas County, Oregon; and heavy machinery and contractors' equipment the transportation of which requires the use of special equipment, between points in Douglas, Coos, and Curry Counties, Oreg., on the one hand, and, on the other, points in Washington. William B. Adams, 624 Pacific Building, Portland 4, Oreg., applicants' attorney.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–4232; Filed, May 8, 1961; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

JOHN H. TOLAN, JR.

Appointment and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. John H. Tolan, Jr., Real Estate Broker (self-employed), as a Consultant (Member, Regional Economic Stabilization Committee) in the Office of Civil and Defense Mobilization, on April 3, 1961.

Statement of his business interests appears below.

Dated: April 3, 1961.

FRANK B. ELLIS,
Director.

Appointee's Statement of Business Interests

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

1. J. H. Tolan, Jr., Realtor, 4510 Cutting Boulevard, Richmond, California (general real estate, land planning and subdivision development).

2. Treasurer, Barrett Homes, Inc., 1800 Evans Avenue, San Francisco 24, California. No stock ownership (this Corporation engaged in development and construction of subdivisions in Richmond and Santa Cruz, California).

3. Treasurer, Associated Home Builders of the Greater Eastbay, Inc., Hotel Claremont, Berkeley, California. (Officer in trade association.)

I do not presently own any stocks or bonds (other than United States Government Bonds). My only other financial interests are deposits in commercial and savings banks and two parcels of real property.

Dated: April 3, 1961.

JOHN H. TOLAN, Jr.

[F.R. Doc. 61–4212; Filed, May 8, 1961; 8:45 a.m.]

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