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FEDERAL REGISTER

VOLUME 26 NUMBER 174

Washington, Saturday, September 9, 1961

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3427

CHILD HEALTH DAY, 1961

By the President of the United States of America

A Proclamation

WHEREAS the children and youth of today must, in their time, transmit to posterity the values and ideals which have made this Nation great; and

WHEREAS the preservation of these values and ideals requires renewed dedication to self-discipline and the protection and development of the health of our children in body, mind, and spirit; and

WHEREAS the observance of a special day emphasizing child health provides an opportunity for a reassessment of the true cultural, spiritual, and social values which will contribute to the total health of our children; and

WHEREAS the Congress, by a joint resolution of May 18, 1928, 45 Stat. 617, as amended by a joint resolution of September 22, 1959, 73 Stat. 627 (36 U.S.C. 143), has requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day; and

WHEREAS Child Health Day is also an appropriate time to observe a Universal Children's Day, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Monday, the second day of October 1961, as Child Health Day; and I invite all persons and all agencies and organizations interested in the welfare of children to unite on that day in observances which will assure our children total concepts of health that will bolster their ability to discharge the responsibilities of leadership which will soon be theirs.

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

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

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-8663; Filed, Sept. 7, 1961; 2:08 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FHA Instruction 447.1]

PART 391—WATERSHED LOANS

Subpart A—Policies and Authorities

ELIGIBILITY FOR LOANS

Section 391.3(b), Title 6, Code of Federal Regulations (23 F.R. 241), is hereby revoked.

(R.S. 161; 5 U.S.C. 22; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: September 1, 1961.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 61-8616; Filed, Sept. 8, 1961; 8:48 a.m.]

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Peanut Price Support Bulletin, Amdt. 1]

PART 446—PEANUTS

Subpart—1961 Crop Peanut Price Support Program

Correction

In F.R. Doc. 61-8404 appearing at page 8247 of the issue for Friday, September 1, 1961, the title immediately below the signature at the end of the document which reads "Executive Vice President, Commodity Credit Corporation" is corrected to read: "Acting Executive Vice President, Commodity Credit Corporation".

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 845.2, Supp. 1]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1960 Crop

§ 845.3 Approved local areas for the 1960 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1960-crop sugarcane pursuant to paragraph (c) of § 845.2, as amended, the local ASC parish committees in Louisiana and the ASC Glades County Committee in Florida have determined that the extent of crop damage as specified and provided in subparagraph (1)(iii) of paragraph (c) of § 845.2 has occurred in the following parishes and local producing area:

LOUISIANA

PARISHES APPROVED IN THEIR ENTIRETY

Ascension.	St. James.
Avoyelles.	St. John.
Iberia.	St. Martin.
Iberville.	St. Mary.
Lafayette.	Terrebonne.
Lafourche.	Vermilion.
Pointe Coupee.	West Baton Rouge.
St. Charles.	

FLORIDA

All of Florida.

Statement of bases and considerations. This supplement provides public notice of the parishes and local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease or insects, the 1960 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment or deficiency payments. Producers on these farms who have not filed applications for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before June 30, 1962, as provided in 7 C.F.R. 855.7 (24 F.R. 4328).

(Sec. 403, 61 Stat. 923; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on September 6, 1961.

EMERY E. JACOBS,
Deputy Administrator,
State and County Operations.

[F.R. Doc. 61-8631; Filed, Sept. 8, 1961; 8:51 a.m.]

[Sugar Determination 846.3, Supp. 1]

PART 846—HAWAII

Approved Local Area for 1960 Crop

§ 846.4 Approved local area for the 1960 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1960-crop sugarcane, the Administrative Officer of the Hawaii Agricultural Stabilization and Conservation Service State Office has determined with respect to the local producing area, comprising the land of the Puna mill area situated east of the 1840 lava flow, now known as the Nanawale Forest Reserve, on the Island of Hawaii, that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarcane on farms in the area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarcane planted on all farms in such area.

Statement of bases and considerations. One of the conditions of eligibility of a sugarcane producer in Hawaii for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a local producing area in which the Administrative Officer of the Hawaii Agricultural Stabilization and Conservation Service State Office determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarcane crop.

The purpose of this supplement is to give notice that a specific local producing area has qualified under the requirements with respect to the 1960 crop of sugarcane and that any sugarcane producer operating a farm located in such area and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 303, 61 Stat. 930, as amended; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on September 6, 1961.

EMERY E. JACOBS,
Deputy Administrator,
State and County Operations.

[F.R. Doc. 61-8632; Filed, Sept. 8, 1961; 8:51 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev., Supp. 2]

PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

Approved Local Areas for the 1960 Crop of Sugar Beets

§ 849.4 Approved local areas for the 1960 crop of sugar beets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on ten percent or more of the sugar beet farms in each area, or on ten percent or more of the total proportionate share acreage established for farms in each area, the planting of sugar beets was prevented because of drought, flood, storm, freeze, disease or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations,

in accordance with § 849.2 of this chapter.

(a) *California—County and areas.*
Kern: T. 27 S., R. 23 E.
San Bernardino: T. 2 S., R. 7 W.; T. 2 S., R. 8 W.

(b) *Colorado—County and areas.*
Las Animas: T. 32, R. 62; T. 32, R. 63.
Pueblo: T. 22, R. 62.

(c) *Idaho—County and areas.*
Cassia: T. 13 S., R. 22 E.

(d) *Michigan—County and areas.*
Arenac: AuGres, Whitney, Lincoln, Turner.
Bay: Fraser, Garfield, Gibson, Beaver, Merritt, Kawkawlin, Portsmouth.
Clinton: Bengal, Bingham, Ovid, Olive, DeWitt, Bath.
Genesee: Montrose, Mendy, Vienna.
Gladwin: Tobacco, Billings.
Gratiot: Arcada, Emerson, Newark, Lafayette, Washington, Hamilton, Sumner.
Huron: Caseville, Like, Gore, McKinley, Chandler, Meade, Lincoln, Bloomfield, Rubicon, Fairhaven, Winsor, Oliver, Colfax, Verona, Sigel, Sand Beach, Sebewaing, Brookfield, Grant, Sheridan, Paris, Sherman.
Isabella: Nottawa, Isabella.
Lapeer: Burlington, Goodland, Burnside, Mayfield.
Lenawee: Ogden.
Macomb: Armada.
Midland: Lincoln, Porter, Hope, Ingersoll, Edenville, Homer.
Monroe: Summerfield.
Saginaw: Albee, Birch Run, Blumfield, Bridgeport, Buena Vista, Frankenmuth, Fremont, James, Kochville, Lakefield, Richland, Saginaw, St. Charles, Spaulding, Swan Creek, Taymouth, Thomas, Tittabawassee, Zilwaukee.
St. Clair: Emmett, Port Huron, Lynn, Grant, Mussey, Kenockee, Clyde, Ft. Gratiot, Berlin, Riley, Greenwood.
Sanilac: Argyle, Bridgehampton, Buel, Custer, Delaware, Elk, Elmer, Flynn, Forester, Freemont, Greenleaf, Lamotte, Lexington, Maple Valley, Marion, Marlette, Minden, Moore, Sanilac, Speaker, Washington, Watertown, Wheatland, Worth.
Shiawassee: Hazelton, Perry, Caledonia, Middlebury, Bennington, Owosso, New Haven, Rush.
Tuscola: Wisner, Akron, Columbia, Elmwood, Elkland, Gilford, Fairgrove, Almer, Ellington, Novesta, Denmark, Juniata, Indianfields, Kingston, Tuscola, Koylton, Arbela, Millington, Watertown.

(e) *Ohio—County and areas.*
Erie: Oxford, Perkins.
Fulton: Fulton.
Ottawa: Carroll.

(f) *Utah—County and areas.*
Carbon: Carbon.
Millard: B, D, E, G, H.
Sanpete: C, D, F, G, J, K, L, M, N.
Sevier: A, B, C.

(g) *Wisconsin—County and areas.*
Brown: Preble, Hobart, Bellevue.
Calumet: Brillion, Charlestown, Chilton, Harrison, Rantoul, Woodville.
Dodge: Williamstown.
Door: Forestville.
Jefferson: Milford, Waterloo.
Kenosha: Somers, Paris.
Kewaunee: Carlton, Pierce, Montpelier, West Kewaunee, Franklin.
Manitowoc: Manitowoc Rapids, Newton, Kossuth, Liberty, Gibson, Mishicot, Two Rivers, Maple Grove, Manitowoc, Two Creeks.
Outagamie: Black Creek, Bovina, Buchanan, Freedom, Grand Chute, Greenville, Liberty, Oneida, Vandenbrock.
Waukesha: Brookfield, Menomonee, Oconomowoc.
Washington: Polk, Richfield, Jackson, Germantown.
Waupaca: Matteson.
Winnebago: Clayton.

Statement of bases and considerations. One of the conditions of eligibility of a sugar beet producer for prevented acreage credit, as provided in § 849.2 of this Chapter, is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugar beets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugar beet farms in the area or on ten percent or more of the total proportionate share acreage established for farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1960 crop of sugar beets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on September 6, 1961.

EMERY E. JACOBS,
Deputy Administrator,
State and County Operations.

[F.R. Doc. 61-8633; Filed, Sept. 8, 1961; 8:52 a.m.]

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

[Valencia Orange Reg. 244]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.544 Valencia Orange Regulation 244.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 7, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 10, 1961, and ending at 12:01 a.m., P.s.t., September 17, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 700,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: September 7, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8692; Filed, Sept. 8, 1961; 10:51 a.m.]

[Orange Reg. 388]

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

Limitation of Shipments

§ 933.1060 Orange Regulation 388.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

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

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

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., September 11, 1961, and ending at 12:01 a.m., e.s.t., September 25, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

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

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

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

Dated: September 7, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8666; Filed, Sept. 8, 1961; 8:53 a.m.]

[Grapefruit Reg. 341]

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

Limitation of Shipments

§ 933.1061 Grapefruit Regulation 341.

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

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

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

(2) During the period beginning at 12:01 a.m., e.s.t., September 11, 1961, and ending at 12:01 a.m., e.s.t., September 25, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

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

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

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

Dated: September 7, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8667; Filed, Sept. 8, 1961; 8:53 a.m.]

[Lemon Reg. 916]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1023 Lemon Regulation 916.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 6, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 10, 1961, and ending at 12:01 a.m., P.s.t., September 17, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 237,150 cartons;

(iii) District 3: 27,900 cartons.

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

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

Dated: September 7, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8668; Filed, Sept. 8, 1961; 8:53 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Subpart—Administrative Rules and Regulations

Correction

In F.R. Doc. 61–8425 appearing at page 8277 of the issue for Saturday, September 2, 1961, the following corrections are made:

1. In § 993.108 the following language is inserted between the fifth and sixth lines: "to the satisfaction of the committee, that".

2. In § 993.128(b)(2), subdivision (i) is corrected by changing the first line to read: "Prior to March 15 of each election".

3. In § 993.150, paragraph (c) is corrected by deleting the language appearing in the eighteenth and nineteenth lines reading: "Two copies of such rebilling number.".

4. In § 993.175 the following language is inserted between the third and fourth lines: "Committee by him under this subpart,".

[Orange Reg. 12]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 1031.330 Orange Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Texas Valley Citrus Committee held an open meeting on August 29, 1961, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among handlers of such oranges, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of such oranges at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade, size (diameter), and standard pack, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., September 11, 1961, and ending at 12:01 a.m., c.s.t., January 8, 1962, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2 7/16 inches in diameter, except that, unless otherwise provided, not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than 2 7/16 inches in diameter;

(iii) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (iv) of this subparagraph, unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
100	3 7/16	3 13/16
125	3 3/16	3 9/16
163	2 15/16	3 5/16
200	2 11/16	3 1/16
252	2 7/16	2 13/16

(iv) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of 19¾ x 13 x 13½ inches, 19¾ x 13 x 12½ inches, 19¾ x 13½ x 13½ inches, or 19¾ x 13 x 12¼ inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided,* Such oranges are within the diameter limits specified in subdivision (iii) of this subparagraph for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

Pack sizes:	*Number of oranges*
100	100
125	125
163	163
200	198
252	252

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the oranges in any gift package of fruit.

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

Dated: September 6, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8617; Filed, Sept. 8, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 60; Reg. No. SR–434A]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Elimination of Requirement for 100-Mile Solo Flight Experience for Issuance of Private Pilot Certificate on Island of Okinawa; Special Civil Air Regulation

Section 20.34(c) of the Civil Air Regulations presently provides that the aeronautical experience necessary for issuance of a private pilot certificate shall include 10 hours of solo cross-country flight time, at least one flight of which shall include a landing at a point more than 100 miles from the point of departure. The Naha Air Base Aero Club, a flying club composed of U.S. civil and military personnel located at the Sukiran Army Air Field on Okinawa and sponsored by the United States Air Force, was granted, on July 9, 1959, an exemption from the requirements of § 20.34(c) because the island is not large enough to permit the required 100-mile flight. The Naha Club has requested that the exemption granted in Special Civil Air Regulation No. SR–434 which expired on June 30, 1961, be renewed for an indefinite period.

Okinawa is some 60 miles long and from 2 to 22 miles wide. The maximum distance between airports on the island is some 40 miles. Landings more than 100 miles from a point of departure on Okinawa may be made on other islands in the area, but such other islands are not equipped with adequate landing areas and flights to such landing areas would expose pilot trainees to the unnecessary hazard of overwater operations.

The purpose of the requirement for a 100-mile solo cross-country flight is to develop the necessary skills in navigation from maps and unfamiliar visual landmarks. The experience to be gained from a 100-mile cross-country flight would not be of any special value or assistance to a private pilot flying on Okinawa over that to be gained from a 40-mile cross-country flight on Okinawa. It appears that such a 40-mile flight as part of the 10 hours of solo cross-country flight time required by § 20.34(c) would so familiarize a pilot with the landmarks and terrain of the area in which he would be flying as to constitute an adequate standard of safety for issuance of a private pilot certificate for the island of Okinawa. A pilot holding such a certificate who may wish to obtain a certificate without limitation to Okinawa would still be required to comply with the experience requirement for the 100-mile solo cross-country flight prescribed by § 20.34(c).

Accordingly, Special Civil Air Regulation No. SR–434 was issued to permit such pilots to obtain a limited private pilot certificate without compliance with the 100-mile solo cross-country flight requirement of § 20.34(c). The conditions under which SR–434 was issued have not changed and since this regulation imposes no additional burden on any person, relieves a restriction, and constitutes a grant of exemption, compliance with the notice, public participation, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby promulgated to become effective September 9, 1961:

1. The provision of § 20.34(c) of Part 20 of the Civil Air Regulations with respect to a 100-mile solo cross-country flight shall not apply to the issuance of a private pilot certificate to an applicant who demonstrates on the island of Okinawa, Ryukyu Islands, that he is otherwise eligible for issuance of such a certificate and who has completed a solo cross-country flight between those airports on Okinawa which are the farthest apart. A pilot certificate issued pursuant to this regulation shall contain the following limitation:

The holder shall not pilot any aircraft carrying passengers except on flights over the island of Okinawa and within a radius of 40 miles from the airport of take-off.

2. The holder of a private pilot certificate issued subject to the limitations provided in paragraph 1 of this regulation may obtain a private pilot certificate without such limitation upon presentation to an inspector of the Federal Aviation Agency of satisfactory evidence of compliance with the 100-mile solo flight experience requirement of § 20.34(c) and after satisfactorily accomplishing a practical examination with respect to the procedures and maneuvers prescribed by § 20.35(b).

This special regulation renews the provisions contained in Special Civil Air Regulation No. SR–434, which expired on June 30, 1961, and shall continue in effect until superseded or revoked.

(Secs. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 602, 72 Stat. 775, 776; 49 U.S.C. 1421, 1422)

Issued in Washington, D.C., on September 5, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–8596; Filed, Sept. 8, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Amendment 3]

[Airspace Docket No. 61–WA–139]

PART 409—PROCEDURES AND RULES FOR AIRSPACE ASSIGNMENT AND UTILIZATION

Delegation of Authority

Part 409 of the regulations of the Federal Aviation Agency, Procedures and Rules for Airspace Assignment and Utilization, was published in the FEDERAL REGISTER on May 15, 1959. Two amendments thereto were subsequently published in the FEDERAL REGISTER (Amendment No. 1, 24 F.R. 3972 and Amendment No. 2, 25 F.R. 3511) both dealing in a general manner with the scope of the activities covered by the part.

When Part 409 was adopted the Administrator determined that the adoption of rules, regulations or orders thereunder would be reserved to himself. However with the passage of time, the Administrator concluded that this reservation was no longer necessary and he delegated this authority to the Director, Bureau of Air Traffic Management (Now Air Traffic Service). This delegation was published in the FEDERAL REGISTER on December 8, 1960 (25 F.R. 12582). Since this delegation is of a permanent nature, the part should be amended to indicate that the Administrator or his duly authorized representative may adopt the rules, regulations or orders issued under the part.

Since this amendment is procedural in nature and does not impose an additional burden on any person, compliance with the notice, public procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not necessary.

In consideration of the foregoing, § 409.1(b) is hereby revised to read:

(b) "Administrator" means the Administrator of the Federal Aviation Agency, or his authorized representative.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 5, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-8597; Filed, Sept. 8, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Revocation and Alteration of Federal Airways, Associated Control Areas and Reporting Points

On April 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3278) stating that the Federal Aviation Agency (FAA) proposed to revoke low altitude Red Federal airway No. 77, its associated control areas and reporting points and extend low altitude VOR Federal airway No. 20 and its associated control areas from Richmond, Va., to Tappahannock, Va.

On July 1, 1961, an alteration of proposal was published in the FEDERAL REGISTER (26 F.R. 5959) stating that the control areas associated with Victor 20 between Richmond and Tappahannock would extend upward from 700 feet above the surface to the base of the continental control area.

The Air Transport Association of America (ATA) concurred with the notice and alteration of proposal. However, the ATA recommended that the Tappahannock intersection be described by the use of either the Richmond VOR or the Patuxent River, Md., VORTAC in lieu of either the Hopewell, Va. VORTAC or Brooke, Va., VORTAC. The FAA recognizes that the use of a Hopewell VORTAC radial to describe Tappahannock intersection may complicate navigation. Therefore, action is taken herein to describe the terminus of Victor 20 as the intersection of the Brooke VORTAC 131° and the Richmond VOR 039° True radials.

The Aircraft Owners and Pilots Association (AOPA) concurred with the Notice. However, they recommend that the alteration of proposal be eliminated and that a 1,200-foot floor above the surface be established on the segment of Victor 20 between Richmond and Tappahannock. Amendment 60-21 to the Civil Air Regulations permits the establishment of floors of 1,200 feet above the surface for control areas associated with airways. The FAA is in the process of implementing this amendment. Primarily, as indicated in the preamble to Amendment 60-21 (26 F.R. 570), it is planned to accomplish Amendment 60-21 revisions on an area basis. Also, it is expected that revisions can be made along certain segments of airways which are more or less isolated and, in most cases, where control zones and control area extensions are not involved. In this instance, because of the number of airways, control zones and control area extensions in close proximity to the segment of Victor 20 in question, an area study would be required of such magnitude that it is not considered practical to delay the action as proposed. Therefore, action is taken herein to alter Victor 20 and its associated control areas as proposed in the notice and alteration of proposal.

The Department of the Navy and Department of the Air Force concurred in the proposals. No other comments were received regarding the proposed amendments.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and alteration of proposal, the following actions are taken:

1. Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

(a) Section 600.277 *Red Federal airway No. 77 (Richmond, Va., to Coles Point, Va., and Dover, Del., to Atlantic City, N.J.).*

(b) Section 601.277 *Red Federal airway No. 77 control areas (Richmond, Va., to Coles Point, Va., and Dover, Del., to Atlantic City, N.J.).*

(c) Section 601.4277 *Red Federal airway No. 77 (Richmond, Va., to Coles Point, Va., and Dover, Del., to Atlantic City, N.J.).*

2. In § 600.6020 (14 CFR 600.6020, 26 F.R. 2678) the following changes are made:

(a) In the caption "Richmond, Va." is deleted and "Tappahannock, Va." is substituted therefor.

(b) In the text "to the Richmond, Va., VOR, including a N alternate from the South Boston VOR to the Richmond VOR via the INT of the South Boston VOR 042° and the Flat Rock, Va., VORTAC 234° radials, and the Flat Rock VORTAC." is deleted and "Richmond, Va., VOR including a N alternate via the INT of the South Boston VOR 042° and the Flat Rock, Va., VORTAC 234° radials, and the Flat Rock VORTAC; to the INT of the Richmond VOR 039° and the Brooke, Va., VORTAC 131° radials." is substituted therefor.

3. In the caption of § 601.6020 (14 CFR 601.6020) "Richmond, Va." is deleted and "Tappahannock, Va." is substituted therefor.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8598; Filed, Sept. 8, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-11]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

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

On March 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2092) stating that the Federal Aviation Agency (FAA) proposed to alter low altitude VOR Federal airway No. 7, including the west alternate, from Cross City, Fla., to Dothan, Ala., and to alter the description of the Fort Rucker, Ala., control area extension. In addition, it was proposed to alter the control area associated with the segments of Victor 7 to extend upwards from 1,200 feet above the surface.

On July 7, 1961, an alteration of proposal was published in the FEDERAL REGISTER (26 F.R. 6106) proposing that, subject to a review of all control areas associated with airways in the vicinity of Cross City and Dothan, the control area associated with Victor 7 and Victor 7 west between Cross City and Dothan continue to be designated upwards from 700 feet above the surface.

No adverse comments were received regarding the proposed amendments as altered.

Although not mentioned in the notice, action is taken herein to designate a floor of 2,000 feet above mean sea level for that portion of Victor 7 west alternate which lies outside of the continental limits. Heretofore, such a floor has been designated only for the control area associated with Victor 7 west which lies outside the United States.

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

The substance of the proposed amendments having been published therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the alteration of proposal, the following actions are taken:

1. Section 600.6007 (14 CFR 600.6007) is amended to read:

§ 600.6007 VOR Federal airway No. 7 (Miami, Fla., to Green Bay, Wisc.).

From the Miami, Fla., VORTAC via the Fort Meyers, Fla., VOR; Lakeland, Fla., VOR; Cross City, Fla., VOR; INT of the Cross City VOR 316° and the Tallahassee, Fla., VORTAC 132° radials; Tallahassee VORTAC; Dothan, Ala., VOR, including a W alternate from the Cross City VOR to the Dothan VOR via the INT of the Cross City VOR 287° and the Marianna, Fla., VOR 141° radials and the Marianna VOR; INT of the Dothan VOR 336° and the Montgomery, Ala., VORTAC 130° radials; Montgomery VORTAC; INT of the Montgomery VORTAC 308° and the Birmingham, Ala., VORTAC 180° radials; Birmingham VORTAC; Muscle Shoals, Ala., VOR; Graham, Tenn., VOR, including an E alternate from the Birmingham VORTAC to the Graham VOR via the INT of the Huntsville, Ala., VOR 264° and the Graham VOR 158° radials; Nashville, Tenn., VORTAC; Central City, Ky., VOR; Evansville, Ind., VORTAC; Lewis, Ind., VOR; Terre Haute, Ind., VOR, including a W alternate via the INT of the Evansville VORTAC 001° and the Terre Haute VOR 215° radials; Westpoint, Ind., VOR; Lafayette, Ind., VOR; Chicago Heights, Ill., VORTAC; INT of the Chicago Heights VORTAC 358° and the Milwaukee, Wisc., VORTAC 137° radials; Milwaukee VORTAC, including an E alternate via the INT of the Chicago Heights VORTAC 013° and the Milwaukee VORTAC 137° radials; to the Green Bay, Wisc., VORTAC. The portion of this airway below 2,000 feet MSL which lies outside the continental limits of the United States is excluded.

2. Section 601.6007 (14 CFR 601.6007) is amended to read:

§ 601.6007 VOR Federal airway No. 7 control areas (Miami, Fla., to Green Bay, Wis.).

All of VOR Federal airway No. 7 including E and W alternates, but excluding the airspace between the main airway and the W alternate between the Cross City, Fla., VOR and the Dothan, Ala., VOR.

3. Section 601.1139 (14 CFR 601.1139) is amended to read:

§ 601.1139 Control area extension (Fort Rucker, Ala.).

The area bounded on the W by VOR airway No. 115; on the N. by VOR Federal airway No. 70; on the E. by VOR Federal airway No. 241 and VOR Federal airway No. 7 W. alternate, and on the S. by VOR Federal airway No. 22, including the area within a 35-mile radius of a point at latitude 31°14'55" N., longitude 85°46'20" W., extending from Victor 241 clockwise to Victor 7; but excluding the portion of this control area extension which coincides with R–2103.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8599; Filed, Sept. 8, 1961; 8:46 a.m.]

[Airspace Docket No. 60–WA–154]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Alteration of Federal Airway and Associated Control Areas

On March 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2649) stating that the Federal Aviation Agency proposed to designate an east alternate to low altitude VOR Federal airway No. 42, from Flint, Mich., to Windsor, Ont.

On July 7, 1961, an alteration of proposal was published in the FEDERAL REGISTER (26 F.R. 6105) stating that the control areas associated with Victor 42 east alternate from Flint to Windsor would extend upward from 700 feet above the surface instead of from 1200 feet above the surface, as proposed in the notice.

No adverse comments were received regarding the proposed amendments as altered.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and the alteration of proposal, the following actions are taken:

1. Section 600.6042 (26 F.R. 642, 3771) is amended to read:

§ 600.6042 VOR Federal airway No. 42 (Flint, Mich., to Johnstown, Pa.).

That airspace over United States territory from the Flint, Mich., VORTAC via the Windsor, Ont., VOR, including an E alternate via the INT of the Flint VORTAC 122° and the Windsor VOR 344° radials; Cleveland, Ohio, VORTAC, including an E alternate via the INT of the Carleton, Mich., VORTAC 097° and the Windsor VOR 121° radials; Akron, Ohio, VOR; Imperial, Pa., VORTAC; INT of the Imperial VORTAC 074° and the Ellwood City, Pa., VORTAC 122° radials; to the Johnstown, Pa., VOR.

2. Section 601.6042 (26 F.R. 642, 3771) is amended to read:

§ 601.6042 VOR Federal airway No. 42 control areas (Flint, Mich., to Johnstown, Pa.).

All of VOR Federal airway No. 42 including E. alternates, but excluding the airspace between the main airway and its E alternate between the Flint, Mich., VORTAC and the Windsor, Ont., VOR.

These amendments shall become effective 0001 e.s.t. October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8600; Filed, Sept. 8, 1961; 8:46 a.m.]

[Airspace Docket No. 61–FW–29]

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

Alteration of Control Zone

On June 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5763) stating that the Federal Aviation Agency proposed to alter the Daytona Beach, Fla., control zone.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2140 (14 CFR 601.2140) Daytona Beach, Fla., control zone is amended to read:

§ 601.2140 Daytona Beach, Fla., control zone.

Within a 5-mile radius of the Daytona Beach Airport (latitude 29°11'03" N., longitude 81°03'21" W.); within 2 miles either side of the 156° and 336° radials of the Daytona Beach VOR extending from the 5-mile radius zone to 1 mile N. of the VOR; and within 2 miles either side of the 065° and 245° bearings from the Daytona Beach ILS OM compass locator extending from the 5-mile radius zone to 2 miles SW of the OM.

This amendment shall become effective 0001, e.s.t., November 15, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8601; Filed, Sept. 8, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–55]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

On May 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4457), stating that the Federal Aviation Agency was considering the designation of Jet Route No. 109 and an associated en route radar jet advisory area from Wilmington, N.C., to Buffalo, N.Y.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the Notice, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079, August 8, 1961) which revised Part 602 of the regulations of the Administrator, effective September 21, 1961. The action taken herein regarding Jet Route No. 109 and its associated radar jet advisory area conforms to the format adopted in that revision for designating jet routes and jet advisory areas.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

1. In the text of § 602.100 (26 F.R. 7079) the following is added:

Jet Route No. 109 (Wilmington, N.C., to Buffalo, N.Y.). From Wilmington, N.C., via Gordonsville, Va.; Front Royal, Va.; Philipsburg, Pa., to Buffalo, N.Y.

2. In the text of § 602.200 (26 F.R. 7079) the following is added:

Jet Route No. 109 jet advisory area. Radar—Wilmington, N.C., to Buffalo, N.Y.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8602; Filed, Sept. 8, 1961; 8:46 a.m.]

[Airspace Docket No. 60–WA–34]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Jet Route Descriptions

On August 8, 1961, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER (26 F.R. 7079) effective September 21, 1961, in which Part 602 of the regulations of the Administrator was reissued.

A review of §§ 602.100 and 602.300 has revealed the need for updating certain jet route descriptions to reflect name changes of various VOR/VORTAC facilities. Therefore, such action is taken herein.

Since this action effects no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–WA–34 (26 F.R. 7079) is hereby modified as follows:

1. In § 602.100 the following changes are made:

(a) In the text of Jet Routes Nos. 9 and 11 "Utah Lake, Utah" is deleted and "Provo, Utah" is substituted therefor.

(b) In the text of Jet Route No. 10 "Rice;" is deleted and "Parker;" is substituted therefor.

(c) In the text of Jet Route No. 34 "LaCrosse, Wis.;" is deleted and "Nodine, Minn.;" is substituted therefor.

(d) In the text of Jet Routes Nos. 41 and 43 "via Tampa, Fla.;" is deleted and "via St. Petersburg, Fla.;" is substituted therefor.

(e) In the caption and text of Jet Route No. 46 "Tampa, Fla.," is deleted and "St. Petersburg, Fla.," is substituted therefor.

(f) In the caption and text of Jet Routes Nos. 51 and 57 "Raleigh, N.C." is deleted and "Raleigh-Durham, N.C." is substituted therefor.

(g) In the text of Jet Route No. 55 "Raleigh, N.C., 224° radials; Raleigh," is deleted and "Raleigh-Durham, N.C., 224° radials; Raleigh-Durham;" is substituted therefor.

(h) In the text of Jet Route No. 78 "Rice;" is deleted and "Parker;" is substituted therefor.

2. In § 602.300 the following change is made: In the text of Los Angeles, Calif., jet advisory area—Radar (d) "to Rice, Calif." is deleted and "to Parker, Calif." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61–8603; Filed, Sept. 8, 1961; 8:46 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 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Swiss Cheese, Blue Cheese, and Certain Italian Style Cheeses; Rulings on Proposed Amendments Concerning Artificial Coloring and Bleaching

In the matter of amending the definitions and standards of identity for swiss cheese, blue cheese, gorgonzola cheese, provolone cheese, caciocavallo siciliano cheese, parmesan cheese, romano cheese, and asiago fresh cheese:

Notices of proposed rule making were published in the FEDERAL REGISTER on December 23, 1955 (20 F.R. 9954), and on March 29, 1961 (26 F.R. 2647), setting forth proposals made by the National Cheese Institute, 110 North Franklin Street, Chicago, Illinois; Ohio Swiss Cheese Association, Sugar Creek, Ohio; Wisconsin Swiss and Limburger Cheese Producers Association, Monroe, Wisconsin; and by the Commissioner of Food and Drugs proposing that the standards of identity for the above-named cheeses be amended to make artificial coloring a permitted optional ingredient of swiss cheese; to make benzoyl peroxide (subject to the same conditions already prescribed in the standards for blue cheese and gorgonzola cheese) a permitted ingredient for bleaching milk used to make provolone cheese, caciocavallo siciliano cheese, parmesan cheese, romano cheese, asiago fresh cheese, and swiss cheese; and to require label declaration to show when cheeses have been made from milk bleached with benzoyl peroxide.

Upon consideration of information furnished in the petitions, comments and views filed, and other relevant data, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for the cheeses involved as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered:

§ 19.540 [Amendment]

1. Section 19.540 *Swiss cheese, emmentaler cheese; identity; label statement of optional ingredients* is amended as follows:

a. Paragraph (b) is amended by inserting the following new sentence between the first and second sentences: "Authorized artificial coloring may be added."

b. Paragraph (c)(1) is amended by adding thereto a new sentence. As amended, this subparagraph reads as follows:

(1) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk. Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If the milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

c. Paragraph (e)(1) is amended by designating the present text as subdivision (i) and by adding thereto a new subdivision (ii). As amended, paragraph (e)(1) reads as follows:

(e)(1)(i) If swiss cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

2. Section 19.565 is amended in the following respects:

a. The section heading is changed to read:

§ 19.565 Blue cheese; identity; label statement of optional ingredients.

b. A new paragraph (d) reading as follows is added:

(d)(1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

3. Section 19.567 is amended in the following respects:

a. The section heading is changed to read:

§ 19.567 Gorgonzola cheese; identity; label statement of optional ingredients.

b. A new paragraph (d) reading as follows is added:

(d)(1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

4. Section 19.590 is amended as follows:

a. Paragraph (c) is amended by adding thereto a new subparagraph (3) reading as follows:

§ 19.590 Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.

* * * * *

(c) * * *

(3) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

b. Paragraph (e)(2) is amended by designating the present text of subparagraph (2) as subdivision (i) and by adding thereto a new subdivision (ii). As amended, subparagraph (2) reads as follows:

(e) * * *

(2)(i) If provolone cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

5. Section 19.591 is amended as follows:

a. Paragraph (c) is amended by designating the present text as subparagraph (1) and by adding thereto a new subparagraph (2). As amended, paragraph (c) reads as follows:

§ 19.591 Caciocavallo siciliano cheese; identity; label statement of optional ingredients.

* * * * *

(c)(1) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

b. Paragraph (e)(2) is amended by designating the present text of subparagraph (2) as subdivision (i) and by adding thereto a new subdivision (ii). As amended, subparagraph (2) reads as follows:

(e) * * *

(2)(i) If caciocavallo siciliano cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(ii) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

6. Section 19.595 is amended as follows:

a. The section heading is changed to read:

§ 19.595 Parmesan cheese, reggiano cheese; identity; label statement of optional ingredients.

b. Paragraph (c) is amended by designating the present text of the paragraph as subparagraph (1) and by adding thereto a new subparagraph (2). As amended, paragraph (c) reads as follows:

(c)(1) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

c. Section 19.595 is further amended by adding thereto a new paragraph (d) reading as follows:

(d) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

7. Section 19.610 is amended as follows:

a. The section heading is changed to read:

§ 19.610 Romano cheese; identity; label statement of optional ingredients.

b. Paragraph (c) is amended by designating the present text of the paragraph as subparagraph (1) and by adding thereto a new subparagraph (2). As amended, paragraph (c) reads as follows:

(c) (1) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

c. Section 19.610 is further amended by adding thereto a new paragraph (e) reading as follows:

(e) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

8. Section 19.615 is amended as follows:

a. Paragraph (c) is amended by designating the present text of the paragraph as subparagraph (1) and by adding thereto a new subparagraph (2). As amended, paragraph (c) reads as follows:

§ 19.615 Asiago fresh cheese, asiago soft cheese; identity; label statement of optional ingredients.

* * * * *

(c) (1) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, sufficient vitamin A is added to the curd to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

b. Paragraph (e) (1) is amended by designating the present text of subparagraph (1) as subdivision (i) and by adding thereto a new subdivision (ii). As amended, subparagraph (1) reads as follows:

(e) (1) (i) If asiago fresh cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(ii) If the milk is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

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, and such objections must be 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 become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Dated: August 31, 1961.

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

[F.R. Doc. 61-8502; Filed, Sept. 8, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-8430, appearing at page 8393 of the issue for Wednesday, September 6, 1961, the following correction is made in the tabular material of § 121.91: In the "Product" column, the entry which begins "Peoroleum sulfonate * * *" should read as follows:

Petroleum sulfonate (mahogany soap mixture of sulfonated aliphatic petroleum hydrocarbons).

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CAPTAN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by California Chemical Company, Lucas Street and Ortho Way, Richmond, California, and other relevant material, has concluded that the following food additive regulation should issue with respect to residues of captan in or on raisins. Residues can occur from fungicidal treatment by preharvest application to grapes, as provided for under section 408 of the Federal Food, Drug, and Cosmetic Act, and postharvest application in the drying process. 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), the food-additive regulations are amended by adding to Subpart D (21 CFR Part 121) the following section:

§ 121.1061 Captan.

A tolerance of 100 parts per million is established for residues of captan (*N*-trichloromethyl mercapto-4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

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: September 1, 1961.

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

[F.R. Doc. 61-8621; Filed, Sept. 8, 1961; 8:49 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 63]

PART 301—APPEAL TO AND REVIEW BY THE SECRETARY OF THE TREASURY

Miscellaneous Amendments

AUGUST 31, 1961.

The regulations set forth in 21 CFR Part 301 (Bureau of Narcotics Regulations No. 4), relating to appeals to the Secretary of the Treasury, and cooperation with States, are amended by revising the part head, the subpart head, § 301.1 and § 301.4.

The Part head of Part 301 of Title 21 of the Code of Federal Regulations is hereby amended to read as follows: Appeal to and Review by the Secretary of the Treasury.

The Subpart head of Subpart A of Part 301 is hereby amended to read as follows: Appeal and Review.

Section 301.1 is hereby amended to read as follows:

§ 301.1 Appeal and review.

(a) *Appeals from action or non-action by Commissioner—generally.* Except as to matters relating to petitions for remission or mitigation of forfeiture, appeal may be made to the Secretary of the Treasury (referred to in this part as the Secretary) from any order, rule or decision of the Commissioner of Narcotics (referred to in this part as the Commissioner), or from the failure of the Commissioner to act upon or decide a matter presented to him by proper application. Such appeals must be initiated by the aggrieved party in the following manner:

(1) He shall file with the Secretary, within 15 days from the date of the order, rule or decision, or within a reasonable time after presentation of a matter to the Commissioner and his failure to act thereon, as the case may be, a written notice of his intention to appeal and shall at the same time serve a copy thereof upon the Commissioner.

(2) Within 30 days from the date of the filing of such notice of intention to appeal the aggrieved party shall file with the Secretary a written petition in the form of a brief as provided in § 301.3.

(b) *Review of action or non-action by Commissioner on a petition for remission or mitigation of forfeiture.* Review by the Secretary of a decision of the Commissioner on a petition for remission or mitigation of forfeiture, or of the Commissioner's failure to decide such a petition, must be initiated by the aggrieved party by filing a written request for review of such action with the Secretary. The request must contain a complete statement of the grounds upon which relief is sought and must be submitted within 30 days from the date of receipt of notification of the Commissioner's decision, or within a reasonable time after submission of the petition and the Commissioner's failure to act thereon, as the case may be.

Section 301.4(a) is hereby amended to read as follows:

§ 301.4 Hearings on appeals.

(a) *Before Secretary.* When an appeal is initiated pursuant to § 301.1(a) the Secretary will notify the appellant and Commissioner of the time and place of the hearing so as to afford interested parties, their representatives, and witnesses an opportunity to present evidence and argument on the controverted issues and he will also advise the parties of the manner in which the hearing shall be conducted.

Section 301.6 is hereby amended to read as follows:

§ 301.6 Decision of Secretary on appeals.

In deciding any appeal pursuant to § 301.1(a) the Secretary will consider all matters presented to or filed with him pursuant to the foregoing provisions, and on the basis thereof he will affirm, reverse, or modify the action of the Commissioner, or direct such action to be taken as the Secretary shall deem equitable and just.

(Sec. 5, 46 Stat. 587; 5 U.S.C. 282c)

Because the amendments set forth herein are limited to rules of agency procedure and practice, prior notice and public procedure thereon under section 4 of the Administrative Procedure Act approved June 11, 1946, are not required.

These amendments shall be effective upon filing for publication in the FEDERAL REGISTER.

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

[F.R. Doc. 61-8269; Filed, Sept. 8, 1961; 8:51 a.m.]

Proposed Rule Making

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 551) has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the amendment of § 121.208 of the food additive regulations to provide for the safe use of 20 grams to 75 grams of chlortetracycline per ton of mink feed for the purpose of improving pelt size, growth rate, and feed efficiency.

Dated: August 31, 1961.

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

[F.R. Doc. 61-8622; Filed, Sept. 8, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is given that a petition (FAP 549) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the safe use in amprolium-medicated poultry feed of a 3:1 ratio mixture of zinc bacitracin and procaine penicillin at not less than 4 grams and not more than 50 grams of mixture per ton of finished feed, for growth promotion.

Dated: September 5, 1961.

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

[F.R. Doc. 61-8623; Filed, Sept. 8, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 552) has been filed by Lever Brothers Company, 390 Park Avenue, New York 22, New York, proposing the amendment of § 121.1004 of the food additive regulations to provide for the safe use of glyceryl lactopalmitate and glyceryl lactooleates as emulsifiers in shortening and dry whipped dessert topping mix.

Dated: September 5, 1961.

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

[F.R. Doc. 61-8624; Filed, Sept. 8, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 550) has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing the issuance of a regulation to provide for the safe use of 2,4,5,-trihydroxybutyrophenone in food and animal feed as an antioxidant. The level of antioxidant is not to exceed 0.02 percent of the fat or oil content of the food or feed, either from this additive alone or in combination with other permitted antioxidants.

Dated: September 5, 1961.

WINTON B. RANKIN,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-8625; Filed, Sept. 8, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 515) has been filed by Glassine & Greaseproof Manufacturers Association, 122 East Forty-second Street, New York 17, New York, proposing the issuance of a regulation to provide for the safe use of glassine and greaseproof papers for the packaging of food.

Dated: September 5, 1961.

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

[F.R. Doc. 61-8626; Filed, Sept. 8, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 563) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin in pheasant feed at the rate of 4 grams to 50 grams of the drug per ton of feed to promote growth.

Dated: September 5, 1961.

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

[F.R. Doc. 61-8627; Filed, Sept. 8, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Establishment of Desirable Free Tonnage

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to establish, for the period beginning July 1, 1961, and ending June 30, 1962, a desirable free tonnage of grapes for crushing of 1,075,000 tons, at 21 percent sugar, which handlers may freely acquire and use in such period. The proposal is based on the recommendation of the Grape Crush Administrative Committee and other available information. The desirable free tonnage would be established pursuant to Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposed desirable free tonnage is based on an estimate that a desirable crush for the entire State of California for such period would be 1,175,000 tons of grapes at 21 percent sugar. From this volume is subtracted an estimated crush of 100,000 tons of 1961 crop grapes, at 21 percent sugar, produced in California outside of the nine-county area covered by the marketing agreement and order. The result is the proposed desirable free

tonnage of grapes for crushing of 1,075,000 tons, at 21 percent sugar, from the 1961 production within such nine-county area, which handlers may freely acquire and use during such period.

The proposed desirable free tonnage includes the volume of grape varieties which may later be exempted from any 1961–62 volume regulation and also the volume of 1961 crop grapes for crushing received and used by handlers prior to August 26, 1961, the effective date of the marketing agreement and order. If free and surplus percentages are later established for 1961–62, it will be necessary in computing such percentages to make appropriate allowance for such volumes.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than September 15, 1961.

Dated: September 8, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8690; Filed, Sept. 8, 1961; 8:54 a.m.]

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Exemption of Certain Grape Varieties From Volume Regulation

Notice is hereby given that need for volume regulation is likely and there is under consideration a proposal to exempt certain varieties of grapes from any volume regulation which may be established for the 1961–62 crop year ending June 30, 1962, under Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), hereinafter referred to collectively as the "order", regulating the handling of Central California grapes for crushing, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposal is based on a determination and recommendation of the Grape Crush Administrative Committee and other available information that the varieties of grapes hereinafter set forth and produced in the nine-county area covered by the order are of such small production and restricted usage or in such short supply relative to demand that exemption of such varieties from any volume regulation for the 1961–62 crop year would not tend to affect adversely the attainment of the purposes of the order.

The varieties of grapes hereinafter set forth would be exempt, pursuant to § 1026.58(b), from such volume regulation and related setaside as may be established and effective pursuant to §§ 1026.53 and 1026.54, as applicable. However, such varieties would not be exempt from the other provisions of the order such as those pertaining to weight and sugar content determinations, reports and records, and assessments.

It is estimated that the varieties proposed for such exemption would approximate 150,000 tons of grapes for crushing produced in the area covered by the order. Should free and surplus percentages be established for 1961–62, it will be necessary in computing such percentages to make appropriate allowance for any such volume as may be exempted.

The varieties of grapes proposed to be exempted are as follows: Aleatico, Alicante Granzin, Almission, Alvarel Hao, Aramon, Armona, Barbera, Beclan, Black Monukka, Black Rose, Boaldoce, Burgundy, Carignane, Carignane D.M., Cataratto, Catawba, Concord, Cornichon, Emerald Reisling, Ferrara, French Colombard, Fresia, Franken Reisling, Grand noir, Green Hungarian, Grey Reisling, Grignolino, Gonzolia, Hamburgers, Inzolia, Lenoir, Malvasia Bianca, Malvoisie, Mataro, Mondeuse, Muscat Cannelli, Nebbiola, No. 100, No. 101, Pagadebito, Pedro Ximenes, Pedro Zumba, Petite Bouschet, Petite Sirah, Peverella, Pogo Debito, Reisling, Rose Peru, Royalty, Rubired, Ruby Red, Ruby Cabernet, S 26, Salvador, Sauvignon, Sauvignon blanc, Sauvignon vert., Scarlet, Semillon, Souzao, St. Macaire, Touriga, Tinta Cao, Tinta Madeira, Trousseau, Ugni blanc, Valdepenas, Verdona, White Reisling, and Zinfandel.

Consideration will be given to written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than September 15, 1961.

Dated: September 8, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8691; Filed, Sept. 8, 1961; 8:54 a.m.]

Agricultural Stabilization and Conservation Service

[CFR PART 943]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Proposed Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the North Texas marketing area are being considered.

The provisions proposed to be terminated are: (1) "during the months of March through August", (2) "during any month, and (iii) as ungraded bulk milk or skim milk", and (3) ": *Provided*, That, the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month" as they appear in that order in subparagraph (2) of § 943.41(b).

The provisions of § 943.41(b)(2) provide the conditions under which bulk milk, skim milk and cream disposed of to commercial bakeries and other non-dairy food product manufacturing plants may be classified as Class II. The limitation on movements of bulk milk and skim milk to such outlets during the months of September through February was placed in the order under conditions of short market supply and was intended to deter the use of bulk milk and skim milk by such processing plants and to make it available for fluid milk needs of the market. The condition of short milk supplies no longer exist.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on September 6, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–8634; Filed, Sept. 8, 1961; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–35]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document on March 8, 1961, and during the period from July 25, 1961, through July 28, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/9/0, Model 42 adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., effective March 8, 1961. (It is an extension of Approval No. 160.004/9/0 dated February 28, 1956.)

Approval No. 160.004/10/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C., effective March 8, 1961. (It is an extension of Approval No. 160.004/10/0 dated February 28, 1956.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/31/0, Model 241A/66–79, Type II, embarkation-debarkation ladder, chain suspension, steel ears, Dwg. No. 241A/66–79, dated April 21, 1961, approval limited to ladders 79 feet or less in length, manufactured by Great Bend Mfg. Corp., 234 Godwin Avenue, Paterson 1, New Jersey, effective July 28, 1961.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/508/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Imperial Sports, 205 Belleville Avenue, Bloomfield, New Jersey, effective July 26, 1961.

Approval No. 160.047/509/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Imperial Sports, 205 Belleville Avenue, Bloomfield, New Jersey, effective July 26, 1961.

Approval No. 160.047/510/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., for Imperial Sports, 205 Belleville Avenue, Bloomfield, New Jersey, effective July 26, 1961.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/134/0, Type II, Model 399, adult unicellular plastic foam buoyant vest, dwg. 10761–P (sheets 1–4), dated March 3, 1961, and Bill of Materials PECO dated July 13, 1961, manufactured by The Peoples Company, 712 Buffington Street, Huntington 2, West Virginia, effective July 28, 1961.

Approval No. 160.052/135/0, Type II, Model 398, child unicellular plastic foam buoyant vest, dwg. 10761–P (sheets 1–4), dated March 3, 1961, and Bill of Materials PECO dated July 13, 1961, manufactured by The Peoples Company, 712 Buffington Street, Huntington 2, West Virginia, effective July 28, 1961.

Approval No. 160.052/136/0, Type II, Model 397, child unicellular plastic foam buoyant vest, dwg. 10761–P (sheets 1–4), dated March 3, 1961, and Bill of Materials PECO dated July 13, 1961, manufactured by The Peoples Company, 712 Buffington Street, Huntington 2, West Virginia, effective July 28, 1961.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/195/0, Moor-Fite Model No. 2¾ (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400071 dated June 9, 1961 (Coast Guard classification: Type B, Size, I; and Type C, Size I), manufactured by Casco Products Corp., Bridgeport 2, Conn., for Moor-Fite, Inc., 1153 South Eastern Avenue, Los Angeles 22, California, effective July 28, 1961.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/2/3, No. 62B MGM liquid level guage for liquefied compressed gas service, Dwg. No. 107, Parts Lists, sheets 1 (Rev. 11), sheets 1C (Rev. 7), 1D (Rev. 4) and 1F (Rev.

5), manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Oklahoma, effective July 26, 1961. (It supersedes Approval No. 162.019/2/2 dated August 3, 1957.)

Approval No. 162.019/9/1, No. 129 Series MGM liquid level gauge for liquefied compressed gas service, Dwg. No. 159, Parts Lists, sheets 1 (Rev. 3) and 1A (Rev. 2), manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Oklahoma, effective July 26, 1961. (It supersedes Approval No. 162.019/9/0 dated June 3, 1958.)

Approval No. 162.019/10/1, No. 133 Series MGM liquid level gauges for liquefied compressed gas service, Dwg. No. 164, Parts Lists, sheets 1 (Parts 1 and 2) (Rev. 3) and 1A (Parts 1 and 2) (Rev. 2), manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Oklahoma, effective July 26, 1961. (It supersedes Approval No. 162.019/10/0 dated June 3, 1958.)

Approval No. 162.019/26/1, No. 175 MGM liquid level gauge for liquefied compressed gas service, Dwg. No. 183, sheets 1 (Part 2) (Rev. 2) and 1A (Parts 1 and 2) (Rev. 2), manufactured by Metal Goods Manufacturing Co., 110 South Park Avenue, Bartlesville, Oklahoma, effective July 26, 1961. (It supersedes Approval No. 162.019/26/0 dated March 2, 1961.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/142/0, Series No. J–38H range for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 11–53–1.101 dated January 1, 1961, manufactured by Welbilt Corporation, Garland Division, Welbilt Square, Maspeth, New York, effective July 25, 1961.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/71/0, "Berglа-Tel Fiber Glass Boards PA," fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2072; FR 3589, dated July 6, 1961, approved in a nominal density of 1 pound per cubic foot, manufactured by Oscar Gossler Glasgespinst-Fabrik G.M.B.H., Hamburg-Bergedorf, West Germany, effective July 25, 1961.

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.-048/110/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Merit Manufacturing Corp., 92–15 172nd St., Jamaica 3, N.Y., for Empire Athletic Supply Co., Inc., 443–445 Broadway, New York 13, New York, effective July 26, 1961. (Approved in the FEDERAL REGISTER March 25, 1956. Terminated July 26, 1961. Manufacturer no longer in business.)

Dated: September 1, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–8630; Filed, Sept. 8, 1961; 8:51 a.m.]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

Alcohol and Tobacco Tax Branch Offices

Insert in the list of Alcohol and Tobacco Tax Branch offices, Appendix B (26 F.R. 6394), after St. Louis, Missouri, the following branch office: Omaha, Nebraska, 2413 U.S. Post Office and Court House, 215 North 17th Street.

[SEAL] MORTIMER M. CAPLIN,
Commisisoner.

[F.R. Doc. 61–8628; Filed, Sept. 8, 1961; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD Directive 5160.39]

SECRETARIES OF THE ARMY, NAVY AND AIR FORCE

Delegation of Authority With Respect to Motor Vehicle Hire

The Deputy Secretary of Defense approved the following on August 29, 1961:

There is hereby delegated to the Secretaries of the Army, Navy and Air Force the authority of the Secretary of Defense under the proviso in section 632 of the Department of Defense Appropriation Act, 1962, which section reads as follows:

SEC. 632. Not to exceed $12,000,000 of the funds made available in this Act for the purpose shall be available for the hire of motor vehicles: *Provided*, That the Secretary of Defense, under circumstances where the immediate movement of persons is imperative, may, if he deems it to be in the national interest, hire motor vehicles for such purposes without regard to this limitation.

By separate memorandum, the Assistant Secretary of Defense (Comptroller) will notify the Military Departments of the allocation of the specific limitation and of the reporting requirements.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61–8614; Filed, Sept. 8, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BURKE COUNTY STOCKYARD ET AL.

Proposed Posting of Stockyards

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

Burke County Stockyard, Waynesboro, Ga.
Brown-Alsbrooks Stockyards, Inc., Marksville, La.
Henryetta Livestock Auction, Henryetta, Okla.
Iowa County Livestock Marketing Co-op., Dodgeville, Wis.

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

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

Done at Washington, D.C., this 5th day of September 1961.

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

[F.R. Doc. 61–8618; Filed, Sept. 8, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 119 (Rev.)]

ASSISTANT SECRETARY OF COMMERCE FOR INTERNATIONAL AFFAIRS

Authority, Responsibilities and Duties

AUGUST 23, 1961.

The following order was issued by the Secretary of Commerce on August 23, 1961, and supersedes the material appearing at 20 F.R. 904 of February 11, 1955.

SECTION 1. *Purpose.* The purpose of this order is to define the authority and responsibilities of the Assistant Secretary of Commerce for International Affairs and to prescribe the method and channels through which these responsibilities are performed.

SEC. 2. *Authority.*

.01 The duties and responsibilities of the Assistant Secretary of Commerce for International Affairs described in this order are assigned pursuant to the authority vested in the Secretary of Commerce by law, including authority under Reorganization Plan No. 5 of 1950.

.02 All authority vested in and exercised by the Directors of the Bureau of

International Programs and the Bureau of International Business Operations is hereby made subject to the policy direction and coordination of the Assistant Secretary of Commerce for International Affairs.

SEC. 3. *Objectives and responsibilities.*

.01 The Assistant Secretary of Commerce for International Affairs shall:

1 Administer the functions and authorities assigned to the Department of Commerce in the fields of international trade and investment and participate in the formulation of U.S. international policies and programs in order to accomplish national objectives for improving and expanding the economic strength and security of the United States;

2 Serve as the principal adviser to the Secretary on all international aspects of the Department's responsibilities and coordinate all international operations of the Department;

3 Exercise policy direction, coordination, and guidance, as may be appropriate, over the Bureau of International Programs, the Bureau of International Business Operations, the National Export Expansion Committee (NEEC), the Advisory Committee on Export Policy (ACEP), and shall advise the Secretary on policy issues coming before the Trade Policy Committee (TPC);

4 Represent the Department on the Advisory Committee on Export Policy of which he shall be the Chairman; the Board of the Foreign Service; the Interdepartmental Council on Technical Cooperation; and the Committee of Alternates, Foreign-Trade Zones Board, of which he shall be the Chairman; serve as the alternate to the Secretary of Commerce on the National Advisory Council on International Monetary and Financial Problems; and participate in activities of international organizations; and

5 Consult with the Under Secretary of Commerce, the Under Secretary of Commerce for Transportation, and the Assistant Secretary of Commerce for Domestic Affairs on matters of mutual interest.

.02 The Deputy Assistant Secretary of Commerce for International Affairs shall be the principal deputy to the Assistant Secretary for International Affairs and shall assume the full responsibilities of the Assistant Secretary during the latter's absence.

.03 The Deputy Assistant Secretary for Trade Policy, as the Assistant Secretary's principal assistant in the formulation of United States trade policy, shall assist and advise in the formulation of policies and programs in the fields of international trade, including international commodity arrangements, and shall give particular attention to the development of legislation on U.S. trade policy.

.04 The Deputy Assistant Secretary for Program Development shall advise and assist in the formulation of policies and programs to improve and expand the Department's international activities and relationships with the United States business community, Government agencies, and public organizations.

.05 The Special Assistant to the Assistant Secretary for International Affairs shall provide staff support to the Assistant Secretary in the discharge of his over-all responsibilities; and, upon the Assistant Secretary's direction, shall: (a) represent the Assistant Secretary, and (b) in the absence of a Deputy Assistant Secretary, take such actions as are necessary to assure continuity in the coordination and direction of activities within the purview of such absent Deputy Assistant Secretary.

.06 The Director of the Office of Administration shall be responsible to the Assistant Secretary for International Affairs for the conduct of all management and administrative activities and shall serve as the management officer for the Bureau of International Programs and the Bureau of International Business Operations with primary responsibility to:

1 Provide leadership and direction in planning, organizing, developing and executing comprehensive management and administrative programs for the two Bureaus mentioned in section 3.06 above;

2 Implement, coordinate, and integrate into the substantive operational programs of the two Bureaus the following major administrative-management functions:

(1) Management development; budget planning, preparation, and administration; fiscal management, including control of funds for these Bureaus; organization planning and staffing; personnel management; career development; training; office services, including records administration; correspondence control; continuity of essential functions; and security; and

3 Maintain continuing program appraisal to evaluate the effectiveness of administrative, management, personnel and training functions which support the technical programs of the two Bureaus.

.07 The Director of the Publication Staff shall, subject to policy guidance of the Director, Office of Public Information, plan and conduct an overall publication service for world traders, and an informational and promotional program to acquaint the trade community with the policies, activities, and services of the Department of Commerce in the field of foreign trade and investment; and shall:

1 Plan, direct and coordinate the scheduling, presentation and method of issuance of all publications and public information initiated by the Bureau of International Programs and the Bureau of International Business Operations concerning trade promotion and investment; coordinate publication and information activities to insure conformity with overall policies of the Department and the Assistant Secretary for International Affairs;

2 Cooperate with all areas of the Department to provide the most informative and effective dissemination of world trade information through books, periodicals, pamphlets, and the mass media; and

3 Develop informational programs required to accomplish the promotional objectives of the Assistant Secretary for International Affairs.

SEC. 4. *Committee functions.*

.01 The Trade Policy Committee (TPC), established by Executive Order 10741, November 25, 1957, advises and assists the President in the administration of the reciprocal-trade program and recommends to the President basic policies for the administration of the Trade Agreements Act. The Committee consists of the Secretaries of State, Treasury, Defense, Interior, Agriculture, Commerce, and Labor; the Secretary of Commerce is its Chairman and the Assistant Secretary for International Affairs is Alternate Chairman. The Executive Secretary to the Committee is appointed by the Assistant Secretary for International Affairs.

.02 The National Export Expansion Committee (NEEC), initiated by the President in his message to the Congress on March 17, 1960, was established by the Secretary of Commerce to plan and organize a sustained effort by private industry to promote economic growth at home and abroad by enlisting the active support of existing national and local business groups, identify sectors with trade expansion potential, assist and encourage businessmen newly entering the export field, and strengthen contacts with business groups abroad. Members of the NEEC and its 33 Regional Export Expansion Committees include national business, educational and civic leaders. The NEEC Chairman and Vice Chairman are selected from the private industry representatives. The Office of the Assistant Secretary for International Affairs provides the Executive Secretary and staff support for the NEEC.

.03 The Advisory Committee on Export Policy (ACEP), established by the Secretary of Commerce October 5, 1950, advises the Secretary on export policies, programs and measures which are required from the standpoints of national security, foreign policy and short supply. Department Order No. 125 (Revised) defines the organization and functions of the Advisory Committee on Export Policy. The Export Policy Staff, Bureau of International Programs, provides a technical staff and secretariat services as provided in Department Order No. 173 of August 8, 1961.

[SEAL] JOHN PRINCE,
Acting Executive Assistant to the Secretary.

[F.R. Doc. 61-8620; Filed, Sept. 8, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

NATIONAL NAVAL MEDICAL CENTER

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 1, 1962 the latest

completion date specified in Construction Permit No. CPRR–61 for the construction of the National Naval Medical Center's TRIGA-type nuclear reactor to be located in Bethesda, Maryland.

Copies of the Commission's order and of the application by National Naval Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of September 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61–8594; Filed, Sept. 8, 1961; 8:45 a.m.]

[Docket No. 50–62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. R–66, set forth below. Facility License No. R–66 authorizes the University of Virginia to operate the swimming pool type nuclear reactor located on the University's campus at Charlottesville, Virginia.

The amendment (1) adds a condition regarding the procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, (2) adds a condition regarding written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value, (3) authorizes the use of boron-stainless steel safety-shim rods in the reactor in place of the boron carbide rods previously authorized, as requested by application dated January 27, 1961, and May 17, 1961, (4) adds a condition requiring the periodic inspection of each boron-stainless steel safety-shim rod and the reporting of the procedures used and results of the inspection, and (5) authorizes the conduct of an experiment involving the irradiation of certain rare earths and uranium isotopes in the reactor, as requested by application dated April 13, 1961.

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

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

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

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

Dated at Germantown, Md., this 1st day of September 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–66; Amdt. 1]

Facility License No. R–66 issued to the University of Virginia (hereinafter "the University") is amended in the following respects:

1. Paragraph 1. is amended to read as follows:

1. This license applies to the light water-cooled and -moderated swimming pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by the University of Virginia and located on the University's campus at Charlottesville, Virginia, and described in the application dated March 14, 1957, and amendments thereto dated June 7, 1957, December 2, 1957, December 20, 1957, January 20, 1958, February 26, 1958, April 23, 1958, May 1, 1958, September 23, 1958, November 11, 1958, April 17, 1959, May 25, 1959, July 2, 1959, September 4, 1959, December 4, 1959, February 5, 1960, the letter dated January 27, 1961, submitted in reply to the Commission's January 11, 1961, telegram, the application amendments dated January 27, 1961, and May 17, 1961, concerning the use of boron-stainless steel safety-shim rods and the application amendment dated April 13, 1961 (hereinafter collectively referred to as "the application").

2. Subparagraph 4.A. *Operating Restrictions* is amended to read as follows:

A. *Operating Restrictions*

(1) The University shall operate the reactor in accordance with the procedures described in the application and all amendments thereto to date.

(2) The University shall not operate the reactor at steady-state thermal power levels in excess of 1,000 kilowatts without prior written authorization from the Commission.

(3) When the reactor is shut down and operations are performed which could involve a change in core reactivity, the University shall follow the procedures described in Items 8.A. through 8.F. of its letter to the Commission dated January 27, 1961, submitted in response to the Commission's telegram dated January 11, 1961.

3. Subparagraph 4C. *Reports* is amended to read as follows:

C. *Reports*

(1) University of Virginia shall immediately report to the Commission in writing any indications of occurrence of a possible unsafe condition relating to operation of the reactor.

(2) The University shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

(3) The University shall, at least once during each calendar quarter, visually inspect each boron-stainless steel safety-shim rod for indications of cracks, particularly at corners of mechanical grooves, and within 30 days after having made each such inspection, shall submit a written report to the Commission describing the inspection procedures used and the conditions of each rod.

This amendment is effective as of the date of issuance.

Date of issuance: September 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–8595; Filed, Sept. 8, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2146 et al.]

ALABAMA POWER CO.

Order To Show Cause

SEPTEMBER 1, 1961.

By Opinion and Order of September 4, 1957 (18 FPC 257), the Commission issued a license to Alabama Power Company (the Company) for Project No. 2146 which had the effect of permitting the Company to commence construction of its proposed Weiss development (also known as Leesburg), and make certain changes in its existing Lay development, while the Company and the Commission's staff continued studies of other proposed developments which, together with the existing Jordan No. 1 and Mitchell developments of the Company, would cover the reach of the Coosa River between the proposed Federal Jones Bluff reservoir near Wetumpka, Alabama, at about river mile 12 and Mayos Bar at about river mile 278.

Additional changes in the Lay development were authorized by order issued October 7, 1958. Changse in the Weiss development were authorized by Commission orders issued February 27 and October 12, 1959. The initial installation authorized for the Weiss development consists of three generating units. Units 2 and 3 were placed in operation at Weiss on June 5, 1961, and Unit No. 1 is scheduled to go into operation during September 1961. The Kelly Creek development is in the initial stages of construction.

Plans for a proposed Kelly Creek development (also known as Logan Martin) were approved by order issued April 21, 1960, authorizing commencement of construction of that development pursuant to Article 30 of the license (18 FPC 257, 271), which prohibited commencement of construction in the Kelly Creek reach of the Coosa River prior to approval of plans by the Commission. Article 30 of the license also prohibits commencement of construction in the Lock No. 3 and in the Wetumpka reaches of the river prior to Commission approval of plans therefor.

As the result of additional studies by the Company and by the Commission's staff, the Company filed application on September 4, 1959, which was later supplemented, for amendment of the license for Project No. 2146 to include the proposed Jordan No. 2 development in the Wetumpka reach of the river in lieu of its previously proposed Wetumpka development. The application for amendment also requested that the existing Mitchell and Jordan No. 1 developments, with certain proposed changes thereto, be included in the license for Project No. 2146.[1] The proposed changes in the existing Jordan No. 1 development are necessary for the proposed Jordan No. 2 development. The data submitted by the Company shows that the proposed Jordan No. 2 development and the proposed changes in the existing Jordan No. 1 development have engineering and economic feasibility. The data also show that the previously proposed Wetumpka development is economically infeasible.[2]

By orders issued August 4, 1960, as modified on rehearing by orders of September 16, 1960, the Commission granted the request to include the proposed Jordan No. 2 development in lieu of the previously proposed Wetumpka development, subject to certain conditions specified therein. However, the Commission again refused to include the existing Mitchell and Jordan No. 1 developments in the license for Project No. 2146. On application for rehearing on the orders of August 4, 1960, the Company stated that the only thing sought by the Company which was not allowed was the inclusion of the existing Mitchell and Jordan developments in the license for Project No. 2146. Thus it appears that the second refusal of the Commission to include the existing Mitchell and Jordan No. 1 developments in a license terminating in excess of 50 years from the dates those developments were licensed, is the sole basis for the Company not having accepted the Commission orders of August 4, 1960.

As indicated above, through the further studies required by the license, the Company has demonstrated the infeasibility of its previously proposed Wetumpka development and its incompatibility with the requirements of section 10(a) of the Federal Power Act. The effect of the orders of August 4, 1960, as modified on rehearing by orders of September 16, 1960, if accepted by the Company, is to permit the Company to submit for Commission approval plans for the proposed Jordan No. 2 development and plans for the proposed changes in the existing Jordan No. 1 development, in the event the Company intends to proceed in good faith and with due diligence with the completion of Project No. 2146 pursuant to section 13 of the Federal Power Act and section 12 of Public Law 436 of the 83d Congress (68 Stat. 302, 303).

In its opinion and order of September 4, 1957, the Commission expressed the view that full economic development of these water resources for public purposes could be accomplished by the issuance of a license to the Company for Project No. 2146 (18 FPC 257, 262).[3] Apparently, the Company has challenged this statement, by refusing to accept the orders of August 4, as modified on rehearing by the orders of September 16, 1960, or by refusing to seek court review on the merits of those orders pursuant to section 313(b) of the Federal Power Act.[4]

The Company, on November 10, 1959, filed application, which was later supplemented, for license (Project No. 2203) for authorization to construct, maintain, and operate a powerhouse contiguous to Lock and Dam No. 13 proposed to be redeveloped by the United States on the Warrior River approximately five miles upstream from the City of Tuscaloosa, Alabama. In the event Lock and Dam No. 13 is redeveloped by the United States, and the Company obtains a license for a power plant at the proposed government dam, it appears that the Company proposes to utilize the power plant (Project No. 2203) to supplement Project No. 2146 and other plants in supplying its increasing power requirements.

In view of the apparent objections of the Company to fully develop water resources, pursuant to section 10(a) of the Federal Power Act, in those areas in which it has conditional authorization, it may be in the public interest to dismiss the application for Project No. 2203.

The Commission finds: It is appropriate and in the public interest that Alabama Power Company show cause, if any there be: (1) Why it should not accept and comply with the Commission's orders of August 4, as modified on rehearing by orders of September 16, 1960, with respect to Project Nos. 2146 and 618; and (2) why the application for license for Project No. 2203 should not be dismissed without further proceedings thereon.

The Commission orders: Alabama Power Company shall within thirty (30) days from the date of issuance of this order, show cause, if any there be: (1) Why it should not accept and comply with the Commission's orders of August 4, 1960, as modified on rehearing by orders of September 16, 1960, in Project Nos. 2146 and 618; and (2) why the application for license for Project No. 2203 should not be dismissed without further proceedings.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8605; Filed, Sept. 8, 1961; 8:47 a.m.]

[1] By its opinion and order of September 4, 1957, the Commission had denied a prior request by the Company to include the existing Mitchell and Jordan No. 1 developments in the license for Project No. 2146 (18 FPC 257, 263). The Mitchell development (Project No. 82) and the Jordan No. 1 development (project No. 618), are under separate 50-year licenses expiring in 1971 and in 1975, respectively.

[2] The ultimate installation of the Jordan No. 2 development has an estimated cost of $40 million as compared with Wetumpka's estimated cost of $14 million. The estimated annual cost is $5,021,000 for the Jordan No. 2 development and $1,750,000 for Wetumpka. Using the values for energy supplied by the Company we can compute the estimated annual value of energy that would be produced by the Jordan No. 2 plant at $6,084,000 as opposed to $1,022,000 for Wetumpka. The calculation graphically demonstrates the decided economic superiority of the Jordan No. 2 plan of development: its annual benefits substantially exceed the annual costs whereas Wetumpka would be losing proposition. Furthermore, the investment for the necessary changes at Jordan No. 1 would be repaid within a period of about two years from the additional power production at Jordan No. 1.

[3] In its opinion (18 FPC 257, 262) the Commission said:

"Our decision to issue a license has been reached only after full consideration of the provisions of section 7(b) of the Power Act. While Congress, by enactment of Public Law 436, indicated that it desires the Coosa River to be developed by a non-Federal agency, provided of course that the development to be so made will meet the criteria established by the Power Act and Public Law 436, Congress also made it clear by the provisions of section 13 of the Public Law that we are still free to recommend Federal development of the Coosa River and to reject the Applicant's proposal if, in our judgment, such a course should be followed. However, it is our judgment that the United States itself should not undertake the development of the water resources involved for public purposes, because full economic development can be accomplished under the license hereinafter issued."

[4] The petitions filed by the Company in the United States Court of Appeals for the Fifth Circuit (Alabama Power Co. v. F.P.C., Nos. 18658, 18659, and 18660), were dismissed by the Court on June 21, 1961, on the ground that they were not petitions to review orders of the Federal Power Commission.

[Docket No. CP61-334]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1961.

Take notice that on June 21, 1961, Arkansas Louisiana Gas Company (Applicant), Slattery Building, Shreveport, Louisiana, filed an application as supplemented on July 12, 1961, and August 1, 1961, in Docket No. CP61-334, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to acquire through an Agreement and Plan of Reorganization and to operate all of the facilities of MidSouth Gas Company (MidSouth), to perform all acts and services now being performed by MidSouth, and to make all sales now being made by MidSouth, to the extent that such facilities, acts, services and sales are subject to the jurisdiction of the

Commission, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant owns and operates a natural gas system including the purchasing, gathering, transmission, distribution and sale of natural gas at retail through its own distribution systems and is actively engaged in the exploration for and production of natural gas and oil. With a limited exception in its Oklahoma-Kansas Division and some field sales to pipeline companies, Applicant makes no sales for resale, but is primarily a distribution company selling natural gas directly to consumers.

As of April 20, 1961, MidSouth's facilities included 225.57 miles of transmission lines, 706.64 miles of distribution lines together with the usual meters and regulators and other appurtenances to furnish natural gas service at retail to approximately 48,000 customers in 55 communities in eastern Arkansas.

As of April 30, 1961, the application shows the total depreciated plants of MidSouth and of Applicant were $9,637,057 and $129,992,981, respectively.

Pursuant to the Agreement and Plan of Reorganization, dated May 19, 1961, Applicant will take over the entire assets and properties of MidSouth and in exchange Applicant is to assume all the obligations and liabilities of MidSouth and deliver to the stockholders of MidSouth 336,000 shares of Applicant's common stock. The application shows that the stockholders of MidSouth, on June 8, 1961, the Board of Directors of MidSouth on May 19, 1961, and the Board of Directors of Applicant on May 19, 1961, approved and adopted the Agreement and Plan of Reorganization.

Required authorizations have been received from the appropriate regulatory agencies of Kansas and of Arkansas.

Applicant as the surviving corporation will continue all services presently being rendered by MidSouth at the effective rates in MidSouth's filed FPC gas tariff which Applicant has formally engaged to adopt effective upon consummation of the proposed merger. Therefore, Applicant states that there will be no interruption or abandonment of service now being rendered by MidSouth.

The docket numbers of the certificate authorizations heretofore granted to MidSouth by the Commission and the docket number of MidSouth's pending application, in all of which Applicant's name is proposed to be substituted for that of MidSouth, are listed in the subject application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 5, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8606; Filed, Sept. 8, 1961; 8:47 a.m.]

[Docket No. RI62-36]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate Allowing Rate To Become Effective Subject To Refund

SEPTEMBER 1, 1961.

On August 7, 1961, Gulf Oil Corporation (Gulf) [1] tendered for filing a proposed change in rate relating to sales of natural gas to Coastal States Gas Producing Company from the producing area of E. Mathis Field, San Patricio County, Texas. The filing, designated Supplement No. 4 to Gulf's FPC Gas Rate Schedule No. 221, proposes an increase from 10.096 cents to 12.11722 cents per Mcf at a pressure base of 14.65 psia, and represents an annual increase of $4,776. Gulf requests an effective date of September 7, 1961.

The subject increase is based upon a contract provision providing that in the event the purchaser should receive a price above the minimum contractual rate specified for the given escalation period, then the purchaser will pay over to the producer eighty-five percent of whatever excess is received for the sale. Coastal States Gas Producing Company's presently effective rate is subject to refund in Docket No. G-17733 and, therefore, although Gulf's proposed rate is below the area level as set forth in the Commission's Statement of General Policy No. 61-1, it is being suspended for one day.

The rates may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the above-described rate and that the above-designated rate schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon the date to be fixed by notice from the Secretary concerning the lawfulness of the above-described rate contained in Rate Schedule No. 221 and Supplement No. 4 thereto.

(B) Pending hearing and decision thereon, the above-described Supplement No. 4 is suspended and the use thereof deferred until September 8, 1961, and until such time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Gulf's said Supplement shall become effective September 8, 1961, if within 20 days from the date of issuance of this order, Gulf shall execute and file in this proceeding an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of the copies thereof upon all purchasers under the rate schedule involved. Unless Gulf is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedures (18 CFR 1.8 and 1.37 (f)) on or before October 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8607; Filed, Sept. 8, 1961; 8:47 a.m.]

[1] P.O. Drawer 2100, Houston, Tex.

[Docket No. RP60-13]

NORTHERN NATURAL GAS CO.

Notice of Postponement of Oral Argument

AUGUST 30, 1961.

Notice is hereby given that the oral argument now scheduled for September 14, 1961, is hereby postponed to 10:00 a.m., October 5, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8608; Filed, Sept. 8, 1961; 8:47 a.m.]

[Docket Nos. G-9446 et al.]

SHELL OIL CO.

Notice Setting Date for Reconvening of Hearing

SEPTEMBER 1, 1961.

Upon consideration of the motion filed August 30, 1961, by counsel for Shell Oil Company requesting that the hearing in this consolidated proceeding be reconvened for the sole purpose of receiving in the record the prepared testimony of staff and of all interveners in the above-designated matter;

The hearing in Docket Nos. G-9446, et al. shall reconvene at 9:30 a.m., E.D.T., Thursday, September 7, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purposes only of receiving in the record the prepared testimony and exhibits of staff and of all interveners, without requiring the presence of sponsoring witnesses.

The hearing heretofore set for reconvening of this proceeding on November 14, 1961, for cross-examination is not affected by this notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8609; Filed, Sept. 8, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The First Virginia Corporation for prior approval of acquisition of voting shares of Richmond Bank and Trust Company, Richmond, Virginia.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 USC 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The First Virginia Corporation, Arlington, Virginia, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Richmond Bank and Trust Company, Richmond, Virginia; and a Notice of Application has been published in the FEDERAL REGISTER on May 18, 1961 (26 F.R. 4342), which provided interested persons an opportunity to submit comments and views regarding the proposed acquisition; and the time for filing such comments and views has expired and no such comments or views have been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is granted, and the acquisition by The First Virginia Corporation of 80 percent or more of the voting shares of Richmond Bank and Trust Company, Richmond, Virginia, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 5th day of September 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-8615; Filed, Sept. 8, 1961; 8:48 a.m.]

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

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1359]

SECOND CENTENNIAL FUND, INC.

Notice of Filing of Amended Application for Extension of Exemption

SEPTEMBER 1, 1961.

Notice is hereby given that Second Centennial Fund, Inc. ("Applicant"), of Denver, Colorado, a Maryland corporation and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), formerly named Centennial Fund II, Inc., has filed an amended application pursuant to section 6(c) of the Act for a further order of the Commission extending Applicant's temporary exemption from compliance with the provisions of sections 15(a) and 16(a) of the Act.

The Commission on June 13, 1961 entered an order exempting Applicant and Centennial Management and Research Corporation, its investment adviser, from the requirement of section 15(a) of the Act that an investment advisory contract be approved by the vote of a majority of the outstanding voting securities of the registered investment company, and further exempting Applicant and its several directors from the provisions of section 16(a) of the Act, which latter section prohibits a director of a registered investment company from so serving unless elected by the holders of the outstanding voting securities of such company. As of that time, Applicant had not issued any voting securities. Such order (Investment Company Act Release No. 3272) granted exemption only until September 15, 1961, or the date of Applicant's first meeting of shareholders, whichever date was first to occur.

Applicant represents that it may not be possible within the time now available to determine the nature and extent of the information which should be furnished to shareholders to enable them properly to evaluate the propositions to be put before them if a shareholders meeting is to be held on or before September 15, 1961. Applicant issued its stock on June 19, 1961, in exchange for certain securities and other assets deposited in escrow.

Applicant therefore requests that the exemptions heretofore granted be extended until the date of the first annual meeting of shareholders, to be held on or before April 10, 1962, or alternatively until a date not earlier than November 15, 1961.

Notice is further given that any interested person may, not later than September 13, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8619; Filed, Sept. 8, 1961; 8:48 a.m.]

[File No. 24D-2394]

UNITED CREDIT CORP.

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

SEPTEMBER 5, 1961.

I. United Credit Corporation (issuer), a South Dakota corporation, with offices at 905 Columbus Street, Rapid City, South Dakota, filed with the Commission on August 27, 1959, a notification on Form 1-A and an offering circular relating to an offer of 125,280 shares of its $1 par value capital stock for $2 per share and 24,702 shares for services, for an aggregate offering of $250,560 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the Provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The issuer has failed to comply with the terms and conditions of Regulation A in that it has failed to file a revised offering circular as required by Rule 256(e).

B. The issuer has failed to comply with the terms and conditions of Regulation A in that it has failed to file a report of sales for the six month period ended May 30, 1961, as required by Rule 260.

C. The issuer has failed to cooperate with the staff in that it has refused to respond to numerous requests from the staff with respect to the filing of a revised offering circular and a report of sales on Form 2-A.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as

amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

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

By the Commission.

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

[F.R. Doc. 61-8610; Filed, Sept. 8, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 6, 1961.

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

LONG-AND-SHORT HAUL

FSA No. 37336: *Seeds from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2205), for interested rail carriers. Rates on seeds, in carloads, between specified points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Unregulated motor competition.

Tariff: Supplement 2 to Western Trunk Line tariff I.C.C. A-4390.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-8612; Filed, Sept. 8, 1961; 8:48 a.m.]

[Notice 542]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 6, 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 64421. By order of August 31, 1961, the Transfer Board approved the transfer to Beaver Express Service, Inc., Woodward, Okla., of Certificates Nos. MC 117465 Sub 1, MC 117465 Sub 2, MC 117465 Sub 4 and MC 117465 Sub 6, issued August 23, 1961, July 27, 1959, March 10, 1960, and August 18, 1960, respectively, to Clyde Reeves, doing business as Beaver Express, Woodward, Okla., authorizing the transportation of: General commodities, except Classes A and B explosives, between Woodward, Okla., and Guymon, Okla., and various points in Oklahoma; between junction U.S. Highway 283 and 60 and Canadian, Tex.; between Perryton, Tex., and junction U.S. Highway 283 and Oklahoma Highway 15 south of Shattuck; between junction U.S. Highway 83 and U.S. Highway 270, approximately three miles north of Turpin, Okla., and Hooker, Okla.; between Canadian, Tex., and Amarillo, Tex.; and between Perryton, Tex., and Spearman, Tex. Max G. Morgan, 450 American National Building, Oklahoma City 2, Okla., attorney for applicants.

No. MC-FC 64425. By order of August 31, 1961, the Transfer Board approved the transfer to Sunvan Lines, Inc., 1990 Alaskan Way, Seattle, Wash., of portion of Certificate in No. MC 52926, issued August 8, 1952, to Green Transfer & Storage Co., a Corporation, 2425 NW. 23d Place, Portland, Oreg., authorizing the transportation of: Household goods, as defined by the Commission, between points in Multnomah, Hood River, Clackamas, Washington, Columbia, Clatsop, and Marion Counties, Oreg., on the one hand, and, on the other, points in Clarke, Cowlitz, Skamania, Lewis, Thurston, Pierce and King Counties, Wash.

No. MC-FC 64429. By order of August 31, 1961, the Transfer Board approved the transfer to J. O. Ernst Dependable Motor Trucking, a corporation, Los Angeles, Calif., of Certificate No. MC 63286, issued June 30, 1942, to Katie Ernst, doing business as J. O. Ernst Dependable Motor Trucking, Los Angeles, Calif., authorizing the transportation of: Drugs and such merchandise as is dealt in by drug stores, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, over regular routes, from Los Angeles, Calif., to Santa Barbara and San Diego, Calif., and service is authorized to and from the intermediate points of Ventura and Camarillo, Calif.; bicycles, motorcycles, bicycle and motorcycle accessories and supplies, drugs, and such merchandise as is dealt in by drug stores, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Los Angeles, Calif. Wyman C. Knapp, Knapp, Gill, Hibbert & Stevens, 727 West Seventh Street, Los Angeles, Calif., attorney for applicants.

No. MC-FC 64470. By order of August 31, 1961, the Transfer Board approved the transfer to McDonnell Bros., Inc., Lyndhurst, N.J., of Permits Nos. MC 59521 and MC 59521 Sub 1, issued June 26, 1941, and March 2, 1940, respectively, to Abraham Alpert, New Haven, Conn., authorizing the transportation of: Aluminum metal and scrap aluminum, between New Haven, Conn., on the one hand, and, on the other, New York, N.Y., Jersey City, Camden, Newark, Edgewater, and Carlstadt, N.J., and Philadelphia, Pa.; aluminum in sheets, from New Haven, Conn., to Elizabeth, N.J.; and scrap aluminum, from Elizabeth, N.J., to New Haven. Paul J. Goldstein, 109 Church Street, New Haven, Conn., attorney for transferor, James J. Farrell, 201 Montague Place, South Orange, N.J., representative for transferee.

No. MC-FC 64471. By order of August 31, 1961, the Transfer Board approved the transfer to Morton J. Lemkau and John N. Lemkau, a partnership, doing business as Morton J. Lemkau, Westbury, N.Y., of the operating rights in Certificate No. MC 95077, issued by the Commission July 9, 1953, to Abco Moving & Storage Corp., New York, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Irving Abrams, 1776 Broadway, New York 19, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-8613; Filed, Sept. 8, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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