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# FEDERAL REGISTER

VOLUME 26 NUMBER 175

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# Codification Guide

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# Rules and Regulations

## Title 7—AGRICULTURE

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

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Grapefruit Reg. 3, Amdt. 1]

### PART 1068—GRAPEFRUIT

#### Importation

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 1068.3 (Grapefruit Regulation 3; 26 F.R. 7077) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., September 11, 1961, the importation into the United States of any grapefruit is prohibited unless such grapefruit meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1, and be of a size not smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 1, and be of a size not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(3) Each such importation is made in conformance with the General Regulations (Part 1060 of this chapter; 19 F.R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this regulation.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of grapefruit as the grade and size restrictions being made applicable to the shipment of grapefruit grown in Florida under Grapefruit Regulation 341 (§ 933.1061) which became effective September 11, 1961; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (b) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, September 7, 1961, to become effective at 12:01 a.m., e.s.t., September 11, 1961.

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

[F.R. Doc. 61–8669; Filed, Sept. 11, 1961; 8:51 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7060 o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Browning King & Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

[Cease and desist order, Browning King & Company, Inc., et al., Philadelphia, Pa., Docket 7060, August 2, 1961]

*In the Matter of Browning King & Company, Inc., a Corporation, A. Benjamin Wilkes and Jack Hirsh, Individually and as Officers of the Corporation; Joseph Wilkes and Same Said A. Benjamin Wilkes, Individually and as Co-partners Trading as Ben Wilks Co.*

Order requiring Philadelphia men's and boys' clothing manufacturers, operating a chain of retail stores in various States, to cease violating the Wool Products Labeling Act by labeling as "All Wool", men's sport coats which contained a substantial percentage of non-woolen fibers; by tagging sport coats with a high and a low price, thereby representing falsely that the low price was a reduction from the usual retail price which was, in fact, wholly fictitious; and by failing in other respects to comply with labeling requirements.

The order to cease and desist, including further order requiring report showing compliance therewith, is as follows:

*It is ordered,* That respondents, Browning King & Company, Inc., a corporation, and its officers, and A. Benjamin Wilkes, individually and as an officer of said corporation, and Joseph Wilkes and A. Benjamin Wilkes, individually and as co-partners trading as Ben Wilks Co., or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, or the sale, transportation, distribution or delivery for shipment in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of "wool products", as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered,* That the charges of Paragraph Six, Paragraph Nine and Paragraph Ten of the complaint be, and they hereby are, dismissed.

*It is further ordered,* That the complaint be, and it hereby is, dismissed as to respondent Jack Hirsh as an individual and as an officer of the respondent corporation.

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

Issued: August 2, 1961.

By the Commission.

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

[F.R. Doc. 61–8653; Filed, Sept. 11, 1961; 8:48 a.m.]

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[Docket 7323]

### PART 13—PROHIBITED TRADE PRACTICES

#### Diamond Crystal Salt Co.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18)

[Modified divestiture order, Diamond Crystal Salt Co., St. Clair, Mich., Docket 7323, July 11, 1961]

Order modifying divestment order of Feb. 4, 1960 (25 F.R. 1873, Mar. 3, 1960), by excluding from its prohibition of future acquisitions, the purchase of three affiliated companies engaged in the sale of salt in small packets designed for use as individual servings.

Paragraph 4 of the order to divest and to cease and desist is modified to read as follows:

(4) *It is further ordered,* That for a period of ten years from February 4, 1960, the respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the physical assets, stock, share capital of, or any other interest in any corporation, in commerce, engaged in the business of producing and/or distributing salt in any form, specifically including salt in a dry state produced by any dry mining method, or produced by any evaporation method, and salt in brine; provided, however, that the respondent shall not be prohibited hereby from effectuating the proposed purchase of the assets referred to in the first paragraph of the Commission's order ruling on the petition filed by the respondent on June 7, 1961.

Issued: July 11, 1961.

By the Commission.

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

[F.R. Doc. 61-8654; Filed, Sept. 11, 1961; 8:48 a.m.]

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[Docket 7937 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Dominion Briquettes & Chemicals, Ltd., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition.* Subpart—Using misleading name—Goods: § 13.2280 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Crawford Associates, Inc., et al., Los Altos, Calif., Docket 7937, Aug. 4, 1961]

*In the Matter of Dominion Briquettes & Chemicals, Ltd., a Corporation, and Crawford Associates, Inc., a Corporation, and Chester C. Crawford, Edmond A. Mathis, and Ethel R. Crawford, Individually and as Officers of the Latter Corporation*

Consent order requiring distributors in Los Altos, Calif., to cease selling as "charcoal", briquets received from a company in Canada which manufactured them from lignite.

The order to cease and desist is as follows:

*It is ordered,* That respondents Crawford Associates, Inc., a corporation, and its officers, and Chester C. Crawford, Edmond A. Mathis and Ethel R. Crawford, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of briquets manufactured from lignite, do forthwith cease and desist from describing or representing, directly or indirectly, that such product is charcoal, unless there is also set forth in a clear and conspicuous manner and in conjunction therewith, a disclosure that such briquets are manufactured from lignite.

*It is further ordered,* That the complaint herein be dismissed as to respondent Dominion Briquettes & Chemicals, Ltd.

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

*It is ordered,* That respondents Crawford Associates, Inc., a corporation, and Chester C. Crawford, Edmond A. Mathis, and Ethel R. Crawford, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 4, 1961.

By the Commission.

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

[F.R. Doc. 61-8655; Filed, Sept. 11, 1961; 8:49 a.m.]

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[Docket 8059 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Sorrells Bros. Produce Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 Lowered price to buyers.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, The Sorrells Bros. Produce Company, Inc., Forest Park, Ga., Docket 8059, Aug. 4, 1961]

Consent order requiring a commission merchant in Forest Park, Ga., dealing in citrus fruits and other food products, to cease receiving and accepting from suppliers commissions on substantial purchases of food products for its own account for resale—such as a discount of 10 cents per 1⅗ bushel box of citrus fruit or a lower price reflecting brokerage from Florida packers—thus violating section 2(c) of the Clayton Act.

The order to cease and desist is as follows:

*It is ordered,* That respondent The Sorrells Bros. Produce Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

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

*It is further ordered,* That respondent, The Sorrells Bros. Produce Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in the aforesaid initial decision, as amended.

Issued: August 4, 1961.

By the Commission.

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

[F.R. Doc. 61-8656; Filed, Sept. 11, 1961; 8:49 a.m.]

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[Docket 8099 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### National Drug Plan, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* § 13.155–15 *Comparative;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Drug Plan, Inc., et al., Washington, D.C., Docket 8099, Aug. 2, 1961]

*In the Matter of National Drug Plan, Inc., a Corporation, and Aaron Abramson (Erroneously Named Aaron Abranson in the Complaint), Individually and as an Officer of Said Corporation*

Consent order requiring Washington, D.C., mail order sellers of drugs, prescriptions, and pharmaceuticals, to cease making false representations in advertising their comparative prices and savings for customers, and their services and operations, as in the order below specified.

The order to cease and desist is as follows:

*It is ordered,* That the Respondents National Drug Plan, Inc., a corporation, and its officers, and Aaron Abramson, individually and as an officer of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of prescriptions, vitamins, pharmaceuticals and drugs or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Any savings are afforded in the purchase of said products unless the price at which they are offered constitutes a reduction from the price at which such products are usually and customarily sold in the trade area where the representation is made; *Provided, however,* The above proscription does not apply to articles which carry a fair trade price in areas where Fair Trade Laws are applicable;

2. Respondents operate on a volume basis;

3. Respondents compound all of the prescriptions filled by them; or that they compound any number or proportion of prescriptions filled by them which is not in accordance with the facts;

4. Their prescriptions are compounded in inspected pharmacies, unless such is the fact;

5. Respondents sell only to selected persons or groups;

6. Respondents can fill all types of prescriptions and ship them through the United States mails;

B. Misrepresenting in any manner the amount of savings available to purchasers of respondents' prescriptions, vitamins, pharmaceuticals, drugs, or other products, or the amount by which the price thereof is reduced from the price at which they are usually and customarily sold by respondents or their competitors in the normal course of their business.

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

*It is ordered,* That respondents National Drug Plan, Inc., a corporation, and Aaron Abramson, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 2, 1961.

By the Commission.

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

[F.R. Doc. 61-8657; Filed, Sept. 11, 1961; 8:49 a.m.]

[Docket 8306 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Clay Furs, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* § 13.1590-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* § 13.2280-30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Clay Furs, Inc., et al., New York, N.Y., Docket 8306, Aug. 4, 1961]

*In the Matter of Clay Furs, Inc., a Corporation, and Max Kramer, George Schneider and Max Greenberg, Individually and as Officers of Said Corporation*

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by setting forth on invoices the name of an animal other than that producing the particular fur, by failing to set forth the term "Dyed Mouton processed Lamb" on invoices where required, and by failing in other respects to comply with invoicing and labeling requirements.

The order to cease and desist is as follows:

*It is ordered,* That respondents Clay Furs, Inc., a corporation, and its officers, and Max Kramer, George Schneider and Max Greenberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names provided for in section 5(b)(1)(A) of the Fur Products Labeling Act.

C. Failing to set forth the term "Dyed Mouton processed Lamb" where an election is made to use that term instead of Lamb.

D. Failing to set forth the item number or mark assigned to a fur product.

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

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

Issued: August 4, 1961.

By the Commission.

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

[F.R. Doc. 61-8658; Filed, Sept. 11, 1961; 8:50 a.m.]

[Docket 8307 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Son-Chief Electrics, Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Son-Chief Electrics, Inc., et al., Winsted, Conn., Docket 8307, Aug. 4, 1961]

*In the Matter of Son-Chief Electrics, Inc., a Corporation, and Donald F. Fitzgerald, Maurice F. Fitzgerald and Martin Fitzgerald, Individually and as Officers of Said Corporation*

Consent order requiring distributors in Winsted, Conn., to cease preticketing electric household appliances with fictitious prices and supplying customers with catalog insert sheets and price lists which showed exaggerated amounts as "Retail" or "Suggested List" prices for the appliances, thus representing the excessive prices to be the usual retail prices.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Son-Chief Electrics, Inc., a corporation, and its officers and Donal F. Fitzgerald, Maurice F. Fitzgerald and Martin D. Fitzgerald, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric household appliances or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by means of preticketing, through the use of catalog insert sheets or price lists, or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Furnishing to others any means or instrumentality by or through which the public may be misled as to the usual and regular prices of respondents' merchandise.

3. Putting any plan into operation through the use of which retailers or others may misrepresent the usual and regular retail price of merchandise.

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

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

Issued: August 4, 1961.

By the Commission.

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

[F.R. Doc. 61-8659; Filed, Sept. 11, 1961; 8:50 a.m.]

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[Docket 8331 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Sophia Mandelbaum and Mandelbaum's Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Sophia Mandelbaum, trading as Mandelbaum's Furs, Buffalo, N.Y., Docket 8331, Aug. 4, 1961]

*In the Matter of Sophia Mandelbaum, an Individual Trading as Mandelbaum's Furs*

Consent order requiring Buffalo, N.Y., furriers to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered,* That respondent Sophia Mandelbaum, an individual trading as Mandelbaum Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products, which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

D. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

E. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

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

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

Issued: August 4, 1961.

By the Commission.

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

[F.R. Doc. 61-8660; Filed, Sept. 11, 1961; 8:50 a.m.]

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# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new items:

**§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.**

* * * * * * *

MISCELLANEOUS

| Product | Specified uses or restrictions | Effective date of statute extended to— |
|---|---|---|
| * * * | * * * | * * * |
| Abietic acid (ethyl, methyl, and glyceryl esters). | Component of nitrocellulose lacquers on cellulosic substrates. | [1] July 1, 1962 |
| Barium coupled at diazo moiety of 1-methyl, 2-chloro, 5-sulfo, 4-aminobenzene with β-hydroxynaphthoic acid. | Component of inks for outside printing of burlap and cotton textile bags for dry food packaging. | Do.[1] |
| Cadmium mercury sulfide | Colorant in paper and paperboard and plastic articles in food-contact use; no migration of cadmium or mercury. | Do.[1] |
| Cadmium zinc sulfide | Colorant in paper and paperboard and plastic articles in food-contact use; no migration of cadmium. | Do.[1] |
| Chromium oxide | Colorant in paper and paperboard and plastic articles in food-contact use. | [1] Jan. 1, 1963 |
| Cobalt linoresinate | Component of printing ink for labels in contact with dry food. | Jan. 1, 1962 |
| Ethylenediaminetetraacetic acid, tetra- and tri-sodium salts. | Component of felt cleaners used in manufacture of paper and paperboard for food packaging. | Do. |
| Ethylene glycol monobutyl ether | do | [1] July 1, 1962 |
| Film-forming substances as coatings on food packaging (substances listed in § 121.2507). | | |
| Lecithin, hydroxylated | Paper coating adjuvant used in manufacture of food packaging. | Do.[1] |
| 4,4'-Methylene bis(2,6 di-*tert*-butylphenol) | Antioxidant used in manufacture of resins used as coatings and adhesives in paper and paperboard for food packaging. | Do.[1] |
| Mineral oil, as described in this section | Component of an impregnant in tissue paper used for wrapping fruits and vegetables; limit 150 p.p.m. on food.<br>As an impregnant of butcher paper for meat packing; limit 150 p.p.m. on food.<br>Used in manufacture of molded pulp apple trays; limit 150 p.p.m. on food. | Jan. 1, 1962 |

[1] Progress report required by Jan. 1, 1962.

MISCELLANEOUS—Continued

| Product | Specified uses or restrictions | Effective date of statute extended to— |
|---|---|---|
| Monobarium salt of 2-(2-hydroxyl-1-naphthyl azo)-1-naphthalenesulfonic acid. | Component of inks for outside printing of burlap and cotton textile bags for dry food packaging. | [1] July 1, 1962 |
| Monocalcium salt of 2-(2-hydroxyl-1-naphthyl azo)-1-naphthalenesulfonic acid. | do | Do.[1] |
| Mono sodium salt of 2-(2-hydroxyl-1-naphthyl azo)-1-naphthalenesulfonic acid. | do | Do.[1] |
| β-Naphthol | Paper coating adjuvant used in manufacture of food packaging. | Do.[1] |
| Petroleum hydrocarbon resins manufactured by copolymerization of dienes and olefins from low-boiling cracked petroleum stocks. | Component of coatings and adhesives in paper and paperboard for food packaging. | Do.[1] |
| Pigment blue 15; Color Index No. 74160 | Colorant in polyethylene for food-packaging | Do.[1] |
| Pigment green 7; Color Index No. 74260 | do | Do.[1] |
| Pigment orange 13; Color Index No. 21110 | do | Do.[1] |
| Pigment red 108; Color Index No. 77196 | do | Do.[1] |
| Pigment yellow 12; Color Index No. 21090 | do | Do.[1] |
| Pigment yellow 35; Color Index No. 77117 | do | Do.[1] |
| Rubber latex, natural, ammoniated | Component of adhesive in manufacture of textile-laminated bags for packaging dry food. | Do.[1] |
| Sodium xylene sulfonate | Component of felt cleaners used in manufacture of paper and paperboard for food packaging. | Jan. 1, 1962 |
| Soybean fatty acids, sodium soap | Paper coating adjuvant used in manufacture of food packaging. | [1] July 1, 1962 |

[1] Progress report required by Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

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

(Sec. 6(c), Pub. Law 85–929, as amended, sec. 2, Pub. Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 31, 1961.

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

[F.R. Doc. 61–8568; Filed, Sept. 11, 1961; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following new items:

**§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.**

* * * * * * *

MISCELLANEOUS

| Product | Specified uses or restrictions | Effective date of statute extended to— |
|---|---|---|
| * * * | * * * | * * * |
| Mineral oil meeting the following specifications: Virgin distillate from petroleum; no cracked products present. Percent boiling below 700° F. (50% minimum). Percent boiling below 775° F. (95% minimum). | As a secondary plasticizing agent in rubber articles having food contact. | Jan. 1, 1962 |
| | As a component of packaging materials | Do. |
| Petrolatum, N.F. and U.S.P. Ultraviolet absorbtivity (as defined in ASTME 131) at 290 millimicrons-liters per gram centimeter: 2.0 maximum. | As a secondary plasticizing agent in rubber articles having food contact. | Do. |
| | As a component of packaging materials. | Do. |
| | Dough divider oil, pan oil, and trough grease; limit 1,500 p.p.m. in bakery products. | Do. |
| | Lubricant in meat-packing plants; limit 50 p.p.m. in meat. | Do. |
| | Release agent in drying pans in preparing dried egg albumin; limit 1,000 p.p.m. in dried egg albumin. | Do. |
| | Lubricant in tableted, capsulated or extruded food, excluding confectionery; limit 10 p.p.m. in food. | Do. |
| | Release agent in drying pans in preparing dried fruits and vegetables; limit 200 p.p.m. in dried fruits and vegetables. | Do. |

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

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

(Sec. 6(c), Pub. Law 85–929, as amended sec. 2, Pub. Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 31, 1961.

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

[F.R. Doc. 61–8569; Filed, Sept. 11, 1961; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

Cambridge Industries Co., Inc., 101 Potter Street, Cambridge, Mass.

Polyvinyl Acetate Emulsion Industry Technical Committee, c/o Colton Chemical Co., Division of Air Reduction Co., Inc., 6620 Union Avenue, Cleveland 5, Ohio.

E. I. du Pont de Nemours and Co., Inc., Wilmington 98, Del.

Adhesive Manufacturers Association of America, 441 Lexington Avenue, New York 17, N.Y.

National Association of Glue Manufacturers, 55 West 42d Street, New York 36, N.Y.

Hercules Powder Co., 910 Market Street, Wilmington 99, Del.

Monsanto Chemical Co., 812 Monsanto Avenue, Springfield 2, Mass.

Tennessee Products and Chemical Corp., 2611 West End Avenue, Nashville 5, Tenn.

Pennsylvania Industrial Chemical Corp., 120 North State Street, Clairton, Pa.

and other relevant material has concluded that the following regulation should issue with respect to food additives resulting from the use of adhesives as components of articles intended for use in packaging, transporting, or holding food. Under the prescribed conditions of safe usage, substances approved for use in adhesives are not expected to become components of food in any significant amount. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

**§ 121.2520 Adhesives.**

(a) Adhesives may be safely used as components of articles intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(1) The adhesive is prepared from one or more of the optional substances named in paragraph (c) of this section, subject to any prescribed limitations.

(2) The adhesive is either separated from the food by a functional barrier or used subject to the following additional limitations:

(i) *In dry foods.* The quantity of adhesive that contacts packaged dry food shall not exceed the limits of good manufacturing practice.

(ii) *In fatty and aqueous foods.* (*a*) The quantity of adhesive that contacts packaged fatty and aqueous foods shall not exceed the trace amount at seams and at the edge exposure between packaging laminates that may occur within the limits of good manufacturing practice.

(*b*) Under normal conditions of use the packaging seams or laminates will remain firmly bonded without visible separation.

(b) To assure safe usage of adhesives, the label of the finished adhesive container shall bear, in addition to any other information required by the act, the statement "Food-packaging adhesive."

(c) Subject to any limitations prescribed in this section and in any other regulation promulgated under section 409 of the act which prescribes safe conditions of use for substances that may be employed as constituents of adhesives, the optional substances used in the formulation of adhesives may include the following:

(1) Substances generally recognized as safe for use in food or food packaging.

(2) Substances permitted for use in adhesives by prior sanction or approval and employed under the specific conditions of use prescribed by such sanction or approval.

(3) Flavoring substances permitted for use in food by regulations in this part, provided that such flavoring substances are volatilized from the adhesives during the packaging fabrication process.

(4) Color additives approved for use in food.

(5) Substances permitted for use in adhesives by other regulations in this subpart and substances named in this subparagraph: *Provided however,* That any substance named in this subparagraph and covered by a specific regulation in this subpart, must meet any specifications in such regulation. Any substance not covered by a specific regulation in this subpart shall meet the specifications, if any, set forth in an order that has been issued extending the effective date of the statute for use of the substance as a component of articles that contact food.

COMPONENTS OF ADHESIVES

*Substances and Limitations*

Abietic acid.
Acetone.
*N*-Acetyl ethanolamine.
Acetyl tributyl citrate.
Acetyl triethyl citrate.
Albumin, blood.
1-Alkyl ($C_6$–$C_{18}$) amino-3-amino-propane monoacetate.
Alkyl ($C_7$–$C_{12}$) benzene.
Alkyl ($C_7$–$C_{12}$) naphthalene.
Aluminum.
Aluminum acetate.
Aluminum potassium silicate.
Aluminum stearate (mono-, di-, tri-).
Aminomethylpropanol.
Ammonium benzoate.[1]
Ammonium borate.
Ammonium citrate.
Ammonium linoleate.
Ammonium persulfate.
Ammonium polyacrylate.
Ammonium potassium hydrogen phosphate.
Ammonium sulfamate.
Ammonium thiocyanate.
Ammonium thiosulfate.
Amyl acetate.
Animal fat.
Animal glue (collagen), extracted from hides and bones of animal origin excluding diseased or rotted animals.
Antimony oxide.
Asbestos.
Azo-*bis*-isobutyronitrile.
Balata rubber.
Barium peroxide.
Barium sulfate.
Bentonite.
Benzene (benzol).
Benzothiazyldisulfide.
*p*-Benzoxyphenol.[1]
Benzoyl peroxide.
Benzyl alcohol.
*p*-Benzyloxyphenol.[1]
2-Biphenyl diphenyl phosphate.
Borax.
Boric acid.
Butyl acetate.
Butyl acetyl ricinoleate.
Butyl alcohol.
Butyl benzyl phthalate.
4,4'-thiobis-6-*tert*-Butyl-*m*-cresol.
Butyldecyl phthalate.
1,3-Butylene glycol-diglycolic acid copolymer.
*tert*-Butyl hydroperoxide.
Butyl lactate.
Butyloctyl phthalate.
*p*-*tert*-Butylphenyl salicylate.
Butyl phthalate butyl glycolate.
Butyl ricinoleate.
Butyl rubber polymer.
Butyl stearate.
Butyl titanate, polymerized.
Butyraldehyde.
Calcium ethyl acetoacetate.
Calcium nitrate.
Calcium oleate.
Calcium ricinoleate.
Calcium metasilicate.
Calcium stearate.
Camphor.
Camphor fatty acid esters.
Candelilla wax.
Carbon black, channel process.
Carbon tetrachloride.
Carboxymethylcellulose.
Castor oil.
Castor oil, hydrogenated.
Castor oil, sulfonated.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Ceresin wax (ozocerite).
Cetyl alcohol.
Chloracetamide.
Chloral hydrate.
Chlorinated rubber polymer (natural rubber polymer containing approximately 67 percent chlorine).
Chlorobenzene.
4-Chloro-3-methylphenol.[1]
Chloroform.
Chloroprene.
Chromium caseinate.
Chromium nitrate.
Chromium potassium sulfate.
Cobaltous acetate.
Coconut fatty acid amine salt of tetrachlorophenol.[1]
Coconut oil
Coconut oil, sulfated.
Copal.
Copper 8-quinolinolate.[1]
Cottonseed oil.
Cottonseed oil fatty acids.
Coumarone-indene resin.
Cresyl diphenyl phosphate.
Cumene hydroperoxide.
Cyclohexanol.
Cyclohexanone-formaldehyde condensate.
*N*-Cyclohexyl *p*-toluene sulfonamide.
Damar.
Dehydroacetic acid.
Diacetone alcohol.
Diacetyl peroxide.
2,5-Di-*tert*-amylhydroquinone.
Di(butoxyethyl) phthalate.
Dibutyl maleate.
2,6-Di-*tert*-butyl-4-methylphenol.[1]
Dibutyl phthalate.
Dibutyl sebacate.
Dicyandiamide.
Dicyclohexyl phthalate.
Diethanolamine.
Diethanolamine stearate.
Diethylene glycol.
Diethylene glycol-adipic acid copolymer.
Diethylene glycol dibenzoate.
Diethylene glycol hydrogenated tallowate, monoester.
Diethylene glycol laurate.
Diethylene glycol monobutyl ether.
Diethylene glycol monobutyl ether acetate.
Diethylene glycol monoethyl ether.
Diethylene glycol monoethyl ether acetate.
Diethylene glycol monomethyl ether.
Diethylene glycol monooleate.
Diethylene glycol copolymer of adipic acid and phthalic anhydride.
Di(2-ethylhexyl) adipate.
Di(2-ethylhexyl) hexahydrophthalate.
Di(2-ethylhexyl) phthalate.
Diethyl oxalate.
Diethyl phthalate.
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.
Dihydroxy abietyl phthalate.
2,2'-Dihydroxy-5,5'-dichlorodiphenylmethane (dichlorophene).
Diisobutyl adipate.
Diisobutyl ketone.
Diisobutyl phthalate.
Diisodecyl adipate.
Diisodecyl phthalate.
Diisooctyl phthalate.
Dimethyl formamide.
Dimethyl phthalate.
3,5-Dimethyl-1,3,5,2H-tetrahydrothiadiazine-2-thione.[1]
Di-$\beta$-naphthyl-*p*-phenylenediamise.
Dinonylphenol.
Di-*n*-octyldecyl adipata.
Dioctyldiphenylamine.
Dioctylphthalate.
Dioctylsebacate.
Dioxana.
Dipentamethylene-thiuram-tetrasulfide.
Dipentene.
Diphenyl-2-ethylhexyl phosphate.
Diphenyl, hydrogenated.
Diphenyl phthalate.
Dipropylene glycol.
Dipropylene glycol dibenzoate.
Dipropylene glycol monomethyl ether.
Dipropylene glycol copolymer of adipic acid and phthalic anhydride.
Disodium cyanodithioimidocarbonate.
Distearyl thiodipropionate.
*n*-Dodecylmercaptan.
*tert*-Dodecylmercaptan.
Elemi gum.
Epichlorohydrin-4,4'-isopropylidenediphenol resin.
Epichlorohydrin-4,4'-*sec*-butylidenediphenol resin.

[1] For use as preservative only.

Epichlorohydrin-4,4'-isopropylidene-di-*o*-cresol.
Ethanolamine.
Ethoxyproponal butyl ether.
Ethyl alcohol (ethanol).
Ethylenediamine.
Ethylenediamine tetraacetic acid, sodium, potassium, or calcium salts, single or mixed.
Ethylene dichloride.
Ethylene glycol.
Ethylene glycol monobutyl ether.
Ethylene glycol monobutyl ether acetate.
Ethylene glycol monoethyl ether.
Ethylene glycol monoethyl ether acetate.
Ethylene glycol monoethyl ether ricinoleate.
Ethylene glycol monomethyl ether.
Ethylene-maleic anhydride copolymer, ammonium or potassium salt.
Ethylene-vinyl acetate copolymer.
Ethyl-*p*-hydroxybenzoate.
Ethyl hydroxyethylcellulose.
Ethyl lactate.
Ethyl phthalyl ethyl glycolate.
Ethyl-*p*-toluene sulfonamide.
Ferric chloride.
Fish glue.
Fish oil.
Fish oil, hydrogenated.
Formaldehyde.
*p*-Formaldehyde.[1]
Formaldehyde *o*- and *p*-toluene sulfonamide.
Formamide.
Furfural.
Furfuryl alcohol.
Fumaric acid.
Glutaraldehyde.
Glyceryl borate (glycol boriborate resin)
Glyceryl ester of damar, copal, elemi, and sandarac.
Glyceryl monobutyl ricinoleate.
Glyceryl monohydroxy stearate.
Glyceryl monohydroxy tallowate.
Glyceryl monooleate.
Glyceryl monoricinoleate.
Glycol diacetate.
Glyoxal.
Heptane.
Hexamethylenetetramine.
Hexane.
1,2,6-Hexanetriol.
Hexylene glycol.
Hydroabietyl alcohol.
Hydroquinone.
Hydroquinone monobenzyl ether.
Hydroquinone monoethyl ether.
Hydroxyacetic acid
Hydroxyethylcellulose.
1-(2-Hydroxyethyl)-1-'4-chlorobutyl)-2-alkyl ($C_{16}$–$C_{17}$) imidazolinium chloride.
β-Hydroxyethyl pyridinium 2-mercaptobenzothiazole.
Hydroxyethyl starch.
Hydroxypropyl methylcellulose.
Isoascorbic acid.
Isobutyl alcohol (isobutanol).
Isobutylene-isoprene copolymer.
Isophorone.
Isopropanolamine (mono-, di-, tri-).
Isopropyl acetate.
Isopropyl alcohol (isopropanol).
4,4'-Isopropylidenediphenol, polybutylated mixture.[1]
Isopropyl peroxydicarbonate.
*p*-Isopropoxy diphenylamine.
1,1'-Isopropylidene-bis(*p*-phenyleneoxy)-di-2-propanol.
Itaconic acid.
Japan wax.
Kerosene.
Ketone dimers of palmitic and stearic acids mixture.
Lanolin.
Lauroyl peroxide.
Lauryl alcohol.
Lauryl alcohol sulfate sodium salts.
Lauryl pyridinium 5-chloro-2-mercaptobenzothiazole.
Lignin calcium sulfonate.
Lignin sodium sulfonate.
Linoleamide (linoleic acid amide).
Linseed oil.
Magnesium glycerophosphate.
Maleic acid.
Manganese acetate.
Marine oil fatty acid soaps, hydrogenated.
Melamine.
Melamine-formaldehyde copolymer.
2-Mercaptobenzothiazole.
2-Mercaptobenzothiazole and dimethyl dithiocarbamic acid mixture, sodium salt.[1]
2-Mercaptobenzothiazole, sodium or zinc salt.[1]
Methacrylate-chromic chloride complex, ethyl or methyl ester.
Methyl acetate.
Methyl acetyl ricinoleate.
Methyl alcohol (methanol).
Methylene chloride.
2,2-Methylenebis (4-ethyl-6-*tert*-butylphenol).
2,2-Methylenebis(4-methyl-6-nonylphenol).
2,2-Methylenebis(4-methyl-6-*tert*-butylphenol).
Methyl ethyl ketone.
Methyl ethyl ketone-formaldehyde condensate.
2-Methylhexane.
1-Methyl-2-hydroxy-4-isopropyl benzene.
Methyl isobutyl ketone.
Methyl oleate.
Methyl oleate-palmitate mixture.
Methyl phthalyl ethyl glycolate.
Methyl ricinoleate.
Methyl salicylate.
Methyl tallowate.
Mineral oil.
Monooctyldiphenylamine.
Montan wax.
Morpholine.
Mustardseed oil, sulfated.
Myristic acid-chromic chloride complex.
Myristyl alcohol.
Naphtha.
Naphthalene, monosulfonated.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.
α-Naphthylamine.
Neatsfoot oil.
*o*-Nitrobiphenyl.
Nitrocellulose.
2-Nitropropane.
Octyl alcohol.
Octyldecyl phthalate.
Octylphenol.
Octylphenoxyethanols.
Oiticica oil.
Oleamide (oleic acid amide).
Oleic acid, sulfated.
Oxazoline.
*n*-Oxydiethylene benzothiazole.
Palmitamide (palmitic acid amide).
Palm oil.
Peanut oil, sulfated.
Pentachlorophenol.[1]
Pentaerythritol ester of maleic anhydride.
Pentaerythritol monostearate.
Pentaerythritol tetraacetate.
Perchloroethylene.
Petrolatum.
Petroleum aliphatic hydrocarbon resin (produced by the polymerization of dienes and olefins from low-boiling petroleum stocks).
Phenol.[1]
Phenol-coumarone-indene resin.
Phenol-formaldehyde resin.
Phenyl-β-naphthylamine (free of β-naphthylamine).
*o*-Phenylphenol.[1]
*o*-Phthalic acid.
Pimaric acid.
Pine oil.
Piperidinium pentamethylenedithiocarbamate.
Polyamides derived from dimerized vegetable oil acids and the following amines:
  Diethylenetriamine.
  Diphenylamine.
  Ethylenediamine.
  Tetraethylenepentamine.
  Triethylenetetraamine.
Polybutene.
Polyester of diglycolic acid and propylene glycol containing ethylene glycol monobutyl ether as a chain stopper.
Polyester resins as described under § 121.2514 (b) (3) (vii)
Polyethylene.
Polyethylene, oxidized.
Polyisobutylene.
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with benzoic acid, castor oil, coconut oil, linseed oil, rosin, soybean oil, styrene, and vinyl toluene.
Polymers: Homopolymers and copolymers of the following monomers:
  Acrylamide.
  Acrylic acid.
  Acrylonitrile.
  Butadiene.
  Butyl acrylate.
  Butyl methacrylate.
  Crotonic acid.
  Decyl acrylate.
  Diallyl maleate.
  Diallyl phthalate.
  Di (2-ethylhexyl) maleate.
  Dioctyl fumarate.
  Dioctyl maleate.
  Divinyl benzene.
  Ethyl acrylate.
  Ethyl cyanohydrin.
  2-Ethylhexyl acrylate.
  Ethyl methacrylate.
  Fumaric acid.
  Itaconic acid.
  Maleic anhydride.
  Methacrylic acid.
  Methyl acrylate.
  Methyl methacrylate.
  Methyl styrene.
  Monoethyl maleate.
  Mono (2-ethylhexyl) maleate.
  Styrene.
  Vinyl acetate.
  Vinyl butyrate.
  Vinyl chloride.
  Vinyl crotonate.
  Vinyl hexoate.
  Vinylidene chloride.
  Vinyl pelargonate.
  Vinyl propionate.
  Vinyl pyrrolidone.
  Vinyl stearate.
Polyoxyalkylated-phenolic resin (phenolic resin obtained from formaldehyde plus butyl- and/or amylphenols, oxyalkylated with ethylene oxide and/or propylene oxide).
Polyoxyethylene (molecular weight, 200–6,000).
Polyoxyethylene (molecular weight 200) dibenzoate.
Polyoxyethylene (molecular weight 200) monooleate.
Polyoxyethylene (molecular weight 200) monostearate.
Polyoxyethylene (molecular weight 200) monotallate.
Polyoxyethylene (molecular weight 400) esters of coconut fatty acids.
Polyoxyethylene (molecular weight 400) monolaurate.
Polyoxyethylene (molecular weight 400) mono- or dioleate.
Polyoxyethylene (molecular weight 400) mono- or distearate.
Polyoxyethylene (molecular weight 400) mono- or ditallate.
Polyoxyethylene (molecular weight 400) tallow diester and glycerides.
Polyoxyethylene (molecular weight 450) monostearate.

[1] For use as preservative only.

Polyoxyethylene (molecular weight 600) monoricinoleate.
Polyoxyethylene (molecular weight 600) mono- or dioleate.
Polyoxyethylene (molecular weight 1900) di-*sec*-butylphenylate.
Polyoxyethylene (1–40 mols) nonylphenol.
Polyoxyethylene (6–7 mols) nonylphenoxy phosphate.
Polyoxyethylene (1–40 mols) octylphenol.
Polyoxyethylene (20 mols) oleyl alcohol.
Polyoxyethylene (20 mols) sorbitan monolaurate.
Polyoxyethylene (20 mols) sorbitan monooleate.
Polyoxyethylene (20 mols) sorbitan monopalmitate.
Polyoxyethylene (20 mols) sorbitan monostearate.
Polyoxyethylene (40 mols) stearate.
Polyoxyethylene (5–15 mols) tridecyl alcohol.
Polyoxyethylene (3 mols) tridecyl alcohol sulfate.
Polyoxypropylene (molecular weight 150–3,000).
Polyoxypropylene (molecular weight 1,501–1,800), plus ethylene oxide (5 mols or 140 mols).
Polyoxypropylene (20 mols) butyl ether.
Polyoxypropylene (40 mols) butyl ether.
Polyoxypropylene (20 mols) oleate butyl ether.
Polyoxypropylene-polyoxyethylene copolymer polyethers (molecular weight 3,300).
Polypropylene.
Polysiloxanes:
  Diethyl polysiloxane.
  Dihydrogen polysiloxane.
  Dimethyl polysiloxane.
  Diphenyl polysiloxane.
  Ethyl hydrogen polysiloxane.
  Ethyl phenyl polysiloxane.
  Methyl ethyl polysiloxane.
  Methyl hydrogen polysiloxane.
  Methyl phenyl polysiloxane.
  Phenyl hydrogen polysiloxane.
Polytetrafluoroethylene.
Polyurethane resin (toluene diisocyanates reacted with one or more of the unmodified glycols named in this subparagraph).
Polyvinyl alcohol.
Polyvinyl butyral.
Polyvinyl ethylate.
Polyvinyl formal.
Polyvinyl methylate.
Poppyseed oil.
Potassium *n*-methyldithiocarbamate.
Potassium *n*-methyldithiocarbonate
Potassium oleate.
Potassium pentachlorophenate.[1]
Potassium permanganate.
Potassium persulfate.
Potassium ricinoleate.
Potassium stearate.
Potassium tripolyphosphate.
Propyl alcohol (propanol)
Propylene carbonate.
Propylene glycol and *p*-*p*′-isopropylidenediphenol diether.
Propylene glycol esters of coconut fatty acids.
Propylene glycol monolaurate.
Propylene glycol monomethyl ether.
Propylene glycol monostearate.
Quaternary ammonium chloride (hexadecyl, octadecyl derivative).[1]
Rice bran oil.
Rice bran oil, sulfated.
Rosin, decarboxylated.
Rosin, disproportionated.
Rosin oil.
Rosin and rosin derivatives as described under § 121.2514(b)(3)(v) and also such rosin and rosin derivatives modified by:
  Ammonium caseinate.
  Fumaric acid.
  Phthalic anhydride.
  Polyethylene glycol.
  Triethylene glycol.

[1] For use as preservative only.

Rubber hydrochloride polymer.
Rubber latex, natural.
Salicylic acid.[1]
Sandarac.
Sebacic acid.
Shellac.
Sodium alkyl ($C_2$–$C_{13.5}$ aliphatic) benzenesulfonate.
Sodium aluminum pyrophosphate.
Sodium aluminum sulfate.
Sodium bisulfate.
Sodium calcium silicate.
Sodium chlorate.
Sodium chlorite.
Sodium chromate.
Sodium decylsulfate.
Sodium dehydroacetate.[1]
Sodium di(2-ethylhexoate).
Sodium dihexylsulfosuccinate.
Sodium diisobutylphenoxydiethoxyethyl sulfonate.
Sodium diisobutylphenoxymonoethoxyethyl sulfonate.
Sodium dioctylsulfosuccinate.
Sodium ethylene ether of nonylphenol sulfate.
Sodium 2-ethylhexyl sulfate.
Sodium formaldehyde sulfoxylate.
Sodium formate.
Sodium heptadecylsulfate.
Sodium hypochlorite.
Sodium lauryl sulfate.
Sodium mercaptobenzol.
Sodium metaborate.
Sodium $\alpha$-naphthalene sulfonate.
Sodium nitrate.
Sodium nitrite.
Sodium oleoyl isopropanolamide sulfosuccinate.
Sodium pentachlorophenate.[1]
Sodium perborate.
Sodium persulfate.
Sodium o-phenylphenate.[1]
Sodium polyacrylate.
Sodium polystyrene sulfonate.
Sodium ricinoleate.
Sodium salicylate.[1]
Sodium stearate.
Sodium tetradecylsulfate.
Sodium thiocyanate.
Sodium bis-tridecylsulfosuccinate.
Sodium xylene sulfonate.
Sorbitan monooleate.
Sorbitan monopalmitate.
Sorbitan monostearate.
Sorbitan trioleate.
Sorbitan tristearate.
Soybean oil.
Soybean oil, epoxidized.
Spermaceti wax.
Sperm oil, sulfated.
Sperm oil wax.
Starch hydrolysates.
Starch, packaging.
Starch, reacted with formaldehyde.
Stearamide (stearic acid amide).
Stearic acid-chromic chloride complex.
Stearic acid.
Stearyl-cetyl alcohol, technical grade, approximately 65 percent–80 percent stearyl and 20 percent–35 percent cetyl.
Stearyl dimethyl benzyl ammonium chloride.
Styrene-isobutylene copolymer.
Styrene-maleic anhydride copolymer, ammonium or potassium salt.
Styrene-maleic anhydride copolymer (partially methylated) sodium salt.
Styrene-methacrylic acid copolymer, potassium salt.
Sucrose octaacetate.
Sulfur.
Sunflower oil.
Tall oil.
Tall oil fatty acids, linoleic and oleic.
Tall oil fatty acid methyl ester.
Tall oil soaps.
Tallow.
Tallow alcohol (hydrogenated).
Tallow amine, secondary (hexadecyl, octadecyl), of hard tallow.
Tallow, blown (oxidized).
Tallow fatty acids.
Tallow monoglyceride.
Tallow, propylene glycol ester.
Tallow, sodium salt.
Tallow, sulfated.
Terpene resins ($\alpha$- and $\beta$-pinene), homopolymers and copolymers.
Terphenyl.
Terphenyl, hydrogenated.
Terpineol.
Tetraethylene pentamine.
Tetraethylthiuram disulfide.
Tetrohydrofuran.
Tetrahydrofurfuryl alcohol.
Tetra-isopropyl titanate.
Tetramethylthiuram monosulfide.
Tetrasodium *n*-(1,2-dicarboxyethyl)-*n*-octadecyl sulfosuccinate.
Thiram.
Thymol.[1]
Tin stearate.
Titanium dioxide.
Titanium dioxide-barium sulfate.
Titanium dioxide-calcium sulfate.
Titanium dioxide-magnesium silicate.
Toluene.
*o*-and *p*-Toluene ethyl sulfonamide.
*o*-and *p*-Toluene sulfonamide.
*p*-(*p*′-Toluene-sulfonyl-amide)-dipenylamide.
Tributyl citrate.
Tri-*tert*-butyl-*p*-phenyl phenol.[1]
Tri-$\beta$-chloroethyl phosphate.
Tributyl phosphate.
1,1,1-Trichloroethane.
1,1,2-Trichloroethane.
Trichloroethylene.
Triethanolamine.
Triethylene glycol.
Triethylene glycol dibenzoate.
Triethylene glycol di(2-ethylhexoate).
Triethylhexyl phosphate.
Triethylphosphate.
2,4,5-Trihydroxy butyrophenone.
Triisopropanolamine.
Triphenylphosphate.
Tripropylene glycol monomethyl ether.
Turpentine.
Urea-formaldehyde copolymer.
Vegetable oil, sulfonated, potassium salt.
Waxes, petroleum, Types I and II:
  Type I: A congealing point of 160° F. maximum (ASTM D–938), an absorptivity at 290 millimicrons of 0.04 liter per gram centimeter maximum (ASTM E–131), an oil content of 1.5 percent maximum (ASTM D–721), and a Saybolt color of 20 minimum (ASTM D–156).
  Type II: Absorptivity at 290 millicrons of 1.0 liter per gram centimeter maximum, an oil content of 5.0 percent maximum, and a Saybolt color of 3.0 maximum (ASTM D-1500).
3-(2-Xenolyl)-1,2-epoxypropane.
Xylene.
Zein.
Zinc acetate.
Zinc ammonium chloride.
Zinc dibutyldithiocarbamate.
Zinc diethyldithiocarbamate.
Zinc di(2-ethylhexoate).
Zinc formaldehyde sulfoxylate.
Zinc nitrate.
Zinc orthophosphate.
Zinc rosinate.
Zinc sulfide.
Zineb (zinc ethylenebisdithiocarbamate).
Ziram (zinc dimethyldithiocarbamate).

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: August 31, 1961.

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

[F.R. Doc. 61-8570; Filed, Sept. 11, 1961; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

## Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.3, paragraph (c) (1) is amended to read as follows:

**§ 3.3 Pension.**

* * * * *

(c) *Disability pension; World War I and later wars.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either World War I, World War II, or the Korean conflict, or served an aggregate of 90 days or more in separate periods of service during the same or different war periods, including service during the Spanish-American War; or

2. In § 3.6, paragraph (b) (6) is amended to read as follows:

**§ 3.6 Duty periods.**

* * * * *

(b) *"Active duty."* This means:

* * * * *

(6) A person discharged or released from a period of active duty, shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for him to proceed to his home by the most direct route, and, in all instances, until midnight of the date of such discharge or release. (38 U.S.C. 106(c)) Where entitlement to benefits arises solely under this subparagraph based on discharge or release:

(i) On or after January 1, 1957, death benefits may not be paid for any period prior to January 1, 1957, and disability benefits may not be paid for any period prior to January 1, 1959;

(ii) Prior to January 1, 1957, death or disability benefits may not be paid for any period prior to July 21, 1961.

3. Section 3.17 is revised to read as follows:

**§ 3.17 Disability and death pension; World War I, World War II, and Korean conflict.**

In computing the 90 days' service required by § 3.3(c), there will be included active service which began before and extended into World War I, or began or ended during World War II or the Korean conflict, if such service was continuous.

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

These regulations are effective September 12, 1961.

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

[F.R. Doc. 61-8674; Filed, Sept. 11, 1961; 8:52 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2475]

## ALASKA

### Revoking in Whole or in Part Certain Executive and Public Land Orders Which Withdrew Lands for Townsite Purposes, and for Use of Alaska Road Commission

By virtue of the authority vested in the President by the Act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 2224 of July 19, 1915, which withdrew lands in Alaska for townsite purposes, and Executive Order No. 8091 of April 15, 1939, and Public Land Orders No. 313 of January 28, 1946, and No. 1089 of March 10, 1955, which withdrew the lands for use of the Alaska Road Commission, now Bureau of Public Roads, for administrative sites, are hereby revoked so far as they affect the following-described lands:

a. Anchorage 053779

Federal Addition, Seward Townsite Block 11, Lots 8 to 12, incl.
Containing 0.52 acre.

b. Anchorage 053778

Federal Addition, Seward Townsite Block 12, Lots 4 to 6 incl.
Containing 0.34 acre.

c. Anchorage 051956

East Addition, Anchorage Townsite

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Blocks 28C and 28D;
Blocks 29A, 29B, 29C, and 29D;
Block 30A;
Block 30B, Lot 2, as shown on amended plat of East Addition to Anchorage accepted May 6, 1953.
Containing 13.30 acres.

The areas described total in the aggregate 14.16 acres.

2. The lands have been conveyed to the State of Alaska under the provisions of section 21 of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 141; Public Law 86-70).

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

SEPTEMBER 5, 1961.

[F.R. Doc. 61-8636; Filed, Sept. 11, 1961; 8:45 a.m.]

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[Public Land Order 2476]

[Anchorage 050394]

## ALASKA

### Partly Revoking the Executive Order of January 4, 1901 Which Reserved Lands for Lighthouse Purposes

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

The Executive Order of January 4, 1901, so far as it reserved the following-described sites in Alaska for lighthouse purposes, is hereby revoked:

FOX ISLANDS

a. Ugamak Island

All lands lying west of longitude 164°50' W.
Containing about 1,300 acres.

b. Rooktok Island

Containing about 2,500 acres.

c. Egg Island, Bever (Beaver) Inlet

Containing about 300 acres.

d. Pinnacle, entrance to Sumner Bay, Unalaska Island

Containing about 338 acres.

The areas total in the aggregate about 4,438 acres.

2. Until 10:00 a.m. on March 7, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), sections 6b and 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m., on March 7, 1962, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to existing valid rights, and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office,

Bureau of Land Management, Anchorage, Alaska.

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

SEPTEMBER 5, 1961.

[F.R. Doc. 61-8637; Filed, Sept. 11, 1961; 8:45 a.m.]

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[Public Land Order 2477]

[Washington 04275]

## WASHINGTON

### Vacating Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of April 11, 1942, withdrawing the following-described lands as Stock Driveway Withdrawal No. 267, Washington No. 4, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 18 E.,
Sec. 18, SW¼NE¼, E½W½, and SE¼.

Containing 360 acres.

2. Until 10:00 a.m. on March 7, 1962, the lands will be open only to application for selection by the State of Washington in accordance with provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. Beginning 10:00 a.m., on March 7, 1962, the lands shall be open to disposition generally under the public land laws, subject to existing valid rights, the requirements of applicable law, and the moratorium on applications and petitions contained in the departmental order of February 14, 1961 (26 F.R. 1382).

4. The lands have been open to mineral leasing, and to mining locations subject to provisions of the act of January 29, 1929 (45 Stat. 1144), and the regulations in 43 CFR 185.35.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

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

SEPTEMBER 5, 1961.

[F.R. Doc. 61-8642; Filed, Sept. 11, 1961; 8:46 a.m.]

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[Public Land Order 2478]

[Colorado 053770]

## COLORADO

### Modifying Boundaries, Colorado Grazing District No. 1

By virtue of the authority contained in the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, it is ordered that the following described lands be and they are hereby excluded from Colorado Grazing District No. 1 as heretofore established and modified:

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 103 W.,
Sec. 28, N½N½;
Sec. 29, N½N½.

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

SEPTEMBER 6, 1961.

[F.R. Doc. 61-8641; Filed, Sept. 11, 1961; 8:46 a.m.]

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[Public Land Order 2479]

[Anchorage 053292]

[1966031]

## ALASKA

### Partly Revoking Public Land Order No. 225 of April 21, 1944

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

1. Public Land Order No. 225 of April 21, 1944, which withdrew lands in Alaska for classification, is hereby revoked so far as it affects the following-described lands:

GLACIER POINT

A tract of land on Glacier Point in latitude 61°48′ N., longitude 147°40′30″ W., described as follows:

Beginning at a point on the right bank of Caribou Creek at intersection with the south boundary of the right-of-way of the Glenn Highway; thence:

Southerly and westerly along the Glenn Highway approximately 1½ miles:
South approximately 0.1 mile to the Matanuska River;
Southeasterly and northerly along the right bank of the Matanuska River to the mouth of Caribou Creek;
Northwesterly along the right bank of Caribou Creek to the point of beginning.

Containing approximately 600 acres.

2. The following-described lands, which form a part of the lands described in paragraph 1 of this order are withdrawn by Public Land Order No. 2425 of July 3, 1961, for use of the Department of the Army in connection with the Alaska Communications System:

SEWARD MERIDIAN

SHEEP MOUNTAIN AREA

T. 20 N., R. 10 E. (partly unsurveyed),
sec. 29, S½SE¼, E½W½SE¼SW¼, E½SE¼SW¼, and those portions lying south of the center line of the Glenn Highway of: S½SW¼NE¼SE¼, S½SE¼NW¼SE¼, S½SW¼NW¼SE¼, S½SE¼NE¼SW¼, and SE¼SW¼NE¼SW¼;
sec. 32, N½NE¼, N½S½NE¼, E½W½NE¼NW¼, E½NE¼NW¼, E½NW¼SE¼NW¼, and NE¼SE¼NW¼.

The areas described aggregate approximately 287 acres.

3. Until 10:00 a.m. December 7, 1961, the State of Alaska shall have a preferred right to select the lands described in paragraph 1 of the order excepting the withdrawn lands described in paragraph 2, in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on December 7, 1961, the lands shall be subject to operation of the public land laws generally, including location for nonmetalliferous minerals under the United States mining laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations. They have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals.

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

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

SEPTEMBER 6, 1961.

[F.R. Doc. 61-8638; Filed, Sept. 11, 1961; 8:45 a.m.]

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[Public Land Order 2480]

[2056920]

## ARIZONA

### Partly Revoking Public Land Order No. 317

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

1. Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving lands for development under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 12 E.,
Sec. 1, SE¼SW¼;
Sec. 11, E½;
Sec. 12, NW¼;
Sec. 14, NW¼NE¼.

Aggregating 560 acres.

2. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, to equitable claims if allowed and confirmed, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on March 8, 1962, the State of Arizona shall have a preferred right to apply to select the lands in accordance with subsection (c) of Section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands, except the W½SE¼ and SE¼SE¼ of section 11 and those in section 14, have been open to location for metalliferous minerals. The lands shall be fully subject to operation of the

United States mining laws beginning 10:00 a.m. on March 8, 1962. They have been open to mineral leasing.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

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

SEPTEMBER 6, 1961.

[F.R. Doc. 61-8640; Filed, Sept. 11, 1961; 8:46 a.m.]

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[Public Land Order 2481]

[Wyoming 082455]

## WYOMING AND NEBRASKA

### Revoking in Part Certain Reclamation Withdrawals (North Platte Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is hereby ordered that the departmental order of August 18, 1902, and any other order or orders withdrawing the following-described lands or any of them for reclamation purposes under authority of the said act of June 17, 1902, are hereby revoked:

NEBRASKA

SIXTH PRINCIPAL MERIDIAN

T. 20 N., R. 49 W.,
Sec. 20, NE¼NE¼.
T. 20 N., R. 50 W.,
Sec. 7, SE¼NW¼.
T. 21 N., R. 51 W.,
Sec. 11, SW¼NW¼.
T. 25 N., R. 58 W.,
Sec. 13, SE¼SE¼.
T. 22 N., R. 60 W.,
Sec. 18, E½ lot 3 (lot 5).
T. 25 N., R. 62 W.,
Sec. 30, lots 3 and 4, SE¼SW¼.
T. 23 N., R. 63 W.,
Sec. 13, lots 1 and 2 as shown on Amended Plat approved June 19, 1958.
T. 25 N., R. 63 W.,
Sec. 19, lot 1.
T. 27 N., R. 66 W.,
Sec. 9, E½NE¼, NE¼SE¼;
Sec. 10, W½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼.
T. 29 N., R. 84 W.,
Sec. 7, lot 1, SE¼NW¼;
Sec. 8, SW¼SE¼;
Sec. 31, S½NW¼, E½SW¼.
T. 30 N., R. 85 W.,
Sec. 29, S½NW¼, SW¼NE¼;
Sec. 34, NW¼NW¼.
T. 29 N., R. 86 W.,
Sec. 30, lot 4,
Sec. 31, lot 1.

The areas described aggregate approximately 1588 acres.

2. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals: *Provided,* That until 10:00 a.m. on March 8, 1962, the States of Nebraska and Wyoming shall have a preferred right of application to select the lands within their respective borders in accordance with subsection (c) of section 2 of the act of August 17, 1958 (72 Stat. 920; 43 U.S.C. 851, 852).

The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the mining laws beginning 10:00 a.m. on March 8, 1962.

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

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

SEPTEMBER 6, 1961.

[F.R. Doc. 61-8643; Filed, Sept. 11, 1961; 8:46 a.m.]

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[Public Land Order 2482]

[60101]

## ALASKA

### Partly Revoking Public Land Order No. 842 of June 19, 1952

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

1. Public Land Order No. 842 of June 19, 1952, so far as it reserved in paragraph 5 thereof the following described lands for classification, is hereby revoked:

WRANGELL

TRACT A

Beginning at corner No. 4, U.S. Survey No. 1760; thence
East, 120.00 chains to a point on the line of mean high tide of Eastern Passage;
Northerly, 140.00 chains, approximately, along line of mean high tide of Eastern Passage to corner No. 5, U.S.S. 1760;
South, 91.49 chains to point of beginning.

Containing approximately 402 acres.

TRACT C

All of an unnamed island and connecting high tide lands, situated in Zimovia Strait, at approximate latitude 55°21′ N., longitude 132°28′ W., and on which U.S.C. & G.S. Station "Boat 2" is located.

Containing approximately 5 acres.

2. Until 10:00 a.m. on December 7, 1961, the State of Alaska shall have a preferred right to select the lands released by this order in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. Beginning at 10:00 a.m. on December 7, 1961, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been open to applications and offers under the mineral leasing laws.

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

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

SEPTEMBER 6, 1961.

[F.R. Doc. 61-8639; Filed, Sept. 11, 1961; 8:45 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 32—HUNTING

### Big Lake National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Big Lake National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,330 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel.

(b) Open season: October 3, 1961, through October 8, 1961, ½ hour before sunrise until sunset.

(c) Daily bag limits: Squirrel 8.

(d) Methods of hunting:

(1) Weapons—Shotgun only.

(2) Dogs—Prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Entrance to the hunting area permissible by the State Line and Floodway Ditches only.

(3) Cutting of trees prohibited; possession of axes, saws or hatchets prohibited.

(4) Intoxicating beverages prohibited.

(5) Warming fires permitted when attended only.

(6) Target practice or random shooting prohibited.

(7) A Federal permit is required to enter the public hunting area. Permits are free and may be obtained from the Refuge Manager, Big Lake National Wildlife Refuge, Manila, Arkansas, starting September 20, 1961.

(8) The provisions of this special regulation are effective to October 9, 1961.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Big Lake National Wildlife Refuge, Arkansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,330 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the

Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoon, opossum.

(b) Open season: November 20 through November 29, 1961, 5:00 p.m. until 5:00 a.m.

(c) Daily bag limits: Raccoon—no limit; opossum—no limit.

(d) Methods of hunting:

(1) Weapons—22 calibre rimfire rifles only.

(2) Dogs—Permitted without limitation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Entrance to the hunting area permissible by the State Line and Floodway Ditches only.

(3) Cutting of trees prohibited; possession of axes, saws or hatchets prohibited.

(4) Intoxicating beverages prohibited.

(5) Warming fires permitted when attended only.

(6) Target practice or random shooting prohibited.

(7) A Federal permit is required to enter the public hunting area. Permits are free and may be obtained from the Refuge Manager, Big Lake National Wildlife Refuge, Manila, Arkansas, starting November 6, 1961.

(8) The provisions of this special regulation are effective to November 30, 1961.

WALTER C. GRESH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61–8644; Filed, Sept. 11, 1961; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

### [ 19 CFR Part 6 ]

### AIR COMMERCE

### Certain Types of Transportation of Merchandise in Bond

The increase in the volume of air cargo to be transported by aircraft beyond ports of first arrival of aircraft or ports at which residue cargo procedures terminate, which cargo is not yet released by Customs into the domestic commerce, has caused burdens to both airlines and Customs. These burdens occur by reason of presently required documentation of individual shipments. The necessity of improved and simplified means of control over such shipments in order to lessen delays and documentation becomes more evident as the volume of such traffic increases.

Consequently, alternate procedures for transportation of merchandise in bond are being considered for application to air cargo shipped subject to customs control to a port of destination in the United States, or shipped through the United States for exportation from another United States airport, or exported directly from the port of arrival. These procedures would be available when air cargo arrives in the United States on an aircraft of one airline for further transportation on aircraft of different airlines. These procedures would also be available when air cargo is to be transported beyond the port of first arrival on the aircraft bringing the goods to this country in the event such aircraft does not proceed under the residue cargo procedure. They would also be available when air cargo is transferred between aircraft of the same airline and the receiving aircraft does not proceed under the residue cargo procedure. These procedures for certain types of transportation of merchandise in bond would be in addition to existing procedures and would be for use by interested parties who elect to comply with the requirements.

To provide for such alternate procedures, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of 49 U.S.C. 1509 (b) and (c), and 19 U.S.C. 1551, 1552, 1553, and 1624, it is proposed to amend the Customs Regulations as set forth in tentative form below:

Part 6 of Chapter I, Title 19 of the Code of Federal Regulations, is amended as follows:

The following new sections are added to read:

**§ 6.17 Alternate transportation procedures for air cargo subject to customs control.**

The transportation subject to customs control in, through, or from the United States by aircraft of cargo (including manifested baggage) arriving by air must, if not transported in accordance with other provisions of these regulations, be transported in bond in accordance with the applicable provisions of §§ 6.18 through 6.24. Cargo so transported shall be referred to as "transit air cargo." For the purposes of §§ 6.18 through 6.24, the term "port of arrival" means the port in the United States at which the imported cargo must be documented for onward air transportation otherwise than as residue cargo. For the purposes of §§ 6.18 through 6.24, the terms "transfer" or "transferred" mean the change to documentation of cargo as transit air cargo for transportation from the port of arrival; this may or may not involve a change of aircraft or airlines but when it does such terms shall also include the physical movement of the cargo from one to another aircraft.

**§ 6.18 Documentation for transit air cargo.**

(a) Customs Form 7509, Air Cargo Manifest, printed, stamped, or labeled "Transit Air Cargo Manifest" must be used as the manifest for transit air cargo. The copies of customs Form 7509 to be used must be of the color and size prescribed by the Commissioner of Customs. Both the cargo manifest sheet in the inward cargo manifest of the importing aircraft and each copy thereof required for a transit air cargo movement must be so printed, stamped, or labeled. Each transit air cargo manifest sheet must be a duplicate, insofar as identification of the cargo and other data, of the corresponding manifest sheet in the inward cargo manifest presented for the aircraft on which the cargo arrives in the United States.

(b) Only air cargo shipments from one country of origin, the name of which must be shown in the heading, must be listed on any one transit air cargo manifest sheet, or in lieu of such limitation the name of the country of origin of each shipment must be shown in the "Nature of Goods" column. In addition thereto, only such shipments which are manifested by way of the port of arrival (1) to the same United States Customs port of destination, or (2) to the same United States Customs port for exportation therefrom, or (3) for direct exportation from the port of arrival must be listed on one transit air cargo manifest sheet.

(c) If manifest sheets are not prepared in accordance with paragraph (b), each cargo shipment manifested thereon, when required to be transported subject to customs control, must be transported beyond the port of arrival only in accordance with other provisions of these regulations requiring individual documentation for the inward transportation or exportation of each shipment (see § 6.15 and Parts 5 and 18).

(d) When presented, each transit air cargo manifest sheet must show also (1) the foreign port of lading, (2) date of lading (flight date), (3) the final port of destination (either in the United States or outside thereof), (4) each United States port at which a customs function will be necessary by reason of these transit air cargo procedures, and (5) the date of arrival of the aircraft at the port of arrival. The port of destination outside the United States must be shown as the actual, ultimate destination indicated by available airline shipping documents.

(e) All transit air cargo other than that exported directly from the port of arrival must have affixed thereto before departure from the port of arrival the red warning label prescribed by § 18.4(e) of this chapter.

(f) The transit air cargo manifest must be required in the number of copies indicated below for the respective transportation movement:

(1) Three copies are required for transit air cargo destined for export directly from the port of arrival;

(2) Four copies are required for transit air cargo moving to a port of destination in the United States from the port of arrival;

(3) Seven copies are required for transit air cargo moving from the port of arrival to another United States port for exporation therefrom.

**§ 6.19 Identification of transit air cargo manifest sheets.**

Upon presentation of the inward cargo manifest of the aircraft on which the cargo arrives at the port of arrival, a manifest number must be assigned by Customs to the aircraft entry documents presented by the aircraft commander or authorized agent. That number must be used by the importing airline to identify all copies of transit air cargo manifests. The number must be given the name of the airport of arrival as a prefix; for example, "Idlewild–3758," or "Logan–296," as the case may be. Abbreviations of names will be permitted if no ambiguity will result and Customs at the port of arrival approves of the abbreviations.

**§ 6.20 Conditions for transportation of transit air cargo.**

(a) As a condition for customs release for transportation of air cargo beyond the port of arrival as transit air cargo, all required copies of a transit air cargo manifest sheet must be identified as prescribed in § 6.19 prior to presentation to Customs.

(b) To proceed from the port of arrival as transit air cargo, air cargo must be receipted for in the manner prescribed in paragraph (d) of this section, within the lay order period or any authorized extension (see § 4.37 of this chapter), by the airline which will be responsible for transporting or exporting such cargo.

(c) Transit air cargo may be transported to another port only when receipted for by an airline designated as a common carrier for the transportation of bonded merchandise having on file an appropriate customs bond for such transportation. Transit air cargo may be exported from the port of arrival only when covered by an exportation bond on customs Form 7557 or 7559 as specified in § 18.25 of this chapter, or other appropriate bond. The responsibility of the receiving airline for transit air cargo must begin when a receipt is executed as prescribed in paragraph (b) of this section. If any carting for delivery to a receiving airline is necessary prior to such time, the importing airline must remain solely responsible for such cargo under its bond until the receipt is executed unless such carting is performed under the provisions of Part 21 of this chapter at the expense of the parties.

(d) Each copy of the transit air cargo manifest must bear the following statement and such statement shall be signed and dated appropriately at the time of presentation of the copy to Customs:

Received the cargo listed herein for delivery to Customs at the port of destination or exportation shown above, or for direct exportation.

---
(Name of carrier)

---
(Attorney or agent of carrier)

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(Date)

(e) All cargo shipments listed on a transit air cargo manifest sheet must be receipted for by one airline and must be transported from the port of arrival on one aircraft except as permitted by § 6.24(f). Otherwise, all shipments on the transit air cargo manifest must be individually documented and transported under the regular procedures for transportation of merchandise in bond.

**§ 6.21 Timely delivery and exportation.**

(a) Transit air cargo destined to a final port of destination in the United States must be delivered to Customs at detination within 15 days from the date of receipt by the forwarding airline at the port of arrival.

(b) Transit air cargo destined for exportation at a port other than the port of arrival must be delivered to Customs at the port of exportation within 15 days from the date of receipt by the forwarding airline at the port of arrival. If all of the cargo shipments are not exported within the succeeding 15-day period, the individual cargo shipments must be made the subject of individual entries, as appropriate, at the port of exportation.

(c) In the case of transit air cargo to be exported from the port of arrival, exportation as transit air cargo must be required within 10 days from the date of receipt of the cargo by the exporting airline. After such 10-day period, the individual cargo shipments must be made the subject of individual entries, as appropriate.

**§ 6.22 Transportation of transit air cargo to an interior port of destination.**

(a) Air cargo shipments may be transferred for transportation as transit air cargo from the port of arrival, under such customs supervision as the collector deems necessary, to another port in the United States with the use of the following number of copies of transit air cargo manifest sheets:

(1) A "carrier manifest" copy to accompany the cargo shipments listed thereon and be delivered to Customs at destination;

(2) Three copies for presentation to Customs at the port of arrival at the time of entry of the arriving aircraft or at a subsequent time before expiration of the lay order period. One copy must be used as a "permit" copy by Customs at the port of arrival, one "mail manifest" copy must be mailed by Customs to the port of destination, and one "control" copy must be mailed to the headquarters port for the port of destination. These copies must be presented by or on behalf of the carrier receipting for the transportation of the cargo shipments to destination.

(b) At the port of destination Customs must use the carrier manifest copy for control by noting thereon the disposition of each cargo shipment listed.

(c) Transit air cargo is to be delivered to Customs at destination within 15 days of the date of receipt for it by the forwarding carrier at the port of arrival. When all or part of the cargo covered by the mail manifest copy received at destination from Customs at the port of arrival is not closed out after 30 days from its receipt by a posted carrier manifest copy, the collector of customs must inquire of the receipting carrier as to the whereabouts of the shipment or shipments not accounted for. He must in each case of failure to deliver or irregular delivery of all or part of the transit air cargo make a report to the port of arrival. The report must be made no later than 40 days from the date of receipt of the mail manifest copy. The report must be made to, and action taken thereon by, Customs at the port of arrival in the manner specified in §§ 18.6 and 18.8 of this chapter, except that the report on customs Form 3861 must not indicate the amount of duty or tax due when the amount is in doubt. In such case, Customs at the port of arrival must make the determination of tax and duty due on information in the report and any necessary information obtained from the carriers.

(d) Upon receipt of a written notice of failure to deliver, the airline which receipted for the transit cargo must be responsible for furnishing to the collector of customs any data or documents available to it or to the importing airline concerning the cargo shipments in question.

(e) Penalties imposed as liquidated damages under the common carrier's bond for shortage, failure to deliver, etc., must be the same as prescribed in § 18.8 of this chapter.

**§ 6.23 Transportation of transit air cargo to another port for exportation.**

(a) Air cargo shipments may be transferred for transportation as transit air cargo from the port of arrival, under such customs supervision as the collector deems necessary, to another port for exportation therefrom with the use of the following number of copies of transit air cargo manifest sheets:

(1) A "carrier manifest" copy to accompany the cargo shipments listed thereon and be delivered to Customs upon arrival of the shipments at the port of exportation;

(2) A copy which is stamped, labeled, or printed "diversion copy" in outline letters at least 1 inch in height to be attached to and accompany the carrier manifest copy and be delivered to Customs at the port of exportation;

(3) Three copies, called "permit," "mail manifest," and "control" copy, for presentation to Customs at the port of arrival either at the time of entry of the arriving aircraft or at a subsequent time before expiration of the lay order period. These copies must be presented by or on behalf of the airline receipting for the transportation of the cargo shipments from the port of arrival to the port of exportation for lading for export at such place;

(4) Two copies, called "Exportation" and "Clearance" copies, to be presented by the exporting airline to Customs at the port of exportation in connection with the exportation.

(b) Upon arrival of the transit air cargo shipments at the port of exportation, the transit air cargo may be delivered direct to the exporting carrier with the exportation and clearance copies after the name of such carrier is legibly noted on the carrier manifest and diversion copies and such copies are delivered to Customs.

(c) The exporting carrier will retain all cargo listed on a transit air cargo manifest in one place which must be separate from the specially designated area for storage of shipments coming within the provisions of paragraph (e) of this section. When the goods are ready for lading on the exporting aircraft, Customs will be notified sufficiently in advance so as to be able to make any required supervision of the lading of the cargo and any further checks for Federal Government purposes.

(d) The exportation and clearance copies must be dated and signed by or on behalf of the exporting airline and the exporting aircraft's number and flight number and date must be inserted on these copies. The exporting airline must file these documents with Customs at the time of filing the clearance documents (including the clearance copies of transit air cargo manifests) for the departing aircraft.

(e) The customs officer receiving the carrier manifest and diversion copies of the transit air cargo manifest must review them for commodities subject to

licenses issued by the Secretary of State covering arms, ammunitions, and implements of war, and for commodities requiring special validated licenses for export control purposes of the Bureau of Foreign Commerce, Department of Commerce. A shipment for which the manifest information is not adequate to enable the officer to determine that no licensing or other requirements are applicable to the particular transit air cargo must be checked either by examination or by inspecting the air waybill or accompanying invoice. In this case, in order not to delay the onward movement of other goods, this shipment may be struck from the transit air cargo manifest and the remaining shipments may proceed. If a licensing or other requirement is found applicable, the exporting airline must be immediately notified that the particular shipment cannot be exported until an appropriate license or approval is obtained. This shipment must be placed under constructive customs custody in a specially designated area of the exporting airline's cargo terminal for such shipments until the necessary customs or other approval for shipment is obtained.

(f) The diversion copy of each transit air cargo manifest sheet must be sent by the port of diversion, with an endorsement of exportation showing the port, date, and exporting carrier, to the port of indicated exportation when all cargo shipments listed thereon have been exported at the port of diversion. It shall normally be sent as soon as the exportation copy or copies are presented at the port of exportation and are attached to the carrier manifest, and it is verified that all shipments listed thereon are exported. If exceptions are found by Customs at the port of exportation, they must be noted on the diversion copy before it is sent. However, if the carrier's manifest copy is not fully closed out at the port of diversion within 30 days from the date of the carrier's receipt on the carrier manifest and diversion copies, the diversion copy must be immediately sent to the port of indicated exportation to forestall a report to the port of arrival (see paragraph (g) of this section). The diversion copy must be noted before sending, "Exportation copy not yet received—further report will follow if necessary."

(g) When the mail manifest copy is received, Customs will file it according to identification number (see § 6.19); that is, numerically by port of arrival. When all or part of the cargo covered by a mail manifest copy is not closed out by a carrier manifest copy, or a diversion copy endorsed by Customs at another port, within 40 days from the date of receipt of the mail manifest copy, the collector of customs must, without making inquiry of any carrier, make an appropriate report to the port of arrival and this report must be processed and action taken in accordance with § 6.22 (c), (d), and (e).

(h) If all of the cargo listed on one transit air cargo manifest sheet is not laden for exportation from the same port in the United States by the same airline, individual entries on customs Form 7512 for transportation and exportation in accordance with § 6.15 or for direct exportation in accordance with § 18.25 of this chapter must be required for each cargo shipment listed on such transit air cargo manifest sheet. Therefore, until all cargo shipments covered by one transit air cargo manifest are received at a port for exportation, none may be exported except under individual entries. If it is necessary to export on more than one aircraft of the same airline the cargo shipments listed on one transit air cargo manifest sheet, the procedure in § 6.24(f) shall be applicable. When individual entries are required or the cargo is exported at the same port on more than one aircraft, the carrier manifest copy will be posted and used by Customs as in the case of the carrier manifest for cargo destined to a port of destination in the United States (see § 6.22(b)).

**§ 6.24 Exportation of transit air cargo at port of arrival.**

(a) Transit air cargo may be transferred for exportation at the port of arrival in the United States with the use of three copies of the transit air cargo manifest; a "review" copy, an "exportation" copy, and a "clearance" copy.

(b) At the port of arrival, transit air cargo may be transferred for exportation immediately: *Provided:* (1) That, as soon as it is known to which airline cargo shipments will be transferred for exportation, the importing airline files with Customs a copy of each transit air cargo manifest sheet covering such cargo shipments, which copy need not be receipted by the airline to which the cargo will be transferred, but the name of the exporting airline must be inserted on such review copy by the importing airline; and (2) that the transfer is subject to supervision, examination of cargo, manifest review, etc., as may be required for compliance with regulations of other Federal agencies.

(c) The exportation copy and the clearance copy must be filed with Customs by or on behalf of the exporting airline which receipts for the shipments. The clearance copy must be presented with and retained in the departing aircraft's clearance documents. The exportation copy must be presented at the time the clearance documents are presented to Customs. Both copies must, in addition to bearing the receipt of the exporting airline, show the exporting aircraft's number, flight number, and date.

(d) Upon receipt of the review copy of the transit air cargo manifest sheets, Customs must make the review prescribed in the case of the carrier manifest copy in § 6.23(e). The reviewing officer must take appropriate action if a license is found to be applicable for any cargo. The exporting airline will be notified to place under constructive customs custody any transit air cargo shipment subject to special license. The exporting airline must then place any transit air cargo shipment subject to special license in a specially designated area of its cargo terminal until the necessary license is obtained.

(e) When exportation copies are filed, Customs must use them to close out the transit air cargo manifest sheets in the inward manifest of the aircraft on which the transit air cargo arrived at the port.

(f) If all transit air cargo shipments listed on any one transit air cargo manifest sheet are not exported directly on the same aircraft, an additional exportation and clearance copy must be required for each shipment or group of shipments listed thereon departing on any other aircraft of the exporting airline. In this event, each copy of the transit air cargo manifest sheet must be clearly marked to show which shipment or shipments listed thereon are covered thereby.

(g) Separate export entries on customs Form 7512 in accordance with § 18.25 of this chapter must be required for all shipments listed on any one transit air cargo manifest sheet if not all such shipments are exported from the same port by the same aircrarrier. When separate export entries are required, the copy of the transit air cargo manifest sheet in the inward manifest of the importing aircarrier must be posted as in the case of the carrier manifest for cargo destined to a port of destination in the United States (see § 6.22(b)).

Prior to adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received within 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, Jr.,
*Commissioner of Customs.*

Approved: September 5, 1961.

JAMES POMEROY HENDRICK,
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 61-8661; Filed, Sept. 11, 1961; 8:50 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service and Commodity Credit Corporation

## [ 6 CFR Part 464 ]

## [ 7 CFR Part 29 ]

## TOBACCO INSPECTION; TOBACCO PRICE SUPPORT

### Notice of Proposed Rule Making

On July 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6625) stating that the Department of Agriculture had received a petition from the Danville, Virginia, Tobacco Association, Inc., and the Winston-Salem, North Carolina, Warehouse Association, for the repeal or deletion of certain provisions of the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, issued July 2, 1958 (7 CFR Part 29, Subpart A; 6 CFR Part 464). The provisions of the regulations sought to be repealed or deleted by petitioners were set forth in said notice.

Opportunity to submit written data, views and arguments on such proposal was afforded all interested persons.

The proposal is for the repeal of those provisions of the regulations which provide that a determination on an application for inspection and price support services for an additional sale on a designated market or a new market shall be based on evidence that the applicant market or sale will function as a bona fide auction sale and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided. It is also proposed to delete the definition of "adequate set of buyers" and the provision of the regulations placing the burden of proof upon the applicant to show by documentary evidence or testimony of buying organizations which buying organizations are committed to participate in the sale.

More than one hundred and eighty replies were received, all of which were in opposition to the proposal with the exception of seven from Winston-Salem, North Carolina, and Danville, Virginia, which were submitted jointly. Those opposing the proposal are grower cooperatives, farm organizations, farmers, Tobacco Boards of Trade, tobacco associations, tobacco warehousemen, Senators and Congressmen from tobacco producing States, two large tobacco buying organizations, civic organizations, city and county officials, businessmen and citizens. Tobacco interests in eleven tobacco producing States were represented by the replies.

Prior to the issuance of the amendment to the regulations in 1958, a series of meetings were held with persons representing farmer and grower organizations, tobacco warehouse associations, tobacco dealers and State Department of Agriculture officials for the purpose of obtaining their views and opinions as to the solution of the problems occasioned by the overexpansion of marketing facilities, auction sales without adequate buyer representation and the increasingly rapid movement of the tobacco crop, all of which were not to the best interest of growers, warehousemen, the tobacco industry, the taxpayer and the general public.

The problems created by these conditions were of particular concern in the flue-cured and burley tobacco areas. The stability of production and marketing in the Maryland Broadleaf tobacco area and the downward trend of production in other tobacco areas mitigated to a great extent these problems in those areas.

Prior to the inception of price support programs on a Federal grade basis the initiation of a sale, if it was to be profitable to the warehouseman, was contingent upon the degree of buyer participation, i.e., if the tobacco did not sell there was no commission, and if prices were depressed or particular grades of tobacco sold at relatively low levels, commissions were reduced accordingly. This situation was changed completely in 1946 when support prices were made available on a Federal grade basis.

Under the support price programs producer tobacco that does not sell at prices above the loan level are pledged under the Government loan program and the warehouseman receives his commission on the amount received thereby. Inasmuch as tobacco prices were continuously increasing over the years after World War II, with correspondingly increasing loan levels, there was a strong inducement from the standpoint of profit for establishing new markets and additional sales on old markets. Persons who had not previously engaged in the tobacco auction warehouse business entered the field. New warehouses were built in designated markets and in communities where none existed before. Floor space in old warehouses on designated markets was increased as "selling time" usually is apportioned among warehouses in the market on the basis of floor space.

The expansion of marketing facilities in relation to tobacco production, inspection services and prices of tobacco for the period 1947–1960 is illustrated by the situation in the flue-cured tobacco production area. In 1947, with 130 sets of inspectors and buyers, producers marketed 1.3 billion pounds of flue-cured tobacco in 438 warehouses. In 1960, with 147 sets of inspectors and buyers, producers marketed 1.2 billion pounds of tobacco in 446 warehouses. The average yearly price of flue-cured tobacco increased during this period from $41.46 in 1947 to $60.47 in 1960. During the period 1947–1960, the volume of such tobacco marketed yearly fluctuated from a maximum of 1.5 billion pounds in 1955 to a minimum of 1 billion pounds in the years 1957, 1958, and 1959. During this period, the minimum number of warehouses operating was 438 in 1947 with a maximum of 523 in 1954. The comparative number of warehouses does not show the full extent of marketing facility expansion as there was a substantial increase in the size of newly-built warehouses and a substantial increase in the floor space of old warehouses. Also, when additional sales failed to become established or the volume of tobacco made it uneconomical to operate multiple warehouses in a particular market, those warehouses with less floor space generally were the ones to be closed down.

A comparable situation existed in the Burley tobacco production area. During the period 1947–1960 warehouses increased from 283 in 1947, with 59 sets of buyers and inspectors, to 373 in 1960, with 71 sets of buyers and inspectors. The total volume of Burley tobacco marketed by producers in 1947 was 479 million pounds and the volume marketed in 1960 was 484 million pounds. The average price of such tobacco in 1947 was $48.52 and in 1960 was $60.64.

The expansion continued to the point where selling facilities were substantially excessive in relation to primary processing facilities. This overexpansion increased the flow of tobacco through the markets, necessitating drastic reduction in the hours per sale in the Burley area and resulting in marketing holidays in the flue-cured area.

During the period 1947–1957, the Department was swamped with requests for additional sets of inspectors for proposed additional sales on designated markets and sales on proposed new markets. For example, from the flue-cured tobacco belt alone, it received requests for additional service for a proposed additional sale on twenty designated markets, including petitioner markets, and requests for service on five proposed new markets. Such service was made available to the applicants, however, none of the proposed additional sales were established due to lack of sufficient buyer participation. The proposed new markets were later designated as auction markets. The number of requests for additional service during the period 1947–1958 fluctuated but invariably increased substantially when the trend of tobacco prices showed an appreciable increase in price as it did in the period 1955–1958.

During the period 1947–1957, the Department's practice generally was to furnish inspection service for a proposed additional sale or proposed new market, if inspectors were available. Where tobacco inspection and price support services were made available, in most instances buyers did not even appear or the number of buyers that did participate in the sale represented only a portion of the potential strength of the buying organizations, resulting in what is commonly called a "rump" sale. In many instances only one large buying organization would be represented among the buyers participating.

Experience gained in these "rump" sales has shown that where there is not adequate participation by the large buying organizations in the auction sale, the competition in bidding is appreciably lessened resulting in growers not receiving the true value for their tobacco. The interests of growers are thereby adversely affected and larger than normal volumes of tobacco are taken in under the price support programs, which adversely affects such programs. This experience also showed that the furnishing of tobacco inspection and price support services in the absence of firm commitments from buying organizations caused unwarranted expense to the Government and clearly established that such practice will not result in an established sale with sufficient buyer representation to afford strong and continuing competition in the auction for the protection of the growers' interests. Growers, warehousemen and the industry are fully aware that participation by a majority of the large buying organizations in a particular sale is essential for the obtaining of a fair price for the tobacco of growers.

During the period 1947–1957 the Department tried numerous procedures and techniques to assure adequate buyer participation in proposed additional sales and new markets without success. Finally, in 1958, the amendment to the regulations containing the provisions sought to be repealed or deleted by petitioners was issued.

A number of the views and arguments received opposing the proposed repeal or

deletion of the aforementioned provisions of the regulations reviewed or referred to the deleterious conditions existing prior to the amendment of the regulations in 1958 with special reference to lack of sufficient buyer representation on many sales during the period and the adverse effect of such lack on grower prices received in such sales. Opinions were expressed to the effect that to repeal or delete the specified provisions of the regulations would result in the same chaotic conditions existing prior to the amendment of 1958; that it is recognized by growers, warehousemen and other members of the tobacco industry that a basic essential for good tobacco prices to growers is strong and continuing competition in bidding in the auction and that at least five buyers and representation of not less than two-thirds of potential buying strength is needed for a satisfactory sale; that a sale should not operate without the major purchasers being represented; that the present provisions regarding an adequate set of buyers is reasonable and is supported by experience; that the effect of the proposal would be to throw away the guideposts for the protection of the grower; and that to relax the requirements of the regulations would create chaos and result in deterioration or destruction of the auction warehouse system which put millions in the pockets of growers over the support price and would be bad for growers, warehousemen and for the public. Two grower cooperative associations pointed out that stabilization records show that receipts of tobacco under the loan were greater on sales where there was insufficient buyer representation than on sales having an adequate set of buyers. Among warehousemen opposing the proposal were two located in different States producing different kinds of tobacco, each stating in effect that he had operated a "rump" sale for several years in the past and knew that it was not to the best interest of growers. Many other views were expressed, all having one thing in common, i.e., strong opposition to any change in the regulations.

The views and arguments filed in support of the proposal were contained in the brief of petitioners, which was adopted by the Winston Tobacco Board of Trade, Inc., the Winston-Salem Tobacco Board of Trade, Inc., the Mayor of Winston-Salem, North Carolina, the Farm Service Director of the local radio and television station, and the Winston-Salem Retail Merchants Association. They contend that the provisions of the regulations requiring an applicant to prove, by documentary evidence or by the testimony of buying organizations, which buying organizations are firmly committed to participate in a proposed sale if tobacco inspection and price support services are provided are impossible of fulfillment; that the provisions of the regulations do not effectuate the purpose of the Tobacco Inspection Act, and that the Secretary does not have the authority to issue such regulations; and that the provisions regarding the requirements for obtaining commitments from buying organizations sufficient to constitute an adequate set of buyers grants complete control to the large buying organizations.

To support their contention that the provision regarding buyer commitments is impossible of fulfillment they cite the transcript of testimony in the hearings on the applications of petitioners for additional tobacco inspection and price support services for an additional sale on the Danville, Virginia and Winston-Salem, North Carolina markets (Docket No. TIPS–6 and Docket No. TIPS–7, respectively) and the testimony and decisions on five other hearings held under the provisions of the regulations (Docket Nos. TIPS 1 through 5). The hearing records and decisions relied upon by petitioners to support their contention that the requirements of the regulations regarding obtaining buyer commitments is impossible of fulfillment, fail to show that the obtaining of firm commitments from buyer organizations is impossible. In each such case the existing services were not shown to be inadequate and the need for the requested sale was not established. These cases do not show that it is impossible to obtain adequate buyer commitments for a proposed sale in circumstances where a need exists for an additional sale.

A decision on the applications of the Danville Tobacco Warehouse Association, Inc., and the Winston-Salem Warehouse Association (Docket Nos. TIP 6 and 7, respectively) is being issued concurrently with this decision. Therein it is determined that the tobacco inspection and price support services on each of the applicant markets are reasonable and adequate and were not shown to be unreasonable and inadequate. It was also determined therein that the petitioners failed to establish that it is impossible to obtain evidence of commitments of an adequate set of buyers where the need for an additional sale exists.

The record in the latter proceeding shows why one of the large buying organizations refused to give a commitment to participate in the proposed additional sale on the Danville market. In response to the request of the President of the Danville Tobacco Association for a commitment to participate in the additional sale, the President of the buying organization replied stating: "* * * we are unable to support this effort." On the same date it wrote Counsel for the eighteen markets opposing the applications, stating: "We * * * see no need for any additional sales anywhere. Adding additional buyers to service additional sales will not increase the amount of tobacco we buy out of the crop, and it will only serve to increase expenses which are already higher than they should be if the crop movement were less precipitant."

The ration of the sets of buyers to the total flue-cured crop marketed during the period 1949–1960 throws quite a bit of light upon the reason why tobacco buying organizations are reluctant to participate in additional sales in flue-cured tobacco. In 1949, a total volume of 1.1 billion pounds of producer flue-cured tobacco was marketed with a total of 134 sets of buyers in flue-cured tobacco markets. In 1960, a total volume of 1.2 billion pounds of producer flue-cured tobacco was marketed with a total of 147 sets of buyers in flue-cured tobacco markets. During the period 1949–1960 the highest total volume of producer marketings was 1.5 billion pounds in 1955 with a total of 147 sets of buyers. Since the 1957 reduction in flue-cured acreage allotments the buying organizations are buying a much smaller crop with a larger number of buyers. As it is extremely expensive to train additional buyers to participate in additional sales it is readily ascertainable and easily understood why buying organizations will not commit themselves to participate in unneeded additional sales in a market.

Petitioners also contend that the provisions of the regulations do not effectuate the purposes of the Tobacco Inspection Act and the Secretary does not have the authority to issue such regulations. In support thereof they argue, in effect, that the Secretary is authorized to issue regulations necessary to effectuate the purposes of the Act; that the Secretary is required by the Act to provide tobacco inspection service "where and when needed" without limitation; that the provision of the regulations regarding the obtaining of buyer commitments is impossible of fulfillment thereby "precluding" the extension of such service; that these restrictions have forced many producers to sell their tobacco on markets other than the one they prefer; that the small markets can grow and prosper without regulatory limitation while the larger markets are precluded by the regulations of any further growth, to the detriment of all persons financially interested in tobacco available for marketing in such large markets, including the producers thereof. The brief places emphasis on the alleged adverse effect of the regulations on the interests within the tobacco markets rather than on the alleged adverse effect on grower interests.

Section 14 of the Tobacco Inspection Act authorizes the Secretary to make such rules and regulations and hold such hearings as he may deem necessary to effectuate the purposes of the Act. The legislative history of the Act discloses that the primary purpose in enacting the legislation was to improve the position of the grower in marketing his crop and to cure certain evils existing in the auction system of marketing tobacco which were unfairly disadvantageous to the interests of growers, resulting in fluctuating prices and economic loss to such growers (House Report No. 1102 on H.R. 8026, pp. 2–4; Senate Report No. 1211; 74th Congress, 1st Session). The primary purpose and objective of the provisions of the regulations, therefore, should be to protect the interests of tobacco growers. The provisions of the regulations which petitioners seek to have repealed or deleted are for the protection of, and do protect, the interests of growers in the marketing of their tobacco and thereby effectuate the purposes of the Act. Such provisions were placed in the regulations so as to assure that all auction sales in all markets have adequate buyer representation in order to obtain strong and continuing competitive bidding in the auction, which strong and continuing competition is so vitally

necessary to the obtaining of a fair price for the tobacco of growers sold at auction.

Petitioners contend the requirement that firm commitments be obtained by an applicant from "five or more buyers representing five or more companies or buying organizations who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested" grants complete control to the large buying organizations. How the regulation does this is not spelled out, only the bare statement is made. Each set of buyers on the markets presently meets the definitions of "adequate set of buyers", the requirements of which are set forth within the quotation marks in the preceding sentence. Each buying organization always has had the right to control its own participation or non-participation in an auction sale. The regulation does not grant buyers any control which they have not always had. The contention appears to imply the possibility of large buying organizations agreeing among themselves as to their participation or non-participation in sales or markets. This possibility also existed prior to amendment of the regulations. In the event of such an agreement there are remedies available under the Anti-Trust laws to prevent such action. The only other aspect of the contention appears to be that petitioners are objecting to the degree of participation by buyers on auction sales required by the regulations. If such is the case, it is directly opposed to evidence given by chief witnesses of petitioners in the hearings on their applications previously mentioned (Docket Nos. TIPS 6 and 7). The testimony was to the effect that petitioners did not sanction "rump" sales and would not want a "rump" sale (a sale where the buyer participation is less than that defined in "adequate set of buyers") in Danville, Virginia, or Winston-Salem, North Carolina. Several growers also testified to this effect in said hearings.

The furnishing of tobacco inspection and price support services for additional sales or new markets on which adequate buying power does not participate results in detriment to interests of growers, the Government loan programs, the interests of the tobacco industry, the taxpayer and the general public, thereby defeating the purposes of the Tobacco Inspection Act and the loan programs. Experience gained by the Department over a period of years, has shown that the furnishing of such service in the absence of firm commitments from an adequate number of buying organizations results in insufficient buyer representation on such sales to the detriment of many. The interests of growers, the public and the tobacco industry as a whole should not be subverted to the interests of a few within that industry.

Therefore, it is concluded that to repeal or delete the provisions of the regulations proposed by petitioners would not be to the best interests of growers of tobacco, the tobacco industry and the public, and that to retain such provisions in the regulations will effectuate the purposes of the Tobacco Inspection Act and of the loan programs under the Commodity Stabilization Act. The petition for such repeal is hereby denied.

Signed at Washington, D.C., this 7th day of September 1961.

CHARLES S. MURPHY,
*Acting Secretary.*

[F.R. Doc. 61-8670; Filed, Sept. 11, 1961; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 201) has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis, Indiana, proposing the issuance of a regulation to provide for the safe use in swine feed of a combination of the anthelmintic hygromycin B at a level of 12 grams per ton and tylosin for growth promotion in the following amounts:

| Animal weight (pounds): | *Tylosin activity per ton of feed (grams)* |
|---|---|
| Up to 40 | 20–100 |
| 41 to 100 | 20–40 |
| 101 to market weight | 10–20 |

Dated: August 31, 1961

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

[F.R. Doc. 61-8664; Filed, Sept. 11, 1961; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

## [ 10 CFR Part 30 ]

## GENERAL LICENSE FOR SELF LUMINOUS AIRCRAFT SAFETY DEVICES CONTAINING TRITIUM (HYDROGEN 3)

### Notice of Proposed Rule Making

The following proposed amendment would incorporate in Part 30 of the regulations of the Atomic Energy Commission (10 CFR Part 30) a general license authorizing the possession and use of luminous safety devices each containing not more than four curies of tritium (Hydrogen 3) for use in aircraft. When installed in aircraft these generally licensed devises may be exported under general license, as provided in § 30.33(b), to countries other than subgroup "A" countries or destinations.

The Commission will continue to exercise regulatory control, through its specific licensing procedures, over the manufacture and import of luminous safety devices containing tritium for use in aircraft and over export of such devices as provided in § 30.33. A specific license for the manufacture or import of the devices as generally licensed items will not be issued unless the applicant furnishes sufficient information to assure that the product will meet the specifications set forth in § 30.24(j).

Among the devices that would be generally licensed are self-luminous devices used in emergency exit signs, aircraft switch knobs or plungers and control locaters. Self-luminous devices operate continuously as a result of the continual bombardment of the luminous paint by tritium beta particles. They do not depend on any external source of electricity for illumination. These devices would substantially increase safety of passengers in the event of an emergency by clearly indicating emergency exits and emergency controls even though the electrical system of the aircraft has completely failed.

A distinct advantage of using tritium in these devices rather than certain other radioactive materials, such as radium, is that tritium emits only low energy beta radiation that will not penetrate the walls of the sign or device. There is no external radiation dose to any individual in the vicinity of the device containing tritium.

The regulation would require that prototype devices be subjected to extensive weather, temperature, altitude, shock and vibration tests to provide assurance that the devices will contain the tritium and will not leak under conditions of normal handling. The devices will be required to be constructed so that tritium is highly unlikely to escape during conditions of normal use and handling.

If by some accident, the maximum amount of 4 curies of tritium in one device were released in an instant in the form of hydrogen gas, the average concentration in a $10^7$ cc cabin would be $4 \times 10^{-7}$ curies per cc during a 3-minute air change period. This would result in the inhalation of about 0.017 curies of tritium gas by an individual breathing at a rate of 14 liters per minute. Based on experimental data greater than 99 percent of the tritium taken into the lung would be in the form of tritium gas and would deliver an internal blood dose of only 0.01 millirem, considering both dissolved tritium gas and tritium biologically oxidized to tritiated water (HTO).[1] During an average exposure time of 3 minutes, only a small fraction of the tritium gas in the blood would be biologically oxidized. The rate of exchange of tritium gas to tritium oxide other than by biological oxidation is small. Thus, the dose to the whole body from HTO would be less than the blood dose of 0.01 millirem.

If the ventilation system of the aircraft should by chance fail at the time the tritium is released, the air concentration of tritium in the cabin assuming the cabin is a sealed system would be such that the amount of tritium taken into the lung during a one-hour exposure would deliver an internal blood dose of

[1] Calculated from data of E. A. Pinson and W. H. Langham, "Physiology and Toxicology of Tritium in Man," J. Appl. Physiol. 10(1):108–126 (1957).

about 1 millirem, considering both the tritium gas dissolved in body fluids and that fraction of the dissolved gas that is biologically oxidized to tritiated water (HTO).

The range of the maximum energy tritium beta particle is only 6 microns in water. Even a thin layer of moisture in the lung would shield the lung tissue from the beta dose. No biological effect to the lung from inhaled tritium gas has been observed.

Several thousand luminescent emergency aircraft markers have been manufactured and used for several years under specific licenses and have performed in a very satisfactory manner. Most markers require only a small fraction of the amount of tritium to be allowed under this amendment. Of a group of 3,400 luminous emergency markers containing tritium gas which were sold to licensed users for installation in aircraft, 57 contained 4 curies each and the remainder contained from 0.6 to 2.5 curies each.

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

§ 30.21 [Amendment]

1. Add a new paragraph (d) to § 30.21 to read as follows:

(d) (1) A general license is hereby issued to own, receive, acquire, possess and use tritium contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 30.24(j).

(2) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in subparagraph (1) of this paragraph are exempt from the requirements of Part 20 of this chapter, except that they shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(3) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium.

(4) This general license does not authorize the export of luminous safety devices containing tritium except in accordance with the provisions of § 30.33.

§ 30.24 [Amendment]

2. In § 30.24, add a new paragraph (j) to read as follows:

(j) Luminous safety devices for use in aircraft.

(1) An application for a specific license to manufacture, assemble, repair or import luminous safety devices, for distribution to persons generally licensed under § 30.21(d) will be approved if:

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

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

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

(*b*) Details of construction and design of the device;

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

(*d*) Procedures for and results of prototype testing to demonstrate that the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the device;

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

(*f*) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the device.

(iii) Each device will contain no more than four curies of tritium.

(iv) The Commission determines that:

(*a*) The method of incorporation and binding of the tritium in the device is such that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(*b*) The tritium is incorporated in the device or otherwise enclosed so as to preclude direct physical contact by any person with the tritium;

(*c*) The design of the device in which the tritium is incorporated is such that it cannot easily be disassembled; and

(*d*) The device has been subjected to the prototype tests and meets the requirements prescribed by subdivision (v) of this subparagraph.

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

(*a*) *Temperature-altitude test.* The tritium device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

*Step 1.* The internal temperature of the test chamber shall be reduced to −62° C. (−80° F.) and the device shall be maintained for at least 1 hour at this temperature at atmospheric pressure.

*Step 2.* The internal temperature of the test chamber shall be raised to −54° C. (−65° F.) and maintained until the temperature of the device has stabilized at −54° C. at atmospheric pressure.

*Step 3.* The atmospheric pressure of the chamber shall be reduced to 83 millimeters of mercury absolute pressure while the chamber temperature is maintained at −54° C.

*Step 4.* The internal temperature of the chamber shall then be raised to −10° C. (+14° F.) and maintained until the temperature of the device has stabilized at −10°, and the internal pressure of the chamber shall then be adjusted to atmospheric pressure. The test chamber door shall then be opened in order that frost will form on the device, and shall remain open until the frost has melted but not long enough to allow the moisture to evaporate. The door shall then be closed.

*Step 5.* The internal temperature of the chamber shall be raised to +85° C. (185° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +85° C. and maintained for 2 hours. The device shall then be visually inspected to determine the extent of deterioration, if any.

*Step 6.* The chamber temperature shall be reduced to +71° C. (160° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +71° C. for a period of 30 minutes.

*Step 7.* The chamber temperature shall be reduced to +55° C. (130° F.) at atmospheric pressure. The temperature of the device shall be stabilized at this temperature for a period of 4 hours.

*Step 8.* The internal temperature of the chamber shall be reduced to +30° C. (86° F.) and the pressure to 138 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

*Step 9.* The internal conditions of the test chamber shall be changed to +35° C. (95° F.) and 83 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 30 minutes.

*Step 10.* The internal pressure of the chamber shall be maintained at 83 millimeters of mercury absolute pressure and the temperature reduced to +20° C. (68° F.) and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

(*b*) *Vibration tests.* This procedure applies to items of equipment (including vibration isolating assemblies) intended to be mounted directly on the structure of aircraft powered by reciprocating, turbojet, or turbo-propeller engines or to be mounted directly on gas-turbine engines. The device shall be mounted on an apparatus dynamically similar to the most severe conditions likely to be encountered in normal use. At the end of the test period, the device shall be inspected thoroughly for possible damage. Vibration tests shall be conducted under both resonant and cycling conditions according to the following Vibration Test Schedule (Table I):

VIBRATION TEST SCHEDULE

TABLE I

[Times shown refer to one axis of vibration]

| Type | Vibration at room temperature | Vibration at 160° F. (71° C.) | Vibration at −65° F. (−54° C.) |
|---|---|---|---|
| | *Minutes* | *Minutes* | *Minutes* |
| Resonance | 60 | 15 | 15 |
| Cycling | 60 | 15 | 15 |

(*1*) *Determination of resonance frequency.* Individual resonance frequency surveys shall be conducted by applying vibration to each device along each of any set of its three mutually perpendicular axes and varying the frequency of applied vibration slowly through a range of frequencies from 5 cycles/second to 500 cycles/second with the double amplitude of the vibration forces not exceeding those shown in Fig. 1 for the related frequency.

(*2*) *Resonance tests.* The device shall be vibrated at the determined resonance frequency for each axis of vibration for the periods and temperature conditions shown in Table I and with the applied double amplitude specified in Figure 1 for that resonance frequency. When

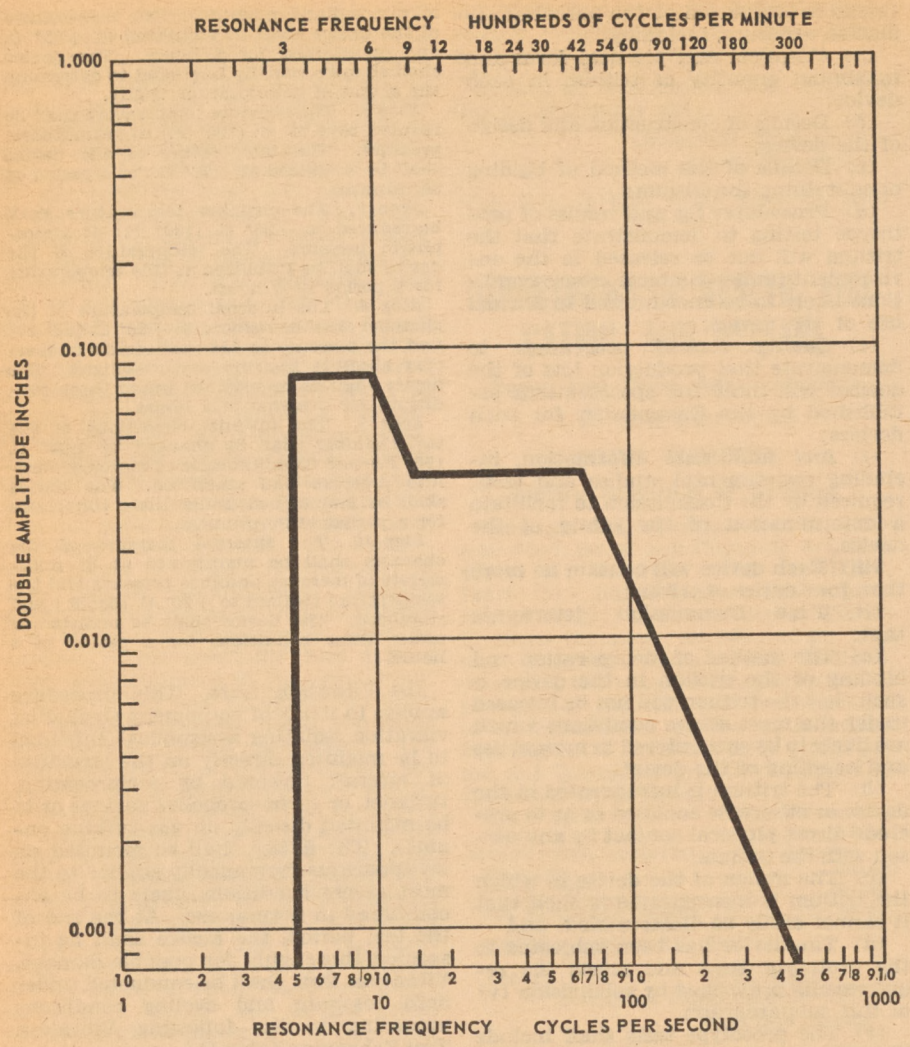


FIGURE 1—Amplitude of vibration at resonance frequency.

more than one resonant frequency is encountered with vibration applied along any one axis, the test period may be accomplished at the most severe resonance or the period may be divided among the resonant frequencies, whichever is considered most likely to produce failure. When resonant frequencies are not apparent within the specified frequency range, the specimen shall be vibrated for periods twice as long as those shown for resonance in Table I at a frequency of 55 cycles per second and an applied double amplitude of 0.060 inch.

(3) *Cycling.* Devices to be mounted only on vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.060 inch and the frequency cycling between 10 and 55 cycles per second in 1-minute cycles for the periods and temperature conditions shown in Table I. Devices to be installed in aircraft without vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.036 inch or an applied acceleration of 10g, whichever is the limiting value, and the frequency cycling between 10 and 500 cycles per second in 15-minute cycles for the periods and temperature conditions shown in Table I.

(c) *Accelerated weathering tests.* The devices shall be subjected to 100 hours of accelerated weathering in a suitable weatherometer. Panels of Corex D glass shall surround the arc to cut off the ultraviolet radiation below a wavelength of 2700 angstroms. The light of the carbon arcs shall fall directly on the face of the devices. The temperature at the sample shall be maintained at 50° C. plus or minus 3° C. Temperature measurements shall be made with a black panel thermometer.

(d) *Shock test.* The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to equivalent treatment in a test device simulating such a free fall. The drop test shall be repeated 100 times from random orientations. Any device showing damage shall be rejected.

(e) *Hermetic seal and waterproof test.* On completion of the above tests, the devices shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury absolute pressure. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles from within the markers, or water entering the markers, shall be considered leakage.

(f) *Observations.* After each of the above tests, the devices shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to any device which could affect the containment of the tritium in such device shall be cause for rejection of the design on which such prototype devices were constructed or manufactured. Loss of tritium shall be measured both by sampling the liquids used in Test *e* and by wiping with filter paper an area of at least 100 square centimeters on the outside surfaces of the device, or by wiping the entire area of the device if it is less than 100 square centimeters. The amount of tritium in the test fluid or on the filter paper shall be determined in an apparatus that has been calibrated to measure the tritium. If more than 0.1 percent of the original amount of tritium in a device is found in the immersion test water of Test *e*, or if more than 2,200 disintegrations per minute of tritium per 100 square centimeters is measured after any of the Tests *a–e*, the device shall be rejected.

(vi) Any person licensed under this section to manufacture, assemble or import devices containing tritium for distribution to persons generally licensed under § 30.21(d) shall affix a label to each such device which shall identify the licensee's license number, shall state that the device contains tritium and is generally licensed by the AEC pursuant to § 30.21(d), and such other information as may be required by the Commission, including, when appropriate, disposal instructions. An informational note containing this information may be enclosed with the self-luminous aircraft safety device in lieu of the label if the Commission determines that labeling on the device is not feasible and that safety will not be compromised by omission of the label.

(2) Each person licensed under this paragraph shall maintain adequate quality control in the manufacture of luminous safety devices and shall subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, in accordance with the quality control procedures of § 30.74 *Schedule D.*

(3) Each person licensed under this paragraph shall report to the Director, Division of Licensing and Regulation, all transfers of luminous safety devices to persons generally licensed under § 30.21(d). Such report shall identify each general licensee by name and address, describe the kinds and quantities of products transferred, the quantity of byproduct material in each type of product and the total quantity of byproduct material transferred during the reporting period. Each report shall cover the

year ending June 30 and shall be filed within 30 days thereafter.

3. Add a new § 30.74 to read as follows:

**§ 30.74 Schedule D, quality control procedures for luminous safety devices for use in aircraft.**

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

| Lot size | Sample size | Acceptable number of rejects |
|---|---|---|
| Less than 15 | (1) | 0 |
| 15-65 | 15 | 0 |
| 66-110 | 15 | 0 |
| 111-180 | 25 | 0 |
| 181-300 | 35 | 0 |
| 301-500 | 50 | 1 |
| 501-800 | 75 | 2 |
| 801-1,300 | 110 | 3 |
| 1,301-3,200 | 150 | 4 |
| 3,201-8,000 | 225 | 5 |
| 8,001-22,000 | 300 | 7 |

[1] All of lot.

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

| Lot size | Sample size | Acceptable number of rejects |
|---|---|---|
| Less than 5 | (1) | 0 |
| 5-110 | 3 | 0 |
| 111-180 | 5 | 0 |
| 181-300 | 7 | 1 |
| 301-500 | 10 | 1 |
| 501-800 | 15 | 1 |
| 801-1,300 | 22 | 2 |
| 1,301-3,200 | 30 | 2 |
| 3,201-8,000 | 45 | 3 |
| 8,001-22,000 | 60 | 4 |

[1] All of lot.

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

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

**§ 30.33 [Amendment]**

4. Revise the proviso of paragraph (b) of § 30.33 to read as follows: "*Provided*, That the authority conferred by this paragraph shall apply only to byproduct material having an atomic number from 3 to 83, inclusive, and to tritium when contained in luminous safety devices installed in aircraft and distributed as generally licensed items pursuant to § 30.24(j)."

Dated at Germantown, Md., this 29th day of August, 1961.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
*Acting Secretary.*

[F.R. Doc. 61-8551; Filed, Sept. 11, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[426.85]

### BORON 10

### Proposed Tariff Classification

SEPTEMBER 6, 1961.

It appears that boron 10 is properly classifiable under the provision for boron in paragraph 302(n), Tariff Act of 1930, and dutiable at the reduced rate of 12½ percent ad valorem under that paragraph, as modified, since this element is not radioactive.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau the ruling abstracted as T.D. 55125(4) announcing that boron 10 is classifiable as a radioactive substitute under paragraph 1749 free of duty.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
*Commissioner of Customs.*

[F.R. Doc. 61-8662; Filed, Sept. 11, 1961; 8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### DE WITT COUNTY LIVESTOCK EXCHANGE, INC.

### Posted Stockyard

The stockyard formerly known as the Clinton Livestock Sales, Clinton, Illinois, was originally posted on November 18, 1959 (25 F.R. 6340), as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). On December 2, 1960, there was published in the FEDERAL REGISTER (25 F.R. 12384) a notice concerning the deposting of such stockyard for the reason that it was no longer being conducted as a public market. Subsequent to the publication of such notice and prior to the taking of the further steps required by section 302(b) of the Act (7 U.S.C. 202(b)) for the deposting of a stockyard, it was ascertained that the operation of such livestock market, under the name of DeWitt County Livestock Exchange, Inc. (25 F.R. 12382), would be continued as a stockyard within the definition of that term contained in section 302(a) of the Act (7 U.S.C. 202(a)).

Notice is hereby given therefore, that the livestock market presently known as the DeWitt County Livestock Exchange, Inc., Clinton, Illinois, originally posted on November 18, 1959, remains posted as a stockyard within the definition of that term contained in section 302 of the Act and remains subject to the provisions of the Act.

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

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

[F.R. Doc. 61-8671; Filed, Sept. 11, 1961; 8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11875, 12326; Order No. E-17422]

### EDWARD J. DALY AND WORLD AIRWAYS, INC.

### Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of September 1961.

By application filed October 28, 1960, Edward J. Daly (Daly) and World Airways, Inc. (World), a supplemental air carrier, seek exemption from or approval under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, (the Act), of control and interlocking relationships resulting from the lease of a DC-6 aircraft (FAA No. N-90783) by Daly to World (Docket 11875). On April 18, 1961, World filed an application for an exemption or other relief from the provisions of section 408 with respect to the lease of another DC-6 aircraft (FAA No. N-90780) by Daly to World (Docket 12326).[1] The guaranteed rental rate is $240,000 annually for each aircraft ($20,000 monthly). Daly is president and controlling stockholder of World, a situation which existed prior to the instant transactions, and is owner of the aircraft involved in the lease agreements.

In support of the requests, applicants submit that the transactions do not involve any change in the stock ownership of Daly in World or in World's officers and directors, and do not create a monopoly, nor tend to restrain competition; that the aircraft will be used to meet World's military contract obligations, and that the rental rate is fair and reasonable.

The Board, upon consideration of the application, finds that Daly, by reason of his ownership and lease of aircraft, is a person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act. The Board also finds that relationships exist within the purview of section 408(a) of the Act through the control by Daly of World and the lease by World of aircraft from Daly. However, the Board has concluded tentatively that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in this case is currently requesting a hearing. The relationships are similar to others which have been approved by the Board and do not present any new substantive issues.[2] It would therefore appear that approval of the relationships would not be inconsistent with the public interest.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act exist between World and Daly from the holding by Daly of the positions described herein. The Board finds that the parties have made a due showing in the form and manner prescribed that, for the reasons expressed above, the interlocking relationships will not adversely affect the public interest and should be approved.

In view of the foregoing, the Board tentatively finds that the relationships subject to section 408 should be approved and intends to approve them without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[3]

*Therefore, it is ordered:*

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

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

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

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

[F.R. Doc. 61-8672; Filed, Sept. 11, 1961; 8:51 a.m.]

[1] The Board has decided to waive application of the doctrine expressed in the Sherman Interlocking Relationships Case, 15 CAB 876 (1952) to the extent that it may be applicable in this case, and consider the application on its merits.

[2] Order E-15946 issued October 20, 1960, approving control and interlocking relationships involving Modern Air Transport, Inc. and John P. Becker, Docket 10501.

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

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

[Docket No. SA-362]

## ACCIDENT OCCURRING IN DENVER, COLORADO

### Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 8040U, which occurred on July 11, 1961, in Denver, Colorado.

Notice is hereby given that an Accident Investigation Hearing on the above-styled matter will be held commencing on September 20, 1961, at 0930 (local time) at the Denver Turnverein, 1570 Clarkson Street, Denver, Colorado.

Dated this 6th day of September 1961.

[SEAL] REID C. TAIT,
*Hearing Officer.*

[F.R. Doc. 61-8673; Filed, Sept. 11, 1961; 8:52 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-70]

## PROPOSED RADIO ANTENNA STRUCTURE

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Stooksberry Tank Company, Lafayette, Louisiana, proposes to construct a radio antenna structure near Lafayette, Louisiana, at latitude 30°12'49" north, longitude 92°04'59" west. The overall height of the structure would be 491 feet above mean sea level (450 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 5.5 miles west of the Lafayette, Louisiana, Airport, and would exceed the criteria contained in section B-2 of this Agency's TSO-N18, as applied to this airport, by 31 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at the Lafayette Airport.

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

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

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

Issued in Washington, D.C., on August 30, 1961.

FRANK T. HAPPY,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61-8645; Filed, Sept. 11, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-74]

## PROPOSED RADIO ANTENNA STRUCTURE

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Carolina Telephone and Telegraph Company proposes to construct a radio antenna structure near Kuhns, North Carolina, at latitude 34°48'05.84" north, longitude 77°06'54.38" west. The overall height of the structure would be 393 feet above mean sea level (355 feet above ground).

No objections were made in response to the circularization. The proposed structure would be located approximately 15 miles southwest of the Cherry Point, MCAS, and would require an increase in the procedure turn altitude from 1,200 feet MSL to 1,400 feet MSL for the standard instrument approach procedure AL-471-VOR-3 to that airport. However, this increase in procedure turn altitude would have no adverse effect upon aeronautical operations at Cherry Point MCAS and the Department of the Navy has agreed to increase the procedure turn altitude to 1,400 feet MSL if the proposed antenna tower is constructed.

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

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

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

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

FRANK T. HAPPY,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61-8646; Filed, Sept. 11, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-75]

## PROPOSED RADIO ANTENNA STRUCTURE

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The American Telephone and Telegraph Company, Kansas City, Missouri, proposes to construct a radio antenna structure near Kiowa, Oklahoma, at latitude 34°37'45" north, longitude 95°54'54" west. The overall height of the structure would be 1,539.5 feet above mean sea level (280.5 feet above ground).

No objections were made in response to the circularization. The proposed structure would require an increase from 2,300 feet MSL to 2,500 feet MSL in the minimum en route altitude of the approved off-airway route from the Perrin, Texas, VOR direct to the McAlester, Oklahoma, VORTAC. However, the Agency study disclosed that this increase in MEA would have no substantial adverse effect upon aeronautical operations along this off-airway route.

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

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

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

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

FRANK T. HAPPY,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61-8647; Filed, Sept. 11, 1961; 8:47 a.m.]

[OE Docket No. 61–LA–9]

## PROPOSED RADIO ANTENNA STRUCTURE

### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Atchison, Topeka, and Santa Fe Railway System, Los Angeles, California, proposes to construct a radio antenna structure near Peach Springs, Arizona, at latitude 35°33′46″ north, longitude 113°23′51″ west. The overall height of the structure would be 5,529 feet above mean sea level (100 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 1.5 statute miles northeast of Peach Springs Field, Arizona, and would exceed the horizontal surface criteria of the Joint Industry/Government Tall Structures Committee, and the conical surface criteria of this Agency's TSO–N18, as applied to this airport, by 554 feet and 408 feet, respectively. The terrain on which the antenna is proposed exceeds the JIGTSC and TSO–N18 criteria, as applied to the above airport, by 454 feet and 308 feet, respectively. The aircraft traffic patterns for Peach Springs Field are to the west and south of the proposed antenna site. Therefore, the proposed structure would have no adverse effect upon aeronautical operations at Peach Springs Field.

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

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

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

Issued in Washington, D.C., on August 29, 1961.

FRANK T. HAPPY,
*Acting Chief,*
*Obstruction Evaluation Branch.*

[F.R. Doc. 61–8648; Filed, Sept. 11, 1961; 8:47 a.m.]

# FEDERAL MARITIME COMMISSION

## AMERICAN MAIL LINE LTD. ET AL.

### Notice of Agreement Filed for Approval

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

Agreement Numbered 8485–A, between American Mail Line Ltd., American President Lines, Ltd. and Pacific Far East Line, Inc., is a supplemental agreement to approved Agreement Numbered 8485, as amended, between the same parties, which covers an arrangement for the appointment of a coordinating committee of representatives of each of these companies to prepare studies and make recommendations for further cooperation between said companies in order to effect economies and more efficient operations in their trans-Pacific service. Agreement Numbered 8485–A provides for the creation of a purchasing committee of representatives of each of the parties for the purpose of establishing and supervising a joint purchasing program for supplies required by said parties as contemplated by Article 3(a) of approved Agreement Numbered 8485, as amended.

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

Dated: September 6, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
*Acting Secretary.*

[F.R. Doc. 61–8665; Filed, Sept. 11, 1961; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP62–9]

## MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application and Date of Hearing

SEPTEMBER 5, 1961.

Take notice that on July 17, 1961, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed an application in Docket No. CP62–9, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate certain facilities in order to provide natural gas service to Crescent Brick Company (Crescent) in Hancock County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering and regulating facilities, approximately 1,975 feet of 8-inch transmission line extending from a point on Applicant's Line No. 5 near the corporate limits of Empire-Stratton, Ohio, eastward across the Ohio River to a point on the West Virginia side, and approximately 2,750 feet of 4-inch pipeline extending from the terminus of the 8-inch line northward to Crescent's plant.

Applicant states that the gas will be used by Crescent for firing 15 ladlebrick kilns and two additional kilns which are under construction.

The application shows the estimated annual and maximum day requirements of Crescent in the first full year of operation to be 360,000 and 1,400 Mcf at 14.73 psia, respectively.

The estimated cost of the proposed facilities is $105,000, which cost is to be financed from funds on hand. Pursuant to agreement between Applicant and Crescent, dated February 28, 1961, Crescent has agreed to contribute $51,000 to the cost of the facilities; however, Applicant will refund 10 percent of its monthly bill to Crescent until such time as the actual amount of the contribution has been repaid.

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 9, 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61–8650; Filed, Sept. 11, 1961; 8:47 a.m.]

[Project Nos. 943, 2114]

## PUGET SOUND POWER & LIGHT CO. ET AL.

### Order Fixing Hearing

SEPTEMBER 5, 1961.

Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington, Project No. 943; and Public Utility District No. 2 of Grant County, Washington, Project No. 2114.

By letter dated July 24, 1961, an Assistant Secretary of the Interior has requested modification of the fishways at the Rock Island Dam of Project No. 943 located on the Columbia River in the State of Washington under license to Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington.

In his letter the Assistant Secretary refers to a letter dated May 24, 1960, from an Assistant Secretary of the Interior which advised us that the Wanapum Dam of Project No. 2114 under license to Public Utility District No. 2 of Grant County, Washington, will encroach on the Rock Island fishways by increasing the elevation of the tailwater of the Rock Island Dam and thus detrimentally influence the attraction of fish to the entrances of the three fishways at the Rock Island Dam.

The July 24, 1961, letter advises that Federal and State fisheries agencies have consulted with Grant County PUD and have requested that arrangements be made for the following modifications in the Rock Island Dam fishways: (1) Right bank fishway—provide a new entrance with sufficient attraction flow; (2) left bank fishway—raise the walls and provide adequate transportation velocity in the lower section of the ladder; and (3) middle fishway—modify the lower section to insure satisfactory entrance and fish transportation conditions. The letter advises that such modification should be made prior to the scheduled filling of the Wanapum forebay in May, 1963, and requests this Commission to issue an order directing the appropriate Public Utility Districts to undertake the necessary modification of the fishways at the Rock Island Dam.

Article 44 of the license for Project No. 2114 refers, among other things, to an agreement dated August 8, 1955, between the licensees for Project Nos. 943 and 2114, under which Grant County PUD agrees to fully compensate Puget and Chelan for all loss, damage and expense which Puget and Chelan shall sustain or incur by reason of the construction or operation of Project No. 2114 or any part thereof. Article 44 requires Grant County PUD No. 2 to abide by the August 8, 1955, agreement.

By letter dated August 21, 1961, the Grant County PUD advises us that it does not agree with the conclusions of the fisheries agencies relative to the Rock Island Dam fishways, either with regard to the necessity for modification of the fishways or the responsibility for modification, if any should be required. Grant County goes on to state in its letter that the questions raised by the position of the fisheries should be speedily resolved and therefore requests a public hearing on the matter at as early a date as possible.

Under the circumstances it appears that the public interest would be best served if all persons who may be affected by the proposed modifications have an opportunity to be heard at a public hearing at which specific proposals of the Assistant Secretary of the Interior are placed in a record, together with evidence in support thereof, and any appropriate evidence the licensees or any other party may wish to submit for the use of the Commission in determining the nature of modifications, if any, that may be necessary to correct any adverse effects that will be caused by operation of the Wanapum development.

The procedures hereinafter prescribed are intended to eliminate any cause which might otherwise exist for a protracted hearing by requiring that the respective parties submit their entire and complete direct presentation of testimony and exhibits in writing in advance of the hearing.

The Commission finds: It is appropriate and in the public interest that a public hearing be held to determine the necessary modification of the fishways at Project No. 943.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held at 10 a.m., e.s.t., on October 30, 1961, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of affording an opportunity to the Secretary of the Interior, the Washington Department of Fisheries, the Washington Department of Game, the licensees involved, Commission staff and any other party having an interest, to present evidence, documentary or otherwise, as may be deemed by the Presiding Examiner material and relevant to the following issues:

(1) What specific adverse effects, if any, will operation of the Wanapum development have on the three fishways at Rock Island Dam?

(2) What specific construction would be necessary to modify the three existing fishways at Rock Island Dam to correct any adverse effects that will be caused by operation of the Wanapum development?

(B) The following procedure is prescribed for the public hearing herein ordered:

(1) All parties making a direct presentation on the above issues in this proceeding shall by October 16, 1961, file with the Presiding Examiner or the Chief Examiner if no Presiding Examiner has been designated by that date, an original and two copies of all of their testimony (including qualifications of witnesses, and exhibits to be presented in their respective direct cases), and serve three copies thereof on each party of record at that time.

(2) No recess shall be taken for the purpose of presenting rebuttal testimony.

(3) All of the testimony except exhibits, shall be in question and answer form.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes.

(5) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared direct testimony by the witness or witnesses sponsoring them.

(6) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavits shall be filed with his prepared testimony.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they are to be marked for identification.

(8) Any motions to strike any part of the prepared testimony and exhibits when they are offered for incorporation in the record (prior to cross-examination), shall be filed with the Presiding Examiner or Chief Examiner by October 23, 1961, answers thereto shall be filed by October 27, 1961, and rulings on such motions will be made by the Examiner at the time such testimony or exhibits are offered in accordance with subparagraph (9).

(9) Upon the commencement of the hearing and after appearances, opening statements, and other preliminary matters, the exhibits previously filed, as provided above, will be marked for identification in the sequence directed by the Presiding Examiner, and thereafter the Examiner will require that the affidavits of the respective witnesses and their prepared direct testimony (together with the qualifications of the respective witnesses) previously filed, as provided above, be copied into the record as though read, excepting any part of, or parts of the prepared testimony with respect to which he may have granted motion to strike.

(10) The Examiner will specify the order of cross-examination for the information of the parties in making their respective witnesses available for cross-examination.

(C) Requests for extensions of time concerning the time for any filings specified herein shall be made in writing, served on all parties and filed with the Presiding Examiner or the Chief Examiner (together with a certificate of service) at least ten days in advance of the dates specified herein (or as may have been extended), and any answers thereto shall be filed with the Presiding Examiner or Chief Examiner within three days after the request for extension.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein or to the extent that they are further modified or supplemented by the Examiner with the consent of the parties.

(E) Petitions to intervene in this proceeding may be filed with the Federal

Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-8651; Filed, Sept. 11, 1961; 8:47 a.m.]

[Docket No. RI 62-32 etc.]

## SUNRAY MID-CONTINENT OIL CO.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 1, 1961.

Sunray Mid-Continent Oil Company, Docket No. RI 62-32; Columbian Fuel Corporation, Docket No. RI 62-33; The Sharples Oil Corporation (Operator), et al., Docket No. RI 62-34; Monsanto Chemical Company (Operator), et al., Docket No. RI 62-35.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI62-32 | Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla. | 132 | 9 | United Fuel Gas Co., Cole's Gully Field, Acadia Parish, La. | $1,207 | 8-7-61 | [1] 11-1-61 | 4-1-62 | [3] 19.9 | 20.3 | RI61-93 |
| RI62-32 | Sunray Mid-Continent Oil Co. | 178 | 4 | United Fuel Gas Co., Valentine Field, La Fourche Parish, La. | 1,272 | 8-7-61 | [1] 11-1-61 | 4-1-62 | [3] 19.9 | 20.3 | RI61-93 |
| RI62-32 | do | 17 | 11 | Iroquois Gas Corp., Sheridan Field, Colorado County, Tex. | 4,119 | 8-8-61 | [1] 11-1-61 | 4-1-62 | [4] 17.668 | 18.6776 | G-13470 |
| RI62-33 | Columbian Fuel Corp., 380 Madison Ave., New York 17, N.Y. | 30 | 4 | Northern Natural Gas Co., Edwards Co., Kans. | 58 | 8-11-61 | [1] 10-1-61 | 3-1-62 | [4] 13.5 | 14.5 | |
| | | 32 | 2 | | 15 | 8-15-61 | [1] 10-1-61 | 3-1-62 | [4] 13.5 | 14.5 | |
| RI62-34 | The Sharples Oil Corp. (Operator), et al. 1700 Broadway, Denver 2, Colo. | 7 | 4 | Northern Natural Gas Co., Hansford North Field, Hansford Co., Tex. | 21,166 | 8-14-61 | [1] 10-1-61 | 3-1-62 | [4] 15.5 | 16.5 | |
| RI62-35 | Monsanto Chemical Co. (Operator), et al. c/o Lion Oil Co., 1401 South Coast Building, Houston 2, Tex. | 13 | 1 | Panhandle Eastern Pipe Line Co., Singley Field, Meade County, Kans. | 1,477 | 8-14-61 | [2] 9-14-61 | 2-14-62 | [4] 16.0 | 17.0 | |

[1] The stated effective date is that proposed by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 15.025 psia.
[4] The pressure base is 14.65 psia.

The proposed rates exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The increased rates and charges so proposed 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 hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements 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), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have 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 procedure (18 CFR 1.8 and 1.37 (f)) on or before October 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 61-8652; Filed, Sept. 11, 1961; 8:48 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

# DEPARTMENT OF COMMERCE

## Office of the Secretary

## PAUL BUTLER

### Statement of Changes in Financial Interests

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

A. Deletions:
Butler Venezuelan Paper Company, S.A.
Butler Aviation—Greater Rockford Airport—Rockford.
Lear, Inc.
B. Additions:
Butler Aviation—Boston, Inc.
Intrafi Corporation.
Lincoln Printing Company.
Nekoosa Edwards Paper Company.
Mt. Isa Mines, Limited.
R. R. Donnelley & Sons Company.
Name changes: Paper Converters, Inc., to Pacon Corporation; Butler Paper Overseas Corporation to Butler Overseas Corporation.

This statement is made as of August 1, 1961.

PAUL BUTLER.

[F.R. Doc. 61-8635; Filed, Sept. 11, 1961; 8:45 a.m.]

# CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.**