accomplish any effect in the food itself; and

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 2 milligrams per square foot of metallic food-contact surface.

(2) The use of the lubricants in the manufacture of any article which is the subject of a regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the article.

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants used in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

Dipropylene glycol.
Mineral oil.
Oleic acid.

(d) Any substance employed in the production of surface lubricants used in the manufacture of metallic articles which is the subject of a regulation in Subpart F of this part conforms with any specifications in such subpart; and any substance which is not the subject of a regulation in such subpart conforms with the specification, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

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: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11637; Filed, Dec. 7, 1961; 8:46 a.m.]

SUBCHAPTER C—DRUGS

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

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

Miscellaneous Amendments

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

1. Section 141a.5 is amended by changing paragraph (b) to read as follows:

§ 141a.5 Sodium penicillin, calcium penicillin, potassium penicillin.

* * * * *

(b) *pH.* Dilute the sample to be tested with carbon-dioxide-free distilled water so that the resulting solution contains 30 milligrams per milliliter. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

§ 146a.24 [Amendment]

2. In § 146a.24 *Sodium penicillin* * * *, paragraph (a)(6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5.0 and not more than 7.5.

§ 146a.48 [Amendment]

3. In § 146a.48 *Ephedrine penicillin* * * *, paragraph (a)(6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5 and not more than 7.5.

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

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

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

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11635; Filed, Dec. 7, 1961; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

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

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

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.231, 146a.15, 146c.224) are amended as follows:

1. In § 141c.231 *Capsules tetracycline and oleandomycin phosphate* * * *, paragraph (d) is amended by adding thereto the following new subparagraph (7):

(7) *Crystallinity.* Proceed as directed in § 141a.5(c) of this chapter.

2. In § 146a.15 *Dimethoxyphenyl penicillin sodium (sodium-2, 6-dimethoxyphenyl penicillin)*, paragraph (d)(3)(i) is changed to read as follows:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

3. In § 146c.224 *Tetracycline hydrochloride-nystatin capsules* * * *, paragraph (b) is amended to read as follows:

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 18 months after the month during which the batch was certified, except that the date may be one of the longer dates permitted in § 146c.204 if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature and serve only to simplify existing regulations.

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

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

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11634; Filed, Dec. 7, 1961; 8:45 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Correction

In F.R. Doc. 61-11214, published in the FEDERAL REGISTER of November 28, 1961 (26 F.R. 11211), the amendatory language to amendment 2 is corrected to read as follows:

2. By deleting from paragraph (d) subparagraphs (1) through (6), inclusive, and substituting therefor the following tabulation:

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

Dated: December 4, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-11633; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Excise Taxes Not at Retail Level

Pursuant to the Fair Labor Standards Act of 1938 (secs. 1-19, 52 Stat. 1060, as amended; 75 Stat. 65-75; 29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, § 799.265 of Part 779 of the Code of Federal Regulations, as recently revised (26 F.R. 8333-8370), is hereby amended by adding thereto two sentences illustrating the application of its provisions.

The amendment shall become effective upon publication in the FEDERAL REGISTER. The amendment is interpretative. Therefore, the procedural and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

As amended, 29 CFR 779.265 (26 F.R. 8351) reads as follows:

§ 779.265 Excise taxes not at the retail level.

There are also a wide variety of taxes levied at the manufacturer's or distributor's level and not at the retail level. It should be noted, however, that the circumstances surrounding the levying and collection of taxes must be carefully considered. In some cases these circumstances may reflect that despite the fact that such taxes may be levied upon the manufacturer or distributor, nevertheless they may be, in practical operation, taxes at the retail level and may be so regarded for the purpose of this provision. For example, the circumstances surrounding the levying and collection of the federal excise taxes on gasoline reflect that, although they are listed under the title of "Manufacturers Excise Taxes", they are, in practical operation, taxes "at the retail level." Federal excise taxes on gasoline, when "separately stated", may therefore be excluded in computing the annual gross volume of sales of a gasoline service establishment for the purpose of determining coverage under section 3(s)(5) of the Act.

(Secs. 1-19, 52 Stat. 1065; as amended; 75 Stat. 65-75; 29 U.S.C. 201-219)

Signed at Washington, D.C., this 4th day of December 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-11650; Filed, Dec. 7, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Miscellaneous Amendments

1. Sections 7.0 and 7.1 are revoked.

§ 7.0 Form of application for benefits. [Revoked]

§ 7.1 Form of report by insurer. [Revoked]

2. Section 7.20 is revised to read as follows:

§ 7.20 The insured.

The term "insured" includes any person on active duty with the military, air and naval forces of the United States (including Coast Guard), whose life is insured under and who is the owner and holder of and has an interest in a policy as defined in § 7.21.

(a) The phrase "person in military service" as used in section 400(c) includes any member of the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army, Air Force or the Navy and the term "military service" as hereinafter used shall mean service in the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, and the Coast Guard. A statement over the signature of the Commanding Officer or a commissioned officer of equal or higher rank than the insured, on the application by the insured, may be accepted as a certification that the insured is a person in the military service. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record. If application is made by a person designated by the insured, or is made by the beneficiary, evidence that the insured is a person in the military service will be procured by the Veterans Administration from the service department.

3. In § 7.26 paragraphs (b), (c), and (d) are amended to read as follows:

§ 7.26 Application.

* * * * *

(b) The form of application for benefits is prescribed as VA Form 9-380 (as revised). An informal application will be supplemented by an application on the prescribed form. The original of the application for benfits will be mailed or delivered to the insurer at its principal office or to the office or agency to which the last premium on the policy has been paid. The copy of the application for benefits will be mailed or delivered to the Veterans Administration at Washington 25, D.C.

(c) When an application for benefits is received by an insurer, a report thereof will be made within 30 days to the Veterans Administration at Washington D.C., on the form prescribed for that purpose, VA Form 9-381 (as revised). The insurer may submit with the report a statement setting forth any additional information deemed necessary to the adjudication of the application, and any facts and reasoning as to why the policy should or should not be protected under the act.

(d) Upon receipt of a report from the insurer on VA Form 9-381, the Manager, Veterans Benefits Office, District of Columbia, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

4. in § 7.29, paragraph (e) is amended to read as follows:

§ 7.29 Maturity.

* * * * *

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the Manager, Veterans Benefits Office, District of Columbia. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

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

These regulations are effective December 7, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61-11638; Filed, Dec. 7, 1961; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Mount Desert Narrows, Maine

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.4 governing the operation of the highway bridge across Mount Desert Narrows, Trenton, Maine, is hereby revoked effective on publication in the FEDERAL REGISTER since the bridge has been removed, as follows:

§ 203.4 Mount Desert Narrows, Maine; highway bridge between the mainland and Thompson Island at Trenton, Maine. [Revoked]

[Regs., November 21, 1961, 285/91 (Mount Desert Narrows, Maine)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-11620; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2545]

[Oregon 010623]

OREGON

Withdrawing Lands for Protection of the Galice Creek Timber Access Road

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. Subject to valid existing rights, the following-described Revested Oregon and California Railroad grant lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874), and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for protection of the Galice Creek Timber Access road:

WILLAMETTE MERIDIAN

T. 35 S., R. 8 W.,
Sec. 3, SW¼ of lot 9, S½S½SE¼ of lot 9, NE¼ of lot 11, N½N½NW¼ of lot 11, N½SW¼SE¼, S½NW¼SE¼SE¼, and SW¼SE¼SE¼.

Containing approximately 60 acres.

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

DECEMBER 4, 1961.

[F.R. Doc. 61-11628; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2547]

[1926430]

COLORADO

Revoking Public Land Order No. 61 of November 18, 1942, Which Reserved Minerals Belonging to the United States for War Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 61 of November 18, 1942, which reserved the minerals belonging to the United States in the following-described lands within the exterior boundaries of the Arapaho National Forest, under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½S½;
Sec. 31, N½N½.

The areas described, including both national forest and patented lands, aggregate 366.57 acres.

The mineral resources released from withdrawal by this order are hereby restored to the operation of the mining and mineral leasing laws of the United States beginning at 10:00 a.m. on January 9, 1962.

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

DECEMBER 4, 1961.

[F.R. Doc. 61-11629; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2548]

[Fairbanks 026761]

ALASKA

Reserving Lands in Bethel Townsite for Use of Bureau of Indian Affairs

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. Subject to existing valid rights, the following described lands in the Townsite of Bethel are hereby withdrawn from sale or disposal and reserved for use of the Bureau of Indian Affairs as an administrative site:

U.S. SURVEY 3230 A AND B

Block 11: lots 4, 5, 6, and 7.

Containing 1.29 acres.

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

DECEMBER 4, 1961.

[F.R. Doc. 61-11630; Filed, Dec. 7, 1961; 8:45 a.m.]

[Public Land Order 2549]

[New Mexico 075121]

NEW MEXICO

Modification of Grazing District Boundaries, New Mexico Grazing District No. 6

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

The following-described lands are hereby added to and made a part of New Mexico Grazing District No. 6, as heretofore established and modified:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 S., R. 17 E.,
Sec. 1;
Sec. 2, E½, NW¼, and E½SW¼;
Secs. 11 to 14, incl.;
Sec. 23, N½N½, SE¼NE¼, W½SW¼, NE¼SW¼, and SE¼;
Secs. 24 and 25;
Sec. 26, NE¼, S½NW¼, and S½;
Sec. 35.

The areas described aggregate approximately 6,728 acres.

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

DECEMBER 4, 1961.

[F.R. Doc. 61-11631; Filed, Dec. 7, 1961; 8:45 a.m.]