par. 1798(b)(4), as amended (free list); 19 U.S.C. 1201 (par. 1798(b)(4)).)

A new footnote designated 29 is added to read as follows:

[29] "(g) If any jewelry or similar articles of personal adornment having a value of $300 or more which have been exempted from duty under subdivision (1) of subparagraph (b) of this paragraph or any article which has been exempted from duty under subdivision (2)(B) of subparagraph (c) of this paragraph is sold within three years after the date of importation, or if any article which has been exempted from duty under subdivision (3) of subparagraph (b) of this paragraph is sold within one year after the date of importation, without prior payment to the United States of the duty which would have been payable at the time of entry if the article had been entered without the benefit of this paragraph, such article, or its value (to be recovered from the importer), shall be subject to forfeiture. A sale pursuant to a judicial order or in liquidation of the estate of a decedent shall not be subject to the provisions of this subparagraph." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U.S.C. 1201 (par. 1798).)

§ 10.21 [Amendment]

Section 10.21(i) is amended to read:

(i) The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended,[31] may be applied to articles accompanying, and for the personal or household use (not including any business or commercial use of any kind) of, a person arriving in the United States who is not entitled to any exemption under paragraph 1798(b)(2) or (c)(2), of such act. However, any exemption allowed under section 321(a)(2)(B) shall not be applied to articles subject to internal revenue tax other than cigarettes not in excess of 50, cigars not in excess of 10, manufactured tobacco not in excess of ½ pound, alcoholic beverages not in excess of 4 ounces, or alcoholic perfumery not in excess of 4 ounces, and shall not be applied to any article subject to internal revenue tax when an exemption is allowed such articles under § 23.4 of the regulations of this chapter. Family grouping of this $10 exemption is not allowed. If any article accompanying a person is subject to duty or tax by reason of these limitations, no articles accompanying such person shall be exempted from duty or tax under this paragraph.

Footnote 31 appended to § 10.21(i) is amended by inserting "(b)(2) or" between "paragraph 1798" and "(c)(2) of this Act," at the end of the quoted material.

§ 10.22 [Amendment]

Paragraph (d) of § 10.22 is amended by substituting "paragraph 1798(b)(4)" for "paragraph 1798(b)(3)" wherever the latter reference appears in that paragraph.

A new paragraph (e) is added to § 10.22 reading as follows:

(e) A nonresident crewmember shall itemize on his baggage declaration and entry all articles in his possession for which he seeks free entry under paragraph 1798(b)(2), Tariff Act of 1930, as amended, as bona fide gifts. Free entry of bona fide gifts under such provision of law is allowable only when the nonresident officer or crewmember is arriving for the purpose of such law; that is, when he is leaving his employment with one international carrier for a stay in the United States of at least 72 hours before traveling as a passenger or becoming an officer or crewmember again of an international carrier and departing in such status to a place outside the United States. An officer or crewmember who is a nonresident and departs a vessel or other conveyance at a port in this country but who retains his employment with the carrier so that he will be going foreign again in due course of his continuing employment is not treated as arriving when he departs a vessel or other conveyance for shore leave in the United States. (Secs. 201 (par. 1798), 498, 584, 46 Stat. 683, as amended, 728, as amended, 748, as amended; 19 U.S.C. 1201 (par. 1798), 1498, 1584.)

§ 10.26 [Amendment]

Section 10.26(b) is amended by substituting at the end of the next to the last sentence "paragraph 1798 (a), (b)(1), (b)(2), or (b)(3), as amended, for "paragraph 1798 (a), (b)(1), or (b)(2), as amended." The sentence as amended will read: "Citizens of the United States who are employed in a civilian capacity by the Panama Canal and who are not returning residents may include in the corded and sealed packages articles classifiable under paragraph 1798 (a), (b)(1), (b)(2), or (b)(3), as amended."

(R.S. 161, as amended, 251, secs. 201 (par. 1798), 624, 46 Stat. 683, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1201 (par. 1798), 1624)

In Part 23—Enforcement of Customs and Navigation Laws:

§ 23.4 [Amendment]

Section 23.4(a) is amended by substituting "§ 10.22 of the regulations of this chapter, or a Crewmember's Declaration on customs Form 5129," for "§ 10.22(a) of this chapter." at the end of the second sentence. The sentence as amended will read: "When practicable, the clearance of articles through customs shall be made and permission to unladeobtained before they are taken from the vessel but, if at any port or landing place the situation is such that no danger to the revenue will result therefrom, they may be submitted for examination and clearance at the customs office on the pier under a Declaration and Entry of Crewmember for Imported Articles, customs Form 5123, prepared by the crewmember in accordance with § 10.22 of the regulations of this chapter, or a Crewmember's Declaration on customs Form 5129.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

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

Approved: March 2, 1962.
JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-2338; Filed, Mar. 8, 1962; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Dimethyl S-4-oxo-1,2,3-Benzotriazin-3(4H)-ylmethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on artichokes, beans (green), blueberries, cranberries, currants, filberts, spinach, and tomatoes at 2 parts per million. Currants and filberts were later withdrawn from the petition.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.154 (21 CFR 120.154) tolerances for this pesticide chemical in or on artichokes, blueberries, cranberries, snap beans, spinach, and tomatoes. Paragraph designations are deleted to facilitate insertion of new tolerances. as amended, § 120.154 reads as follows:

§ 120.154 Tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate.

Tolerances for residues of *O,O-dimethyl* *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on raw agricultural commodities are established as follows:

5 parts per million in or on grapes.

2 parts per million in or on apples, apricots, artichokes, blueberries, broccoli, cabbage, cauliflower, cherries, crabapples, cranberries, nectarines, onions, peaches, pears, plums (fresh prunes), quinces, snap beans, spinach, strawberries, tomatoes.

0.5 part per million in or on cottonseed.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: February 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-2330; Filed, Mar. 8, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Benefits

In § 7.27, the introductory paragraph is amended to read as follows:

§ 7.27 Benefits.

Any policy found to be entitled to protection under the provisions of the act will not lapse or otherwise terminate or be forfeited for the nonpayment of a premium or the nonpayment of any indebtedness or interest during the period of military service of the insured and two years after the expiration of such service, but this guarantee will not extend for more than two years after the date when the act ceases to be in force. If the insured reenters military service during the two-year period following separation from such service and the policy is under the protection of the act on the date of reentry, such reentrance shall be deemed to be a continuation of the previous military service. In such case, in the absence of written instruction from the insured to the contrary, the protection under the act will continue during the period of military service of the insured and two years after the expiration of such service, but the guarantee will not extend for more than two years after the date when the act ceases to be in force.

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

This regulation is effective March 9, 1962.

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

[F.R. Doc. 62-2337; Filed, Mar. 8, 1962; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

In Subpart 5-2.3—Submission of Bids, §§ 5-2.301 and 5-2.302 are added to read as follows:

§ 5-2.301 Responsiveness of bids.

Except as provided in § 1-2.405 and this § 5-2.301, all bids which are not signed by the bidder or his authorized representative shall be disregarded. When an unsigned bid is accompanied by other material or evidence which, in the contracting officer's opinion, demonstrates the bidder's intention to be bound by the unsigned bid document, the contracting officer shall document the file so as to indicate that the omission is considered a minor informality or irregularity in accordance with the provisions of § 1-2.405.

§ 5-2.302 Time of bid submission.

Where telegraphic bids are authorized, a telegraphic bid received by telephone from the receiving telegraph office before the time fixed for opening bids shall be considered if such bid is confirmed by the telegraph company with a written telegram. In such cases the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bid file.

Under § 5-2.303 *Late bids*, §§ 5-2.303-1 (a) and 5-2.304 are revised to read as follows:

§ 5-2.303-1 General.

(a) Upon receipt of a bid delivered by mail (or telegraph, when authorized) after the bid opening time, the bid custodian shall record it on the duplicate copy of the list of bidders prescribed in § 5-2.401 and show in addition the date, hour, and place of mailing. In the case of late telegraphic bids, the time and place of filing will be recorded, if shown. After recording, such bids shall be delivered immediately to the responsible contracting officer who shall acknowledge receipt thereof on the duplicate copy of the list of bidders and record the bidder's name and address on the original list of bidders. Delivery of late bids which bear insufficient postage shall be accepted if received prior to award.

§ 5-2.304 Modification or withdrawal of bids.

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to assure opening at the same time. A telegraphic modification or withdrawal of a bid received by telephone from the receiving telegraph office prior to the time fixed for opening of bids shall be considered if such message is confirmed by the telegraph company with a written telegram. In such cases, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bid file. When such a modification results in a bid most advantageous to the Government, the contract award shall be withheld until receipt of a written telegraphic modification of the bid.

(b) The receipt required by § 1-2.304 for withdrawal of a bid in person by a bidder or his authorized representative before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized (agent for, official of, employee of, representative of*)

(Bidder's name and address)

whose bid on IFB No. ---- is scheduled for opening on ----------. I hereby withdraw that bid from consideration.

(Name)

(Date)

Receipt is hereby acknowledged of the return of the above mentioned IFB.

(Name)

(Date)

*Delete inapplicable categories.

In Subpart 5-2.4—Opening of Bids and Award of Contract:

§ 5-2.401 [Amendment]

Section 5-2.401(d)(4) is amended to read as follows:

(4) Insufficient postage on bid envelopes or samples shall not be a reason for failure to accept delivery of such bids or samples.

§ 5-2.402 [Amendment]

Section 5-2.402(b) is amended to read as follows:

(b) All bids shall be opened by the contracting officer, or his designee, responsible for the procurement. The designee shall be a fully qualified employee of the contracting officer. However, upon authorization of the Head of the Service or Staff Office involved, and the Assistant Administrator for Congressional and Public Affairs, bids may be opened by selected Business Service Center personnel. Normally such authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or his designee to be present to open bids.

The heading for § 5-2.407-6 is amended to read as follows:

§ 5-2.407-6 Equal low bid.

Sections 5-2.407-50, 5-2.407-51, 5-2.407-52, and 5-2.407-54 are added to read as follows:

§ 5-2.407-50 All or none bids.

(a) In the evaluation of bids for definite quantities, the lowest acceptable bid, exclusive of "all or none" bids, shall be selected with respect to each item and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" bid. Award then shall be made so as to result in the lowest total cost to the Government.

(b) In the evaluation of bids for indefinite quantities when the invitation for bids does not provide for aggregate awards only (see § 5-2.201-54), bids submitted on an "all or none" basis shall not be considered unless the bid is low on each item to which the "all or none" offer applies.

§ 5-2.407-51 Progressive awards.

When the invitation for bids provides for progressive awards in accordance with § 5-2.201-55, award shall be made first to the lowest acceptable bidder in the quantities he has offered, and then progressively to the next higher acceptable bidders until the needs of the Government have been met.

§ 5-2.407-52 Evaluation of f.o.b. prices.

(a) When an invitation for bids provides for bid prices based on delivery at destination, all bids based on f.o.b. shipping point shall be rejected. Where no acceptable bids based on f.o.b. destination are received, or where comparison of prices f.o.b. shipping point and f.o.b. destination indicates that readvertisement would otherwise be in the best interests of the Government, the requirement should be readvertised and provision made for bidders to bid both f.o.b. shipping point and f.o.b. destination.

(b) When the invitation for bids permits bid prices on an f.o.b. destination basis or an f.o.b. shipping point basis, or both, bids shall be considered and award made on whichever basis will result in the lowest overall cost to the Government. In such cases, all pertinent factors, including transportation costs and bill of lading preparation and processing costs, shall be considered.

§ 5-2.407-54 Identical bids.

When identical bids are received, reports shall be prepared and transmitted to the Department of Justice.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 5, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-2346; Filed, Mar. 8, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 27]

CAPE COD NATIONAL SEASHORE; ZONING STANDARDS

Proposed Regulations Specifying Standards for Approval by Secretary of the Interior of Zoning Bylaws

Notice is hereby given that, pursuant to section 5 of the Act of August 7, 1961 (75 Stat. 284, 290), providing for the establishment of the Cape Cod National Seashore, it is proposed to amend Title 36, Code of Federal Regulations, by the addition of a new part, specifying standards for approval by the Secretary of the Interior of zoning bylaws, as set forth below. The said Act of August 7, 1961, exempts from condemnation improved residential properties upon which construction was begun before September 1, 1959, if duly adopted valid zoning bylaws approved by the Secretary are in force and applicable to such properties. The purpose of the proposed regulations is to establish general criteria or standards that will facilitate adoption of zoning bylaws by the towns in which the seashore is located, which bylaws will meet the approval of the Secretary of the Interior. Pursuant to section 5 of the Act of August 7, 1961 (75 Stat. 284, 290), these proposed regulations are required to be submitted to the Congress and to the towns in which the Cape Cod National Seashore is situated at least 90 calendar days before they become effective. The 90-day period may not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain. It is the purpose of such advance notice to give members of Congress, the affected towns, and all interested persons an opportunity to submit written data, views, or suggestions in connection with this matter so that they may be carefully considered and evaluated before the proposed standards are promulgated and become effective. Copies of these proposed regulations specifying standards for the approval of zoning bylaws at the Cape Cod National Seashore are being submitted to the Congress and the towns in which the seashore is situated.

In addition all others who wish to submit written comments, suggestions or recommendations with respect to the proposed regulations may present a written statement to the Director, National Park Service, Department of the Interior, Washington 25, D.C., within 30 days after this notice is published in the FEDERAL REGISTER.

Part 27, reading as follows, is added to Title 36 CFR:

PART 27—CAPE COD NATIONAL SEASHORE; ZONING STANDARDS

AUTHORITY: §§ 27.1 to 27.5 issued under sec. 5, 75 Stat. 290, sec. 3, 39 Stat. 535, 16 U.S.C. 3.

§ 27.1 General objectives.

(a) Subject to the standards prescribed in section 7 of the Act of August 7, 1961 (75 Stat. 791), development and management of the Cape Cod National Seashore will be conducted in a manner which will assure the widest possible public use, understanding and enjoyment of its natural, historic and scientific features. In compliance with section 5(a) of that Act, these regulations are designed and promulgated to establish minimum standards which local zoning bylaws must meet in furtherance of that objective.

(b) These regulations are intended (1) to promote preservation and development, in accordance with the purposes of the Act of August 7, 1961 (75 Stat. 284, 290), of the area comprising the seashore, consistent with the laws of the Commonwealth of Massachusetts: and (2) to contribute to the effect of prohibiting the commercial and industrial use, other than any commercial or industrial use existing on or before the effective date of these standards and which is determined by the Secretary as not inconsistent with the purposes and objectives of the said Act, of all property within the boundaries of the seashore and situated within the towns adopting zoning bylaws. Zoning bylaws or amendments of zoning bylaws applicable to the area within Cape Cod National Seashore, in order that they may be approved, shall conform to the standards hereinafter set forth relating to the preservation and development of the seashore in accordance with the purposes of the said Act, and they shall provide that the Secretary be given notice of any amendment to approved bylaws. Nothing in these standards or in the zoning bylaws adopted pursuant thereto for the area within Cape Cod National Seashore shall preclude the Secretary of the Interior from fulfilling the responsibilities vested in him by the said Act, or by the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

§ 27.2 Commercial and industrial activities.

Zoning bylaws shall preclude the establishment of any commercial or industrial zones within the Cape Cod National Seashore.

§ 27.3 Seashore scenic zone.

(a) Definition: The seashore scenic zone shall include all those portions of the towns lying within the exterior boundaries of the Cape Cod National Seashore, except those areas which comprise the seashore historical zone described in § 27.4 of this part.

(b) Zoning bylaws shall provide that properties within the seashore scenic zone be maintained in accordance with the objectives of the Act of August 7, 1961, to the end that the scenic and scientific values of the area will be protected, that undeveloped areas be preserved in an unspoiled natural condition, and that the residential character of existing residential structures be maintained.

(c) No moving, alteration, or enlargement of the one-family residential dwellings or structures appurtenant thereto situated within this zone shall be permitted if such would afford less than a 50-foot setback from all streets measured at a right angle with the street line, and a 25-foot distance from the abutters' property lines, or less than such setbacks or distances as already exist for the dwellings or appurtenant structures. Changes in lot sizes shall not result in reduction of lot frontage to less than 150 feet.

(d) (1) Such bylaws shall contain regulations designed to preserve the seashore character of the area by appropriate restrictions upon the filling or clearing of land and cutting of timber, or the removal of topsoil, sand, gravel, boulders larger than 18 inches in diameter, or stone walls.

(2) Such bylaws shall prohibit the burning of cover, dumping, storage or stock piling of refuse and unsightly objects or other uses which would detract from the natural seashore scene.

(e) Zoning bylaws for the seashore scenic zone may permit: Partial use of dwellings by residents as a professional office (for such purposes as, but not limited to, the practice or purpose of theology, law or medicine); the existence of structures such as a garage, barn or boathouse appurtenant to any dwelling; display of a sign, which may be indirectly but not directly illuminated and not to exceed two square feet in area, referring to the occupancy, sale, or rental of the premises; and the traditional agricultural uses of cleared land, but not including such objectionable uses as a piggery or the raising of livestock or poultry for commercial purposes.

(f) Zoning bylaws for the seashore scenic zone may authorize continuation of such uses in private homes as are traditional to the communities, as for example, artists' studios, the opening of shellfish, storage of fishing equipment, such small scale home occupations as the making and selling of traditional Cape Cod products produced on the premises, and private rental of the premises and serving of meals by residents of the premises to overnight guests, as long as these activities do not alter the essential character of the dwelling as a private residence. Zoning bylaws for the seashore scenic zone shall preclude the establishment of commercial or industrial ventures, other than those of the types described above.

§ 27.4 Seashore historical zone.

(a) The following three districts shall comprise the Seashore Historical Zone:

Little Pamet Historical District

Beginning at a point on the Cape Cod National Seashore Boundary .5 of a mile east from the easterly right-of-way of U.S. Highway 6 and 700 feet northwesterly of Longnook Road, thence in a northeasterly direction generally paralleling Longnook Road a distance of 2,500 feet to a point, thence turning at 90° and running in a southeasterly direction a distance of 2,300 feet to a point, thence turning 90° in a southwesterly direction a distance of 750 feet to the intersection of the Seashore boundary line, thence continuing along said boundary line to the point of beginning.

Pamet Valley Historical District

Beginning at a point on the Cape Cod National Seashore boundary .5 of a mile east of U.S. Highway 6 and 300 feet north of North Pamet Road and continuing in a northeasterly direction paralleling North Pamet Road at a distance of 300 feet therefrom to the east side of secondary sand road, thence following in a generally northeasterly direction following the east and south side of said road to a "T" intersection with north-south road, thence turning south and following along the west side of north-south road to the intersection of North Pamet Road, thence turning southwest and following north right-of-way of North Pamet Road a distance of 200 feet to a point, thence turning in a generally southerly direction crossing North Pamet Road, bisecting bench mark elevation 29 feet and continuing in a straight line bisecting U.S. Government Survey marker and continuing on the same course to a point 500 feet south of said Government Survey marker, thence meandering in a generally westerly direction and paralleling South Pamet Road a distance of 500 feet therefrom to a point on the Cape Cod National Seashore boundary, thence turning in a northerly direction and following the Cape Cod National Seashore boundary to the point of beginning.

Bound Brook Island Historical District

Beginning at a point on the Cape Cod Bay at low water mark 2,600 feet south from monument marking a point on the Truro-Wellfleet town line and running east a distance of 1,400 feet to a point at the intersection of a sand road with the Bound Brook Island Road, thence turning 90° south 500 feet to a point, thence turning 90° east 2,500 feet to a point, thence turning in a north-easterly direction 2,000 feet to a point on the westerly right-of-way of Bound Brook Island Road and continuing and meandering along the westerly right-of-way of said Bound Brook Island Road and Old County Road to the intersection of the Cape Cod National Seashore boundary, thence turning in a south-westerly direction and following said Seashore boundary 3,400 feet to the point of low water on the Cape Cod Bay, thence turning south and continuing along low water mark 4,400 feet to the point of beginning.

(b) The provisions of § 27.3 shall be applicable to the seashore historical zone insofar as they are not inconsistent with the provisions of paragraph (c) of this section.

(c) Zoning bylaws for the seashore historical zone shall require that the exterior of buildings within such zone shall not be altered in any manner, removed, or changed in color, except to the extent that such alterations may be authorized under the bylaws in accordance with § 27.5.

§ 27.5 Variances and exceptions.

(a) Zoning bylaws may provide for variances and exceptions.

(b) Any such bylaws shall contain provisions which would constitute notice to applicants for variances and exceptions that, under section 5(d) of the Act, the Secretary of the Interior is authorized to withdraw the suspension of his authority to condemn with regard to improved property made the subject of a variance or exception which fails to conform or is in any manner opposed to or inconsistent with the objectives of the Act to preserve the scenic or historic character of the seashore. The Secretary may be consulted at any time by zoning authorities or by the landowner regarding the effect of the proposed variance or exception upon the status of the affected land with regard to the suspension of the Secretary's authority to condemn.

(c) The Secretary shall be notified of the granting of any variance or exception.

Done at Washington, D.C., this 3d day of March 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-2313; Filed, Mar. 8, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Ch. X]

[Docket Nos. AO-324 and AO-338]

MILK IN WESTERN NORTH DAKOTA AND MINNESOTA-NORTH DAKOTA MARKETING AREAS

Findings and Determinations of Referendum and Termination of Proceedings on Proposed Marketing Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fargo and Minot, North Dakota, on July 12-20, 1960 pursuant to notice thereof issued on June 20, 1960 (25 F.R. 5778) on a proposed marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area.

The recommended decision of the Under Secretary, United States Department of Agriculture, was issued on August 22, 1961 (26 F.R. 8012) and the final decision of the Assistant Secretary was issued on November 27, 1961 (26 F.R. 11317) setting forth proposed marketing agreements and orders as the appropriate means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The final decision of the Assistant Secretary directed that a referendum be conducted among producers in each market to determine whether the required percentage of producers favored issuance of the proposed order.

It is hereby found and determined from the referendum in each area conducted pursuant to the aforesaid referendum order that the issuance of the proposed orders regulating the handling of milk in the Western North Dakota and Minnesota-North Dakota marketing areas as set forth in the aforesaid decision is not favored by the required percentage of producers who voted in the aforesaid referendum in each market.

It is hereby found and determined that the proposed orders set forth in the decision of the Assistant Secretary of November 27, 1961 (26 F.R. 11317) shall not be made effective because the required percentage of producers voting in each referendum failed to approve or favor their issuance. Accordingly, the proceedings with respect thereto are hereby terminated.

Signed at Washington, D.C., on March 5, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-2345; Filed, Mar. 8, 1962; 8:50 a.m.]

[7 CFR Part 1073]

[Docket No. AO-173-A13]

MILK IN WICHITA, KANSAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lassen Hotel, 155 North Market Street, Wichita, Kansas, beginning at 10:00 a.m., local time, on March 13, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Wichita, Kansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Southwest Milk Producers Association of Wichita, Kansas:

Proposal No. 1. Delete the following words in the first sentence of § 1073.51 (a): "for each of the 12 months immediately following the effective date of this amendment".

Proposed by the Beatrice Foods Company of Chicago, Illinois:

Proposal No. 2. Classify nonfat solids used to fortify fluid milk products in Class III.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Kenneth M. Fell, 2700 East Central, Wichita, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on March 5, 1962.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-2321; Filed, Mar. 8, 1962; 8:47 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 577) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing the issuance of a regulation to provide for the safe use of chlortetracycline in drinking water at not less than 100 milligrams nor more than 400 milligrams per gallon for the prevention or treatment of diseases of turkeys and chickens, except laying hens. This medication may be supplemented by feeds containing 200 grams per ton of chlortetracycline.

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2324; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 604) has been filed by Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis 8, Tennessee, proposing the issuance of a regulation to provide for the safe use of a combination of disodium cyanodithioimidocarbonate, ethylenediamine, and potassium *N*-methyldithiocarbamate in the production of raw canesugar and blackstrap molasses for microorganism control.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2325; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 534, 556 and 706) have been filed by The Burtonite Company, P.O. Box 7, Nutley 10, New Jersey; Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, Virginia, and Puget Sound Pulp and Timber Co., Bellingham, Washington, proposing the issuance of a regulation to provide for the safe use of calcium or sodium salts of lignin extract as a pelleting aid in animal feeds.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2326; Filed, Mar. 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 697) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, N.J., proposing the issuance of a regulation to provide for the safe use in turkey feed of amprolium, not less than 0.0125 percent and not more than 0.025 percent as an aid in preventing outbreaks of coccidiosis; in combination with 75 grams of streptomycin per ton and 15 grams of penicillin per ton of finished feed, for the prevention of early mortality of poults due to organisms that are sensitive to these antibiotics, and for treating chronic respiratory disease, infectious sinusitis, and blue comb.

Dated: March 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2327; Filed, Mar. 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 575) has been filed by Merck Chemical Division, Merck and Co., Inc., Rahway, N.J., proposing the issuance of a regulation to provide for the safe use of amprolium with bacitracin methylene disalicylate in chicken feed, as follows:

Amprolium not less than 0.0125 percent and not more than 0.025 percent as an aid in preventing outbreaks of coccidiosis, with:

1. Bacitracin methylene disalicylate not less than 50 grams nor more than 100 grams per ton of complete feed for the prevention of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever);

2. Bacitracin methylene disalicylate not less than 100 grams nor more than 200 grams per ton of complete feed for treatment of chronic respiratory disease, infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever).

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2328; Filed, Mar. 8, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 699) has been filed by Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wisconsin, proposing the issuance of a regulation to provide for the safe use of bacitracin or a combination of bacitracin and procaine penicillin (in 3:1 ratio) in chicken and turkey feed, as follows:

1. Feed grade bacitracin, or feed grade bacitracin plus procaine penicillin (3:1 ratio) at 50 grams to 100 grams of antibiotics per ton of complete ration for the prevention of:

(a) Chronic respiratory disease of chickens and turkeys;

(b) Infectious sinusitis of turkeys;

(c) Blue comb (nonspecific infectious enteritis, mud fever) of chickens and turkeys;

(d) Early mortality in chicks.

2. Feed grade bacitracin, or feed grade bacitracin plus procaine penicillin (3:1 ratio) at 100 grams to 500 grams of antibiotic per ton of complete ration for treatment of the conditions specified under 1.

Dated: March 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-2329; Filed, Mar. 8, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1094]

GRAVINER MARK 2 FIRE EXTINGUISHER CARTRIDGES

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive superseding Amendment 241, 26 F.R. 161 (AD 61-2-1), which requires inspection of the Graviner Mark 2 fire extinguisher cartridges every 550 hours' time in service. It has been found that many operators of aircraft equipped with the Graviner fire extinguishers have not operated as much as 550 hours since the issuance of the AD. Since corrosion of the igniter wire in the extinguisher cartridge is a function of calendar time as well as operating time, it is proposed to specify compliance in terms of calendar time as well as time in service. Also, since there has been some confusion in identification of Graviner units provided by Fenwal, Incorporated, the United States associate of the Graviner Manufacturing Company, the AD will be revised in this regard.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 10, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GRAVINER. Applies to aircraft equipped with automatic fire extinguisher cartridge Mark 2, A-716, A-717, A-718, A-719, and Fenwal P/N 690202-3, A-716, A-717, A-718, A-719. (The Fenwal installations noted are Graviner systems. Some Mark 2 cartridges modified to Mark 3 have "-3" added to the number on the flat plate, i.e., A-716-3 etc. This AD does not apply to Mark 3 cartridges.)

Compliance required as indicated.

As a result of instances of the igniter wire in extinguisher cartridges becoming corroded in service, the following shall be accomplished:

(a) Within the next 275 hours' time in service or the next 60 days, whichever occurs first after effective date of this AD, unless already accomplished within the past 275 hours' time in service or the past 60 days, conduct a continuity inspection of the cartridge circuits using a safety ohmmeter which restricts the current used to 13 milliampers. A resistance reading of between 5 and 6 ohms indicates a serviceable fuse wire. A resistance reading not between 5 and 6 ohms indicates a defective fuse wire. Repetitive inspection of all cartridge circuits shall be accomplished within each succeeding 550 hours' time in service or 120 days, whichever occurs first after the last inspection.

(b) Replace defective Mark 2 cartridges with either serviceable Mark 2 cartridges or with Mark 3 cartridges which have an improved fuse wire. If Mark 2 cartridges are installed the repetitive inspection specified in (a) shall be continued. If Mark 3 cartridges are installed the repetitive inspections specified in (a) may be discontinued.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Graviner Technical Notice No. 2 covers this subject.)

This supersedes Amendment 241, 26 F.R. 161 (AD 61-2-1).

Issued in Washington, D.C., on March 2, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-2302; Filed, Mar. 8, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-LA-10]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the Federal Aviation Agency within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation.

Prior to the implementation of these procedures, the Federal Aviation Agency processed a number of airspace dockets containing amendments to the Regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for further adjustments in the amount of controlled airspace necessary to accommodate the procedures.

To effect such necessary adjustments in the Fillmore-Oxnard, Calif., area, the Federal Aviation Agency is considering the designation of a transition area at Fillmore to extend upward from 1,200 feet above the surface within the area west and southwest of Fillmore bounded on the north and northeast by VOR Federal airway No. 12, on the east by VOR Federal airway No. 107, on the south by VOR Federal airway No. 25, and on the west by Victor 25 and VOR Federal airway No. 485. This would provide protection for aircraft in holding patterns northwest of the Fillmore VORTAC on Victor 12, north of the Camarillo, Calif., radio range, and north and west of the Saddle Intersection (intersection of the Fillmore VORTAC 163° and the Oxnard VOR 107° True radials).

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2303; Filed, Mar. 8, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-NY-123]

CONTROLLED AIRSPACE

Proposed Designation of Transition Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 of the regulations of the administrator, the substance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the FAA within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation.

Prior to the implementation of these procedures, the Federal Aviation Agency processed a number of airspace dockets containing amendments to the regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for further adjustments in the amount of controlled airspace necessary to accommodate these procedures.

To effect such necessary adjustments in the Watkins Glen, N.Y., and the Elkland, Pa., areas, the Federal Aviation Agency is considering the following airspace actions:

1. The Watkins Glen, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northeast and 10 miles southwest of the Watkins Glen VOR 120° and 300° True radials extending from 9 miles southeast to 20 miles northwest of the VOR. This would provide protection for aircraft in holding patterns at the Watkins Glen VOR.

2. The Elkland, Pa., transition area would be designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 11 miles southeast of the Elmira, N.Y., VOR 252° True radial extending from 9 miles southwest to 40 miles southwest of the VOR, excluding the portion which would coincide with the Slate Run, Pa., transition area (§ 601.10836) and the Stonyfork, Pa., transition area (§ 601.10914). This would provide protection for aricraft in holding patterns at the Elkland Intersection (intersection of the Elmira VOR 252° and the Stonyfork VORTAC 007° True radials).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 2, 1962.

CLIFFORD P. BURTON,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 62-2304; Filed, Mar. 8, 1962; 8:45 a.m.]