Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards For Grades of Green Olives [1]

UNIFORMITY OF SIZE

A proposal to amend the United States Standards for Grades of Green Olives was published in the FEDERAL REGISTER of June 17, 1967 (32 F.R. 8719). Interested persons were given 30 days to submit written data, views, or arguments.

Statement of consideration leading to the amendment. Only one recommendation was received in response to the notice of proposed rule making. The recommendation was not adopted because it would have made the provisions of the proposed amendment applicable only to green olives that had been grown in California. After considering the submitted recommendation and the proposal set forth herein, the following amendment to the United States Standards for Grades of Green Olives is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The amendment is:

Section 52.5452(d) is changed to read:

§ 52.5452 Uniformity of size.

* * * * *

(d) (C) *Classification.* Whole, pitted, and stuffed style green olives of a single size that are fairly uniform in size may be given a score of 14 or 15 points. Green olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that of all the olives, in 60 percent, by count, that are most uniform in diameter the olive with the largest diameter does not exceed the olive with the smallest diameter by more than 1/16 inch. Olives of whole style that count 221 to 275 per pound shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product.

* * * * *

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The amendment to the United States Standards for Grades of Green Olives, contained in this subpart, shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the applicable section of the United States Standards for Grades of Green Olives which have been in effect since January 3, 1967.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: August 3, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-9282; Filed, Aug. 8, 1967; 8:47 a.m.]

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

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

[Amdt. 1]

PART 893—PUERTO RICO

Computation of Sugar Act Payment

Federal Register document 67-8379 published on page 10638 in the FEDERAL REGISTER dated July 20, 1967, is corrected by changing the 6th figure in the 3d column of the table in § 893.11 to read 6,050.00 instead of 6,060.00.

Effective date: August 9, 1967.

Signed at Washington, D.C., on August 2, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9281; Filed, Aug. 8, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 213, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 908.513 (Valencia Orange Regulation 213, 32 F.R. 11073) are hereby amended to read as follows:

§ 908.513 Valencia Orange Regulation 213.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 168,000 cartons;

(ii) District 2: 532,000 cartons;

* * * * *

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

Dated: August 4, 1967.

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

[F.R. Doc. 67-9283; Filed, Aug. 8, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8697o]

PART 13—PROHIBITED TRADE PRACTICES

Coran Bros. Corp. and John and Charles Coran

Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1685 *Nature;* § 13.1715 *Quality.*

(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, Coran Bros. Corporation et al., Boston, Mass., Docket 8697, July 11, 1967]

In the Matter of Coran Bros. Corporation, a Corporation, and John Coran and Charles Coran, Individually and as Officers of said Corporation

Order requiring a Boston, Mass., distributor of commercial solders to cease misrepresenting the nature, quality or composition of any of its solder products.

The order to cease and desist is as follows:

It is ordered, That respondents, Coran Bros. Corp., a corporation, and its officers, and John Coran, individually and as an officer 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 or distribution of solders, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the designation 50/50 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 50 percent tin by weight: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondent to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(2) Using the designation 40/60 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 40 percent tin by weight: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondent to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(3) Misrepresenting by any numerical designation or in any other manner the nature, quality or composition of any of their solders.

It is further ordered that the complaint be, and the same hereby is, dismissed as to Charles Coran in his individual capacity.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within 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: July 11, 1967.

By the Commision. In view of the unusual circumstances presented by this record, Commissioners Elman and Jones do not believe it is necessary to hold individual respondent John Coran.

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

[F.R. Doc. 67-9266; Filed, Aug. 8, 1967; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6926]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Date of Sale in the Case of Short Sales of Stock or Securities at a Loss

On May 2, 1967, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 1091 (relating to wash sales of stock or securities) and 1233 (relating to gains and losses from short sales) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (32 F.R. 6691). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

Approved: August 4, 1967.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

PARAGRAPH 1. Section 1.1091–1 is amended by redesignating paragraph (g) as paragraph (h) and by adding a new paragraph (g). This added provision reads as follows:

§ 1.1091–1 Losses from wash sales of stock or securities.

* * * * *

(g) For purposes of determining under this section the 61-day period applicable to a short sale of stock or securities, the principles of paragraph (a) of § 1.1233–1 for determining the consummation of a short sale shall generally apply except that the date of entering into the short sale shall be deemed to be the date of sale if, on the date of entering into the short sale, the taxpayer owns (or on or before such date has entered into a contract or option to acquire) stock or securities identical to those sold short and subsequently delivers such stock or securities to close the short sale.

* * * * *

PAR. 2. Paragraph (a) of § 1.1233–1 is amended by adding a new subparagraph (5). This added provision reads as follows:

§ 1.1233–1 Gains and losses from short sales.

(a) *General.* * * *

(5) For rules for determining the date of sale for purposes of applying under section 1091 the 61-day period applicable to a short sale of stock or securities at a loss, see paragraph (g) of § 1.1091–1.

* * * * *

PAR. 3. The amendment is effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the special rule treating the date of entering into a short sale as the date of sale shall be applied only in the case of short sales entered into after the date on which this notice is published in the FEDERAL REGISTER.

[F.R. Doc. 67-9300; Filed, Aug. 8, 1967; 8:51 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR ADMINISTRATION AND DEPUTY AND DIRECTOR OF MANAGEMENT DIVISION AND DEPUTY

In § 200.68 new paragraphs (l) and (m) are added to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(l) To approve for payment travel and other expenses incidental to the transfer of an employee to a new duty station, as provided in the Administrative Expenses Act.

(m) To authorize the issuance of Consolidated Travel Authorizations and the procurement of automobiles from the GSA Interagency Motor Pool, and to approve the use of Government owned or leased motor vehicles between the employee's residence and place of employment, in those cases in which it is determined that such use is necessary for the proper performance of the official duties of the employee involved, and the interests of the Government are best served.

In § 200.72 the introductory text is amended and a new paragraph (k) is added to read as follows:

§ 200.72 Director of the Management Division and Deputy.

To the position of Director of the Management Division and under his general supervision to the Deputy Director of the Management Division, and with respect to paragraphs (g), (h), and (i) of this section to the Chief of the Contracting Section there is delegated the following basic authority and functions:

* * * * *

(k) To authorize the issuance of Consolidated Travel Authorizations and the procurement of automobiles from the GSA Interagency Motor Pool, and to approve the use of Government owned or leased motor vehicles between the employee's residence and place of employment, in those cases in which it is determined that such use is necessary for the proper performance of the official duties

of the employee involved, and the interests of the Government are best served.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 2, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9267; Filed, Aug. 8, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising in Foreign Countries

In § 536.26, paragraphs (i)(1)(iv), (k)(3), (n)(4), (5), (6), and (7), and (p)(2)(iv) are revised, as follows:

§ 536.26 Claims arising in foreign countries.

* * * * *

(i) *Causation.* (1) * * *

(iv) Civilian employees who are not U.S. citizens, and who were hired in the country in which they are employed and in which the incident occurred while acting within the scope of employment. Claims arising from the operation of U.S. Armed Forces vehicles or other equipment by the employees described in the preceding paragraph may be paid, even though the employees are not acting within the scope of their employment, provided the employer and owner of the vehicle or other equipment would be liable under local law in the circumstances involved.

* * * * *

(k) *Claims not payable.* * * *

(3) Falls under the Federal Employees' Compensation Act (5 U.S.C. 8101–8150); the Longshoremen's and Harbor workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), as made applicable to civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces. See 5 U.S.C. 8171–8175; or other workmen's compensation laws or regulations, including local laws or custom, concerning which contribution is made or insurance premiums paid, directly or indirectly, on behalf of the injured employee of the United States, unless—

(i) The injuries did not result from a normal risk of employment,

(ii) Compensation is not payable under any of the above, and

(iii) Consideration of the claim under this section is authorized by the Chief, U.S. Army Claims Service.

* * * * *

(n) *Foreign claims commissions.* * * *

(4) *Monetary jurisdiction.* A one-member foreign claims commission who is an officer of The Judge Advocate General's Corps may approve in full, in part, or disapprove claims presented in, or amended to, an amount not in excess of $1,000. The monetary jurisdiction of all other one-member foreign claims commissions is limited to $250. A three-member commission is authorized to settle claims which, as presented or amended, are for not more than $15,000, and claims in excess of $15,000 which the Secretary of the Army or his designee has determined to be meritorious in an amount not in excess of $15,000. Any allowance exceeding $5,000 requires the approval of the appointing authority, or his staff judge advocate. The execution of a settlement agreement in an amount less than the amount originally claimed constitutes an amendment of the claim. Thus, a commission may consider and settle a claim regardless of the amount originally claimed provided a settlement agreement is executed for an amount within its jurisdiction. Similarly, a claim may be amended by an unequivocal statement in writing from claimant to the effect that he will accept in settlement less than the amount originally claimed.

(5) *Consideration.* After it receives a claim, a foreign claims commission may initiate or request any further investigation considered necessary for proper consideration of the claim. If considered necessary, hearings may be conducted. It may confer with the claimant to determine pertinent facts or, in an appropriate case (e.g., a claim filed for an amount in excess of the commission's jurisdiction but considered meritorious in an amount within its jurisdiction), point out to claimant that early settlement could be facilitated by amending the claim to an amount within the jurisdiction of the commission. The commission's action will be in the form of a seven-paragraph memorandum or a small claims certificate, DA Form 1668.

(6) *Settlement authority*—(i) *Claims not in excess of $1,000.* A one-member foreign claims commission who is an officer of The Judge Advocate General's Corps may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $1,000. Any other one-member foreign claims commission may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $250.

(ii) *Claims not in excess of $5,000.* A three-member foreign claims commission has authority to approve in full, in part, or disapprove, claims presented for, or amended to, an amount not in excess of $5,000.

(iii) *Claims not in excess of $15,000.* A three-member foreign claims commission may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $15,000; however, an award in excess of $5,000 is subject to approval by the appointing authority. When a commission recommends payment of an amount in excess of $5,000, but not in excess of $15,000, the appointing authority may:

(*a*) Approve the recommended award, or any lesser amount over $5,000,

(*b*) Disapprove any award over $5,000 and return the claim to the commission, which may, after giving consideration to whatever amount is considered payable by the appointing authority, pay any amount not to exceed $5,000, or

(*c*) Inform the commission that the claim is not considered meritorious in any amount and request that it reconsider its action. After considering the determination of the appointing authority, the commission may disapprove the claim or pay any amount not exceeding $5,000.

An appointing authority may designate his staff judge advocate to act for him on all claims matters.

(iv) *Claims in excess of $15,000.* Claims in excess of $15,000 which are not amended to an amount within the monetary jurisdiction of a three-member foreign claims commission will be forwarded through the appointing authority to the Chief, U.S. Army Claims Service for action by the Secretary of the Army. The claim file will contain a seven-paragraph memorandum prepared by a three-member foreign claims commission recommending the action to be taken by the Secretary of the Army. If the claim is cognizable under the Foreign Claims Act, the Secretary of the Army, or his designee, may:

(*a*) Disapprove the claim;

(*b*) Determine the claim is meritorious in an amount not in excess of $15,000 and refer it to an appropriate three-member foreign claims commission for settlement; or

(*c*) Approve the claim in an amount in excess of $15,000, and after receipt of an agreement by claimant to accept the award in full satisfaction of the entire claim, refer it to Congress for its consideration.

Foreign claims commissions should, in appropriate cases, consult with claimants with a view to obtaining a reduction of the claim to $15,000, or less in order to obviate the need for Secretarial action.

(7) *Reconsideration.* (i) While there is no appeal from the action of a foreign claims commission, any request from a claimant, or someone acting in his behalf, which in effect asks for a change in the commission's action, will be treated as a request for reconsideration and referred to the commission which acted on the claim, if it is still in existence. If that commission is no longer in existence, a different commission will be designated by the Chief, U.S. Army Claims Service to act as a successor commission.

(ii) A foreign claims commission may, upon request, or upon its own initiative, reconsider a claim which it previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that the original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If it determines that the original action was incorrect, it will modify the action and, if appropriate, make a supplemental payment. The basis