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# Rules and Regulations

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 45]

### PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

#### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 11th day of January 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and It appearing that Notice No. 45, dated November 17, 1960, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on November 24, 1960 (25 F.R. 11174), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 45 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 45, dated November 17, 1960, as revised by the specific deletions and modifications set forth as follows:

1. Delete the entire proposed amendment of § 73.100(aa).
2. Delete the entire proposed amendment of § 73.206(c).
3. In § 73.314 paragraph (a), amend Note 19.
4. In § 73.315 paragraph (a), amend Note 9; delete the proposed amendments of paragraphs (i) (1) and (10) and footnote 1 thereto.
5. In § 73.414 paragraph (d), change the label.
6. In § 74.532 paragraph (j), amend subparagraph (2) (i).
7. In § 74.541 amend paragraph (b).
8. In § 74.589 amend the introductory text of paragraph (b).

9. In § 77.334 amend the introductory paragraph and subparagraph (1) of paragraph (1).

10. Delete the entire proposed amendment of § 78.165-8 paragraph (a) Table and footnote 4 thereto.

It is further ordered, That this order shall become effective April 10, 1961, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,  
Secretary.

### PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8263, 8264, 8266, 8268, 8271, Dec. 2, 1950) (21 F.R. 4431, June 23, 1956) (24 F.R. 10109, Dec. 15, 1959) to read as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) \* \* \*

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Acetonitrile.....	F.L.....	73.118, 73.119.....	Red.....	10 gallons. See § 73.86.
Blasting caps with metal clad mild detonating fuse—1,000 or less.	Expl. C.....	No exemption, 73.103.		
Blasting caps with metal clad mild detonating fuse—more than 1,000.	Expl. A.....	No exemption, 73.66(c), 73.67.		Not accepted.
Blasting caps with safety fuse—more than 1,000.	.....do.....	.....do.....		Do.
Dispersant gas, n.o.s.....	See §§ 73.314 (a) Note 19, 73.315(a) Note 9.			
Magnesium-thorium alloys in formed shapes (not powdered, and which shall contain not more than 4 percent nominal thorium 232).	Pois. D.....	73.392(e).....	Radioactive material, Group 1, Red.	See § 73.391(b).
Refrigerant gas n.o.s.....	See §§ 73.314 (a) Note 19, 73.315(a) Note 9.			
(Cancel)				
Dispersant gas, n.o.s.....	F.G.....	73.302, 73.306, 73.314.	Red Gas.....	300 pounds.
Do.....	Nonf. G.....	73.302, 73.306, 73.314.	Green.....	Do.
Refrigerant gas, n.o.s.....	F.G.....	73.302, 73.306, 73.314.	Red Gas.....	Do.
Do.....	Nonf. G.....	73.302, 73.306, 73.314.	Green.....	Do.

### PART 73—SHIPPERS

#### Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.34 amend the introductory text of paragraph (p) (15 F.R. 8284, Dec. 2, 1950) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders.

(p) Rebuilding of ICC-4 series, and ICC-8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of this type of ICC cylinder and by a process similar to that used in its original manufacture and under the following specific requirements:

#### Subpart B—Explosives; Definitions and Preparation

1. In § 73.66 amend the heading and paragraphs (a) and (g) (1) (15 F.R. 8290, Dec. 2, 1950) (20 F.R. 8100, Oct. 28, 1955) to read as follows:

§ 73.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, or electric blasting caps, in quantity of 1,000 or less, are classified as class C explosives. See § 73.103.

\* \* \*

(g) \* \* \*  
(1) Spec. 14, 15A, or 16A (§ 78.165, 78.168, or 78.185 of this chapter).

Wooden boxes (see § 73.67(a)(1), Note 1) or spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter) fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons or caps with wires 30 feet or more in length in pasteboard tubes must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing caps with wires less than 30 feet in length in pasteboard tubes must not exceed 75 pounds.

2. In § 73.67 amend the heading and introductory text of paragraph (a), and paragraphs (b) and (c) (15 F.R. 8290, Dec. 2, 1950) (16 F.R. 11776, Nov. 21, 1951) to read as follows:

**§ 73.67 Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse.**

(a) Ten or less of the interior containers of not more than 100 blasting caps each, containing not to exceed 50 grains of explosive composition each, packed as prescribed in § 73.66(c), in the same outside container with safety fuse or metal clad mild detonating fuse, must be shipped in containers complying with the following specifications:

(b) Each outside container must be plainly marked "(number) BLASTING CAPS WITH SAFETY FUSE—HANDLE CAREFULLY" or "(number) BLASTING CAPS WITH METAL CLAD MILD DETONATING FUSE—HANDLE CAREFULLY," as the case may be.

(Note 1 canceled.)

(c) Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

3. In § 73.102 amend paragraph (a) and add paragraphs (a) (1) and (2) (25 F.R. 3099, April 12, 1960) to read as follows:

**§ 73.102 Explosive cable cutters, explosive power devices, class C, or explosive release devices.**

(a) Explosive cable cutters, explosive power devices, class C, or explosive release devices must be packed in specification containers as follows:

(1) Spec. 12H, 23F, or 23H (§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes. Authorized gross weight not to exceed 65 pounds.

(2) In addition to specification containers prescribed in this section, explosive cable cutters, explosive power devices, class C, or explosive release devices may be shipped when packed in strong wooden or metal boxes, or other containers approved by the Bureau of Explosives.

4. In § 73.103 amend the heading and paragraph (a) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

**§ 73.103 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, not exceeding 1,000 caps.**

(a) Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, in quantity not exceeding 1,000 caps, must be packed and marked as prescribed in §§ 73.66 and 73.67.

5. In § 73.107 amend paragraph (c) (16 F.R. 5323, June 6, 1951) to read as follows:

**§ 73.107 Primers, percussion caps, and empty grenades, primed.**

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraphs (a) of this section or in spec. 12B (§ 78.205 of this chapter) fiberboard boxes, and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box, except liner is not required for full depth telescope style box which may be closed as specified by § 78.205-17(a)(2) of this chapter. Not more than 5,000 primers shall be packed in each fiberboard box.

**Subpart C—Flammable Liquids; Definition and Preparation**

1. In § 73.119 amend paragraph (m) (1) (15 F.R. 8300, Dec. 2, 1950) to read as follows:

**§ 73.119 Flammable liquids not specifically provided for.**

(m) \*\*\*  
(1) Spec. 1A, 1D, or 1EX (single-trip) (§ 78.1, 78.4, or 78.6 of this chapter). Glass carboys, boxed or in plywood drums, capacity not over 5 gallons for spec. 1A (§ 78.1 of this chapter).

2. In § 73.125 amend paragraph (a) (7) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

**§ 73.125 Alcohol.**

(a) \*\*\*  
(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

**Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation**

1. In § 73.164 amend paragraph (a) (2) (20 F.R. 4415, June 23, 1955) to read as follows:

**§ 73.164 Chromic acid.**

(a) \*\*\*  
(2) Spec. 17E, 17H, 37A, or 37B (§ 78.116, 78.118, 78.131, or 78.132 of this chapter). Metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums constructed of 22-gauge steel are authorized for a gross weight of 490 pounds when shipped in carload or truckload lots only.

2. In § 73.189 add paragraph (a) (3) (15 F.R. 8308, Dec. 2, 1950) to read as follows:

**§ 73.189 Phosphorus, amorphous, red.**

(a) \*\*\*  
(3) Spec. 29 (§ 78.226 of this chapter). Mailing tube having not more than 40 grams of phosphorus contained in an inside glass container sealed under nitrogen with an air tight closure. The glass container shall be packed in a metal can having air tight closure. Both the inside glass container and the metal can shall be surrounded on all sides with incombustible cushioning material.

3. In § 73.217 amend paragraph (b) (24 F.R. 904, Feb. 6, 1959) to read as follows:

**§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.**

(b) Strong outside wooden or fiberboard packages containing inside containers of glass, metal, or plastic bottles not over 5 pounds capacity each, except that metal inside containers not over 7½ pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, and labeling when offered for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard containers with inside metal containers not over 5 pounds capacity each, or not over 7½ pounds capacity each of material in tablet form, are exempt from specification packaging only. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

4. In § 73.221 amend paragraph (a) (9) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s. other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.**

(a) \*\*\*  
(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside

boxes free of wire staples, or other projections, that could cause failures.

**Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation**

1. In § 73.245 amend paragraph (a) (21) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.245 Acids or other corrosive liquids not specifically provided for.**

(a) \* \* \*

(21) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

2. In § 73.257 add paragraph (a) (14) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

**§ 73.257 Electrolyte (acid) or corrosive battery fluid.**

(a) \* \* \*

(14) Spec. 12B (§ 78.205 of this chapter). Corrugated fiberboard boxes with plastic bags as defined in § 78.205-37 of this chapter. Marking prescribed in § 73.401(c) shall not be required.

3. In § 73.263 amend paragraph (a) (23) (25 F.R. 10393, Oct. 29, 1960) to read as follows:

**§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.**

(a) \* \* \*

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

4. In § 73.272 amend paragraph (f) (8) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

**§ 73.272 Sulfuric acid.**

\* \* \* \* \*

(f) \* \* \*

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

5. In § 73.277 amend paragraph (a) (5) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

**§ 73.277 Hypochlorite solutions.**

(a) \* \* \*

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

**Subpart F—Compressed Gases; Definition and Preparation**

1. In § 73.302 amend paragraph (a) (3) (22 F.R. 2226, April 4, 1957) to read as follows:

**§ 73.302 Exemptions for compressed gases.**

(a) \* \* \*

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, of capacity not exceeding 32 cubic inches. Contents of the container must be non-poisonous and if flammable as provided in § 73.300(b) (2), (3), and (4), the flash point, as determined by Bureau of Explosives' Method, must be not less than 20° F. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. and the liquid content of the material and gas must not completely fill the container at 130° F. However, if the pressure exceeds 55 pounds per square inch absolute at 70° F., a spec. 2P (§ 78.33 of this chapter) inside metal container must be used. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

2. In § 73.306 amend paragraph (a) (1) (22 F.R. 3925, June 5, 1957) to read as follows:

**§ 73.306 Liquefied gases, except acetylene in solution.**

(a) \* \* \*

(1) Spec. 3, 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B24OET, 25, 26, or 38<sup>1</sup> (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.55 of this chapter). Spec. 9, 40, or 41 (§§ 78.63, 78.66 or 78.67 of this chapter) inside metal containers may also be used, except that mixtures containing aluminum triethyl, aluminum trimethyl, carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301(g).)

3. In § 73.307 amend paragraph (a) (2) (24 F.R. 10111, Dec. 15, 1959) to read as follows:

**§ 73.307 Nonliquefied gases, except gas in solution or poisonous gas.**

(a) \* \* \*

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for non-flammable gases, for aircraft use only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC-3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

4. In § 73.308 amend paragraph (a) Table and Note 15, add Note 16 (22 F.R. 11032, Dec. 31, 1957) (19 F.R. 8527, Dec. 14, 1954) (24 F.R. 10111, Dec. 15, 1959) (15 F.R. 8327, Dec. 2, 1950) to read as follows:

**§ 73.308 Compressed gases in cylinders.**

(a) \* \* \*

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Change)	(Percent)	
Dichlorodifluoromethane (see Note 16)-----	119	ICC-3A225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-4B24OET; ICC-9; ICC-41.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 16).	(2)	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4A240; ICC-4B240; ICC-4BA240; ICC-9.
Insecticide, liquefied gas (see Notes 8 and 16)-----	(2)	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4B300; ICC-4BA300; ICC-9; ICC-40; ICC-41.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 10, 15, and 16).	(2)	ICC-3A300; ICC-3AA300; ICC-3HT900; ICC-4B300; ICC-4BA300; ICC-4D300; ICC-4DA500.
Monochlorodifluoromethane (see Note 16)-----	105	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240; ICC-4B24OET; ICC-41.

NOTE 15: Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for aircraft use only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(f). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT (§ 78.44 of this chapter) cylinders and the rated bursting pressure of the disc

shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

NOTE 16: Specs 4D, 4DA, 9, 40, and 41 (§§ 78.53, 78.58, 78.63, 78.66, and 78.67 of this chapter) spheres and cylinders must be shipped in strong outside containers.

5. In § 73.310 amend paragraph (a) (6) (20 F.R. 951, Feb. 15, 1955) to read as follows:

**§ 73.310 Fire extinguishers and component parts thereof.**

(a) \* \* \*

(6) When spec. 2P (§ 78.33 of this chapter) inside metal containers are used for pressures not exceeding 85 pounds per square inch absolute, at 70° F. or 115 pounds per square inch absolute, at 130° F. the test requirements of paragraph (a) (5) of this section do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.

6. In § 73.312 amend paragraph (a) (1) (22 F.R. 7837, Oct. 3, 1957) to read as follows:

**§ 73.312 Liquefied petroleum gas.**

(a) \* \* \*

(1) Spec. 3,<sup>1</sup> 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X<sup>1</sup> (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51 of this chapter) (see appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET, 4E, 25,<sup>1</sup> 26,<sup>1</sup> 38<sup>1</sup> (§§ 78.54, 78.55, 78.68 of this chapter) cylinders, or 9 and 41 (§§ 78.63 and 78.67 of this chapter) inside containers. Cylinders authorized under § 73.34 (a) to (e) may be used.

(No change in Note 1.)

7. In § 73.314 amend paragraph (a) Table and Note 19 thereto (22 F.R. 2227, Apr. 4, 1957) (24 F.R. 10111, Dec. 15, 1959) (23 F.R. 2327, Apr. 10, 1958) (22 F.R. 7837, Oct. 3, 1957) to read as follows:

**§ 73.314 Compressed gases in tank cars.**

(a) \* \* \*

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)	(Percent)	
Difluoroethane.....	79.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
Difluoromonochloroethane.....	84.....	ICC-105A300-W.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	100.....	ICC-106A500, 106A500X, 110A500-W, Note 12.
(Cancel)	Note 3.....	ICC-105A300-W, Notes 5 and 9.
Dispersant gas, n.o.s.....	Note 16.....	ICC-106A500, 106A500X, Notes 12 and 19.
Refrigerant gas, n.o.s.....	Note 16.....	ICC-110A500-W, Note 19.
		ICC-105A300-W, Note 19.

NOTE 19: This gas may be transported in authorized tank car tanks stenciled "DISPERSANT GAS," or "REFRIGERANT GAS."

8. In § 73.315 amend Note 9 of paragraph (a) Table; amend paragraphs (i) (1) and (10) and footnote 1 (25 F.R. 6627, July 14, 1960) (23 F.R. 2328, Apr. 10, 1958) to read as follows:

**§ 73.315 Compressed gases in cargo tanks and portable tank containers.**

(a) \* \* \*

NOTE 9: This gas may be transported in authorized cargo tanks marked "DISPERSANT GAS," or "REFRIGERANT GAS."

**Subpart G—Poisonous Articles; Definition and Preparation**

1. In § 73.346 amend paragraph (a) (24) (25 F.R. 10395, Oct. 29, 1960) to read as follows:

**§ 73.346 Poisonous liquids not specifically provided for.**

(a) \* \* \*

(24) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside spec. 2U (§ 78.24 of this chapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples, or other projections, that could cause failures.

2. In § 73.392 add paragraph (e) (15 F.R. 8324, Dec. 2, 1950) to read as follows:

**§ 73.392 Exemptions for radioactive materials.**

(e) Magnesium-thorium alloys containing not more than 4 percent nominal thorium 232, in formed shapes, must be in bundles, boxes, barrels or crates and as such are exempt from specification packaging but must be labeled as described in § 73.414(d). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter.

3. In § 73.394 add paragraph (c) (15 F.R. 8340, Dec. 2, 1950) to read as follows:

**§ 73.394 Radioactive materials labels.**

(c) Each bundle, box, barrel or crate of magnesium-thorium alloys in formed shapes must be labeled with a label as described in § 73.414(d) unless exempt by § 73.392 (a) and (b).

**Subpart H—Marking and Labeling Explosives and Other Dangerous Articles**

1. In § 73.400 amend paragraph (f) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

**§ 73.400 Explosives.**

(f) Each shipment of explosive power devices class B, igniters, jet thrust (jato), class B explosives, jet thrust units (jato), class B explosives, propellant explosives,

class B, or starter cartridges, jet engine, class B explosives, when offered for transportation by carriers by rail express, must bear the label prescribed by § 73.412.

2. In § 73.402 paragraph (a) redesignate subparagraphs (10), (11), (12), and (13) as (11), (12), (13), and (14) respectively and add a new subparagraph (10) (17 F.R. 1562, Feb. 20, 1952) (15 F.R. 8341, Dec. 2, 1950) (24 F.R. 3599, May 5, 1959) to read as follows:

**§ 73.402 Labeling dangerous articles.**

(a) \* \* \*

(10) "Radioactive materials" label as described in § 73.414(d) on bundles, boxes, barrels or crates of magnesium-thorium alloys as provided for by § 73.392(e).

(11) "Tear gas" label as described in § 73.409(a) (3) on containers of poisons, class C.

(12) "Bung label" as described in § 73.119(i) on metal barrels or drums containing flammable liquids with vapor pressure exceeding 16 pounds per square inch absolute.

(13) "Empty label" as described in § 73.413 must be applied to containers which have been emptied and on which the old label has not been removed, obliterated, or destroyed. It must be so placed on the container as to completely cover the old label.

(14) Labels authorized for shipments of explosives and other dangerous articles by air, as shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409(b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c), may be used in lieu of labels otherwise prescribed for surface transportation to or from airport.

3. In § 73.414 add paragraph (d) (15 F.R. 8343, Dec. 2, 1950) to read as follows:

**§ 73.414 Radioactive materials labels.**

(d) Label for radioactive material, such as magnesium-thorium alloys in formed shapes (see § 73.392(e)), must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this paragraph.



**PART 74—CARRIERS BY RAIL FREIGHT**

**Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars**

1. In § 74.525 amend paragraph (a) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 74.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.

(a) Except as provided in § 74.526 (b), (n), and (o), explosives, class A, must be loaded in closed cars, certified and placarded "Explosives."

2. In § 74.532 amend entire paragraph (j) (22 F.R. 11032, Dec. 31, 1957) (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

(j) Radioactive materials and radioactive ores, residues, and similar materials.

(1) Shipments of radioactive ores, residues or similar material as provided in § 73.392 of this chapter must be so loaded as to avoid spillage and scattering of loose material.

(i) The amount of radioactive ores, residues, and similar materials loaded in a car must be limited as provided in § 73.392 of this chapter.

(2) The amount of radioactive materials, other than radioactive ores, residues, or similar materials, loaded in a freight car shall be limited so that the quantity does not exceed 40 units as determined by totaling the number of units shown on the individual labels on the packages. (The requirements of this paragraph do not apply to bundles, boxes, barrels or crates of magnesium-thorium alloys described by § 73.392(e) of this chapter.)

NOTE 1: For purposes of these regulations, 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm of hard gamma rays of radium filtered by 1/2 inch of lead.

(i) Containers of radioactive material and/or manufactured articles containing radioactive material, which because of their weight, size, or design make them impracticable to load in a closed freight car, may be loaded on flat cars or in gondola cars (drop-bottom cars not authorized). Containers must be so blocked and braced that they cannot change position during transit.

(3) No persons shall remain in a car containing radioactive material unnecessarily and the shipper must furnish the carrier with such information and equipment as is necessary for the protection of the carrier's employees.

(4) Any loose radioactive material must be removed from the car and placed in a closed container in a segregated location and held for instructions from the shipper or the Bureau of Explosives.

**Subpart C—Placards on Cars**

1. In § 74.541 amend paragraph (b) (22 F.R. 3926, June 5, 1957) to read as follows:

§ 74.541 "Dangerous" placards; "Dangerous—Radioactive material" placards; or "Caution—Residual phosphorus" placards.

(b) "Dangerous—Radioactive material" placards, as prescribed in § 74.553, must be applied to cars containing shipments of class D poisons as prescribed by §§ 73.392(c) and 73.393 of this chapter and bearing labels as described in § 73.414 (a), (b), and (c) of this chapter.

2. In § 74.544 add paragraph (a) (6) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

§ 74.544 Placards not required.

(6) Cars containing radioactive material bearing label described in § 73.414 (d) of this chapter.

3. In § 74.549 add paragraph (a) (6) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be 3/8" high and appear on the billing near the space provided for the car number
(Change)			
For radioactive materials, class D, poison.	Radioactive material label.	"Dangerous Radioactive material Placard." <sup>1</sup>	"Dangerous Radioactive material." <sup>1</sup>

<sup>1</sup> These requirements do not apply to billing prepared for shipment of magnesium-thorium alloys described in § 73.392(e) of this chapter and bearing red label as described in § 73.414(d) of this chapter.

2. In § 74.586 add paragraph (h) Note 1 (22 F.R. 11032, Dec. 31, 1957) to read as follows:

§ 74.586 Handling explosives and other dangerous articles.

(h) \* \* \*

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

3. In § 74.589 amend the introductory text of paragraph (b) (24 F.R. 5642, July 14, 1959) to read as follows:

§ 74.589 Handling cars.

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Radioactive Material," "Poison Gas," "Flammable Poison Gas," "Dangerous—Empty Flammable Poison Gas," or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at the next inspection point, and those not required shall be removed at the next terminal where the train is classified.

**§ 74.549 Application of placards.**

(a) \* \* \*

(6) By application of adhesive tape, which shall be not more than 1 1/4 inches wide and which shall be applied around the entire perimeter of the placard so that approximately one-half the width of the tape adheres to the placard and one-half to the surface to which the placard is attached. Tape must be properly applied, weather-resistant, and capable of holding the placard securely in position under conditions normal to transportation. This method is authorized only when attachment of placards to metal surfaces is necessary and the metal surface is sufficiently smooth and of sufficient size to permit attachment of the placards in their proper position.

**Subpart E—Handling by Carriers by Rail Freight**

1. In § 74.584 amend paragraph (a) table and add footnote 1 thereto (24 F.R. 5642, July 14, 1959) as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) \* \* \*

**PART 75—CARRIERS BY RAIL EXPRESS**

In § 75.655 add paragraph (j) Note 1 (15 F.R. 8359, Dec. 2, 1950) to read as follows:

§ 75.655 Protection of packages.

(j) \* \* \*

NOTE 1: Except for subparagraph (7), the requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

**PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY**

**Subpart A—General Information and Regulations**

1. In § 77.819 amend paragraph (b) (15 F.R. 8363, Dec. 2, 1950) to read as follows:

§ 77.819 Certificate.

(b) For the relief of shippers from multiplicity of certifications required for

packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

2. In § 77.823 amend the introductory text of paragraph (a) (21 F.R. 3013, May 5, 1956) to read as follows:

**§ 77.823 Marking on motor vehicles and trailers.**

(a) Every motor vehicle, other than tank motor vehicles, transporting any quantity of explosives, class A; poison gas, class A; or radioactive material, poison class D requiring red radioactive materials label<sup>1</sup> except label described in § 73.414(d) of this chapter for which placards are not required; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gas, class B poisons, and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

(No change in listing.)

**Subpart B—Loading and Unloading**

1. In § 77.834 amend paragraph (1) and add subparagraph (1) (23 F.R. 2329, April 10, 1958) to read as follows:

**§ 77.834 General requirements.**

(1) *Truck bodies or trailers equipped with heaters or automatic refrigeration apparatus.* Except as provided in subparagraph (1) of this paragraph flammable liquids (red label) and flammable gases (red label) must not be loaded in truck bodies or trailers equipped with heaters or automatic refrigerating apparatus unless the automatic apparatus be rendered inoperative. The fuel tanks for such apparatus shall be empty or removed from the vehicle, except that liquefied petroleum gas fuel tanks exterior to the vehicle body may have their valves closed and disconnected from the fuel feed lines in lieu of being emptied or removed.

(1) This prohibition does not apply, and heating or refrigeration apparatus may be operated on motor vehicles loaded with flammable liquids and flammable gases, when the lading space is equipped with no electrical apparatus other than of nonsparking or explosion-proof types, no combustion apparatus in the lading space, and no connection for return of air from the lading space to any combustion apparatus. The heating system must be such that no part of the lading is heated over 130° F., and conform to § 193.77 of this chapter.

2. In § 77.835 amend paragraph (g) (21 F.R. 4434, June 23, 1956) to read as follows:

**§ 77.835 Explosives.**

(g) *Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps in same vehicle with other explosives.* Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps, without limitation as to quantity except as limited in paragraph (m) of this section, may be transported in the same motor vehicle with high explosives (dynamites and similar explosives) when the net weight of the high explosives (dynamites and similar explosives) does not exceed 5,000 pounds, as follows: The blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and electric blasting caps must be packed in authorized I.C.C. specification outside shipping containers, or in prescribed inside I.C.C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal and so that other containers in the motor vehicle will not fall on them or otherwise damage them during transit. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse or electric blasting caps when not packed in containers referred to above in this paragraph must be transported in containers as prescribed in spec. MC 201 (§ 78.318 of this chapter). See paragraph (m) of this section for shipment of blasting caps

with liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. Explosive projectiles with detonating fuzes assembled in place must not be transported unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.

3. In § 77.841 add paragraph (d) Note 1 (15 F.R. 8367, Dec. 2, 1950) to read as follows:

**§ 77.841 Poisons.**

- (d) \* \* \*
- (5) \* \* \*

NOTE 1: The requirements of this paragraph shall not apply to magnesium-thorium alloy materials described in § 73.392(e) of this chapter. The location of bundles, boxes, barrels or crates of such material from packages of undeveloped film must be as stated on the label (see § 73.414(d) of this chapter).

**PART 78—SHIPPING CONTAINER SPECIFICATIONS**

**Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes**

In § 78.131-6 paragraph (a) amend table in its entirety; amend footnote 6 and add footnote 7 (24 F.R. 3600, May 5, 1959) (23 F.R. 4031, June 10, 1958) (22 F.R. 7842, Oct. 3, 1957) (22 F.R. 2234, Apr. 4, 1957) (21 F.R. 9363, Nov. 30, 1956) (20 F.R. 4419, June 23, 1955) (25 F.R. 10402, Oct. 29, 1960) to read as follows:

**§ 78.131 Specification 37A; steel drums.**

**§ 78.131-6 Capacities, weights, type, and gauges.**

(a) \* \* \*

Marked capacity not over (gallons)	Authorized gross weight not over (pounds) <sup>4</sup>	Type of container	Minimum thickness, uncoated sheet <sup>1</sup> (gauge)		Minimum ring gauge bolted type <sup>2</sup>
			Body sheet <sup>3</sup>	Head sheet <sup>4</sup>	
5	60	Straight side	26	26	Lug or plain ring seal.
5	80	do	24	24	
10	160	do	24	24	18, plain. Do. 16, 2 inch overlap. Do.
55	150	do	26	26	
55	275	do	24	24	
55	350	do	24	24	
55	480	do	22	22	

<sup>1</sup> All gauges specified are minimum except as provided by Part 73 of this chapter. Heavier (but not lighter) gauges may be specified if shipper so desires.  
<sup>2</sup> Equally efficient closing devices may be authorized by the Bureau of Explosives upon demonstration of their ability to withstand tests prescribed in § 78.131-11.  
<sup>3</sup> Containers of 16 gallons capacity and over must have 2 swaged or corrugated rolling hoops of sufficient height to clear the closing device when the drum is rolled.  
<sup>4</sup> Head sheet may have holes of suitable size to provide for protruding closures when drum is used as overpack for inside container, spec. 2S, 2SL, 2T, or 2TL (§ 78.35, 78.35a, 78.21 or 78.27). Drum not over 16 gallons capacity may have lug type closure for removable heads.  
<sup>5</sup> Drum must be manufactured in accordance with gauge requirements applicable to gross weight and capacity as prescribed, except that gross weight restriction indicated by the gross weight embossment shall be waived when drum is used with inside plastic containers as prescribed by Part 73 of this chapter.  
<sup>6</sup> When drum is used in conjunction with inside spec. 2S or 2SL (§ 78.35 or 78.35a) polyethylene container, two ¼-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime and three holes not exceeding ¼-inch in diameter in the bottom head.  
<sup>7</sup> A gross weight of 490 pounds is authorized when defined by Part 73 of this chapter (see § 73.164 (a)(2) of this chapter).

**Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums**

In § 78.187-2 amend paragraph (a) (3) (25 F.R. 10403, Oct. 29, 1960) to read as follows:

**§ 78.187 Specification 16D; wooden wirebound overwrap for inside containers.**

**§ 78.187-2 Construction requirements.**

(a) \* \* \*

(3) Where binding wire closure clinches contact inner container, 1½

inches wide water-resistant fabric cloth with plastic coated backing and pressure-sensitive adhesive or other suitable means shall be applied in a single strip across clinches, or other equally efficient methods may be used.

**Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes**

1. In § 78.205-17 amend paragraph (a) (2); add § 78.205-37 (25 F.R. 3106, April 12, 1960) (15 F.R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-17 Closing for shipment.

(a) \* \* \*

(2) For fiberboard boxes containing not more than 1 inside metal can not exceeding 1 gallon nominal capacity, and as otherwise authorized by Part 73 of this chapter, by application of 2 strips of pressure-sensitive tape not less than ½ inch in width, 1 strip to be placed approximately equal distance over the seam of abutting outer flaps, the other at a right angle to the first and spaced approximately equal distance on the closure face; strips must be of sufficient length to extend not less than 1 inch beyond score lines on side and end panels. Tape shall have a minimum tensile strength of 160 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width; and minimum elongation of 12 percent at break, or having a minimum longitudinal tensile strength of not less than 240 pounds per inch of width; minimum adhesion value of 18 ounces per inch of width and a minimum elongation of 3 percent at break.

\* \* \* \* \*

§ 78.205-37 Special box; with inside polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box shall comply with this specification, except as follows: Box must be of one-piece construction of regular slotted style and be constructed of at least 275-pound test double-faced corrugated fiberboard with complete corrugated fiberboard liner, a scored and flanged bottom pad, and a scored and flanged top tray pad, reinforced, all of same material as box. Box may have die-cut areas of minimum size to provide access to inside closure part.

(b) Box must have 2 polyethylene or other suitable plastic bags, one within the other, with closure adequate to prevent leakage under conditions incident to transportation; maximum volumetric capacity not over 5 gallons. Bags shall be formed of tubing of virgin plastic material not less than 0.004 inch thick, with joints heat sealed.

(c) Representative samples of completely assembled boxes, with all parts closed as for shipment, must be capable of withstanding the following tests without leakage or serious damage to boxes. No one box shall be expected to withstand more than one of the following tests:

(1) Box with inside container filled with 5 gallons of a liquid of the same specific gravity as expected contents for shipment must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled with 5 gallons of a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

(3) Box with inside container filled as prescribed in subparagraph (1) of this paragraph shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

(d) Tests to be conducted by or for each plant assembling and filling boxes at the initial start of production and must be repeated at intervals of four months thereafter; initial tests must be witnessed by a representative of the Bureau of Explosives. Samples last tested must be dated with date of test and must be retained until subsequent tests are conducted. Empty boxes with liners may be shipped to a central point for assembling, filling and testing in which case the Bureau of Explosives must be advised of test location.

2. In § 78.209-8 amend paragraph (a) (3) (24 F.R. 5643, July 14, 1959) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209-3 Type authorized.

(a) \* \* \*

(3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209-11, except that lining tube is not required for boxes used for shipment of electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter. When outer flaps butt, inner flaps must also butt, except that they may overlap not to exceed ½ inch, or outer flaps may overlap a minimum of 2 inches to and including full overlap, and inner flaps may be of same length as outer flaps.

3. In § 78.218-13 add paragraph (b) (19 F.R. 6274, Sept. 29, 1954) to read as follows:

§ 78.218 Specification 23G; special cylindrical fiberboard box for high explosives.

§ 78.218-13 Completed containers.

\* \* \* \* \*

(b) As an alternate to compression test requirements of paragraph (a) (1)

and (2) of this section, samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents. Static loading tests as specified herein must be conducted with the prescribed weight in place for at least 60 minutes, with deflection of container not in excess of the following:

(1) Three loaded samples to be tested. Each container must be capable of withstanding end-to-end pressure of at least 375 pounds without deflection over 1½ inches.

(2) Three loaded samples to be tested. Each container must be capable of withstanding side-to-side pressure of at least 350 pounds without deflection over ½ inch.

[F.R. Doc. 61-888; Filed, Feb. 1, 1961; 8:45 a.m.]

**Title 5—ADMINISTRATIVE PERSONNEL**

**Chapter I—Civil Service Commission**

**PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE**

**Post Office Department**

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (6) and (f) (1) and (2) of § 6.309 are amended, subparagraphs (10) through (15) are added to paragraph (a), subparagraphs (8) and (9) are added to paragraph (c), subparagraphs (5) and (6) are added to paragraph (f), and a new paragraph (h), subparagraphs (1) through (7) are added, as follows:

§ 6.309 Post Office Department.

(a) Office of the Postmaster General. \* \* \*

(6) Three Assistants to the Executive Assistant to the Postmaster General.

\* \* \* \* \*

(10) One Confidential Administrative Assistant to the Postmaster General.

(11) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.

(12) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(13) One Deputy Special Assistant to the Postmaster General (Information).

(14) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).

(15) One Private Secretary to the Special Assistant to the Postmaster General (Information).

\* \* \* \* \*

(c) Bureau of Transportation. \* \* \* (8) One Deputy Assistant Postmaster General.

(9) One Special Assistant to the Assistant Postmaster General.

\* \* \* \* \*

(f) Bureau of Operations. (1) One Confidential Assistant to the Assistant Postmaster General.

(2) Three Special Assistants to the Assistant Postmaster General.

(5) Three Deputy Assistant Postmasters General.

(6) One Private Secretary to each of two Deputy Assistant Postmasters General.

(h) *Office of the Deputy Postmaster General.* (1) One Executive Assistant to the Deputy Postmaster General.

(2) One Assistant to the Deputy Postmaster General.

(3) Two Confidential Administrative Assistants to the Deputy Postmaster General.

(4) One Private Secretary to the Deputy Postmaster General.

(5) One Assistant to the Executive Assistant to the Deputy Postmaster General.

(6) One Private Secretary to the Executive Assistant to the Deputy Postmaster General.

(7) One Private Secretary to the Assistant to the Deputy Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 61-962; Filed, Feb. 1, 1961; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

#### PART 723—CIGAR-FILLER TOBACCO, CIGAR BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

#### Announcement of Amounts of and Apportionments of National Marketing Quotas for Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55) Tobacco for 1961-62 Marketing Year

Sec.

723.1201 Basis and purpose.

723.1202 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1961.

723.1203 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1961.

AUTHORITY: § 723.1201 to 723.1203 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 17, as amended; 66 as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

#### § 723.1201 Basis and purpose.

(a) The regulations contained in §§ 723.1201 to 723.1203 are issued (1) to establish the reserve supply level and the total supply of (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1960; (2) to announce the national marketing quotas for (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1961 and (iii) to apportion the national marketing quotas for the 1961-62 marketing year among the several States. The findings and determinations by the Secretary contained in § 723.1202 and § 723.1203 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-binder and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since growers of cigar-binder (types 51 and 52) tobacco and of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will soon be making their plans for 1961 production of these kinds of tobacco and need to know the 1961 acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the findings and determinations and the announcements and apportionments of the quotas contained herein shall become effective upon the date of their filing with the Director, Office of the Federal Register.

§ 723.1202 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1961.<sup>1</sup>

(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 and 52) tobacco is 46.7 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 15.0 million pounds and a normal year's exports of 2.0 million pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1960 is 40.2 million pounds consisting of carry-over of 33.2 million pounds and estimated 1960 production of 7.0 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 30.0 million pounds calculated by subtracting the estimated disappearance for the marketing year

<sup>1</sup> Rounded to the nearest tenth of a million pounds.

beginning October 1, 1960, of 10.2 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 16.7 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 16.7 million pounds would cause undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 20.0 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	Acreage allotment
Connecticut	6,995.95
Massachusetts	3,676.43
New York	0.16
Vermont	5.23
Reserve <sup>1</sup>	107.87

<sup>1</sup> Acreage reserved for establishing allotments for new farms.

§ 723.1203 Findings and determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1961.<sup>2</sup>

(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is 97.0 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 33.0 million pounds and a normal year's exports of 1.0 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1960, is 95.7 million pounds consisting of carry-over of 64.1 million pounds and estimated 1960 production of 31.6 million pounds.

(c) *Carry-over.* The estimated carry-over of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 62.6 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 33.1 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and binder (types

42, 43, 44, 53, 54, and 55) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 34.4 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 34.4 million pounds would cause undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 41.3 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	Acreage allotment
Illinois	7.16
Indiana	1.49
Iowa	8.61
Minnesota	246.12
New York	95.40
Ohio	5,524.17
Pennsylvania	268.38
Wisconsin	19,293.14
Reserve <sup>1</sup>	257.00

<sup>1</sup>Acreage reserved for establishing allotments for new farms.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-985; Filed, Feb. 1, 1961; 8:51 a.m.]

**PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO**

**Announcement and Apportionment of National Marketing Quota for Burley Tobacco for 1961-62 Marketing Year**

**§ 725.1203 Basis and purpose.**

(a) Sections 725.1203 to 725.1204 are issued (1) to establish the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1960; (2) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1961; and (3) to apportion the national marketing quota for burley tobacco for the 1961-62 marketing year among the several States. The findings and determinations contained in § 725.1204 have been made on the basis of the latest available statistics of the Federal Government, and

after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since burley tobacco producers will soon be making their plans for production of burley tobacco in 1961, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for burley tobacco for the 1961-62 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

**§ 725.1204 Findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1961.<sup>1</sup>**

(a) *Reserve supply level.* The reserve supply level for burley tobacco is 1,578.3 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 525.0 million pounds and a normal year's exports of 36.0 million pounds.

(b) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1960, is 1,687.0 million pounds, consisting of carry-over of 1,191.4 million pounds and estimated 1960 production of 495.6 million pounds.

(c) *Carry-over.* The estimated carry-over of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 1,131.6 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 555.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1961, a supply of burley tobacco equal to the reserve supply level of such tobacco is 446.7 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 446.7 million pounds would result in undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 536.0 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

<sup>1</sup>Rounded to the nearest tenth of a million pounds.

State:	Acreage allotment
Alabama	32.66
Arkansas	56.59
Georgia	93.06
Illinois	6.30
Indiana	8,219.14
Kansas	98.35
Kentucky	212,947.25
Missouri	3,394.26
North Carolina	10,823.18
Ohio	10,582.91
Pennsylvania	2.12
South Carolina	4.36
Tennessee	67,256.10
Texas	42
Virginia	11,715.70
West Virginia	3,040.26
Reserve <sup>1</sup>	822.59

<sup>1</sup>Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-986; Filed, Feb. 1, 1961; 8:51 a.m.]

**PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO**

**National Marketing Quotas**

Proclamation of national marketing quotas for (1) fire-cured (type 21) tobacco, (2) fire-cured (types 22, 23, and 24) tobacco, and (3) dark air-cured (types 35 and 36) tobacco for each of the three marketing years beginning October 1, 1961; and announcement and apportionment of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured (types 35 and 36) tobacco, and Virginia sun-cured (type 37) tobacco for the 1961-62 marketing year.

**Sec.**

- 725.1205 Basis and purpose.
- 725.1206 Findings and determinations with respect to the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1961.
- 725.1207 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1961.
- 725.1208 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1961.
- 725.1209 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1961.

AUTHORITY: §§ 725.1205 to 725.1209 issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

### § 725.1205 Basis and purpose.

(a) Sections 725.1205 to 725.1209 are issued (1) to proclaim a national marketing quota for fire-cured (type 21) tobacco; fire-cured (types 22, 23, and 24) tobacco; and dark air-cured (types 35 and 36) tobacco, for each of the three marketing years beginning October 1, 1961; (2) to establish the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1960; (3) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1961; and (4) to apportion such national marketing quotas for the 1961-62 marketing year among the several States. The findings and determinations contained in §§ 725.1206 to 725.1209 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (25 F.R. 9901) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of referenda of fire-cured and dark air-cured tobacco growers within 30 days after issuance of the proclamation of a national marketing quota for each of such kinds of tobacco to determine whether such growers favor marketing quotas, and since tobacco farmers must be notified of 1961 crop year allotments as soon as possible, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation, announcements and apportionments of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco and Virginia sun-cured tobacco contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

### § 725.1206 Findings and determinations with respect to the amount of the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1961.<sup>1</sup>

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 28,586,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 6,300,000 pounds and a normal year's exports of 6,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the

marketing year beginning October 1, 1960, is 31,848,000 pounds consisting of carry-over of 22,176,000 pounds and estimated 1960 production of 9,672,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 19,416,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 12,432,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960-61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on fire-cured (type 21) tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to section 312(a)(2) of the Act. The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 9,170,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9,170,000 pounds would result in undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent to 11,004,000 pounds. Pursuant to Public Law 85-705, this increased quota is further increased to 11,957,000 pounds. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 11,957,000 pounds.

(e) *Apportionment of the quota.* Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota less 29,892 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 9,125.56 acres. Likewise, the reserve of 29,892 pounds for establishing allotments for new farms is hereby converted into 22.87 acres.

### § 725.1207 Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1961.<sup>2</sup>

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22, 23, and 24) tobacco is 130,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 29,000,000 pounds and a

normal year's exports of 27,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1960, is 139,900,000 pounds consisting of carry-over of 101,200,000 pounds and estimated 1960 production of 38,700,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured (Types 22, 23 and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 90,300,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 49,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960-61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on fire-cured (types 22, 23, and 24) tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to Section 312(a)(2) of the Act. The amount of fire-cured (types 22, 23, and 24) tobacco which will make available during the marketing year beginning October 1, 1961, a supply of fire-cured (types 22, 23, and 24) tobacco equal to the reserve supply level of such tobacco is 40,300,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40,300,000 pounds would result in undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23, and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 48,400,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota announced in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	Acreage allotment
Illinois.....	0.24
Kentucky.....	15,405.41
Tennessee.....	17,332.33
Reserve <sup>1</sup> .....	82.03

<sup>1</sup> Acreage reserved for establishing allotments for new farms.

### § 725.1208 Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1961.<sup>2</sup>

(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 77,000,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 21,500,-

<sup>1</sup> Rounded to the nearest thousand pounds, except in § 725.1206(a).

<sup>2</sup> Rounded to the nearest tenth of a million pounds.

000 pounds and a normal year's exports of 8,600,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1960, is 80,300,000 pounds consisting of carry-over of 60,900,000 pounds and estimated 1960 production of 19,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 58,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 22,200,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1960-61 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on dark air-cured tobacco, a national marketing quota for such kind of tobacco for each of the three years beginning October 1, 1961, is hereby proclaimed pursuant to section 312(a)(2) of the Act. The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1961, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18,900,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18,900,000 pounds would result in undue restriction of marketings during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 22,700,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State:	Acreage allotment
Kentucky -----	13,478.92
Tennessee -----	2,269.36
Indiana -----	45.78
Reserve <sup>1</sup> -----	39.57

<sup>1</sup> Acreage reserved for establishing allotments for new farms.

**§ 725.1209 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1961.<sup>2</sup>**

(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 8,692,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,650,000 pounds and a normal year's exports of 600,000 pounds.

<sup>2</sup> Rounded to nearest thousand pounds, except in § 725.1209(e).

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1960, is 7,203,000 pounds consisting of a carry-over of 5,223,000 pounds and estimated 1960 production of 1,980,000 pounds.

(c) *Carry-over.* The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1961, is 4,136,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 3,067,000 pounds from the total supply of such tobacco.

(d) *Proclamation and national marketing quotas.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1961, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,556,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,556,000 pounds would result in undue restriction of marketings for the 1961-62 marketing year and such amount is increased by 20 percent to 5,467,000 pounds. Pursuant to Public Law 85-705, however, such increased quota is decreased to 4,684,000 pounds. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1961, is 4,684,000 pounds.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 11,710 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 4,350.36 acres. Likewise, the reserve of 11,710 pounds for establishing allotments for new farms is hereby converted into 10.90 acres.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-987; Filed, Feb. 1, 1961; 8:51 a.m.]

[Amdt. 1]

**PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO**

**Marketing Quota Regulations, 1961-62 Marketing Year**

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-15), and is issued to increase the acreage of Virginia sun-cured tobacco

which may be used in 1961 to correct errors, provide allotments for overlooked farms, and to make equitable adjustments.

The amendment will permit the establishment of allotments for Virginia sun-cured tobacco which are fair and equitable. Section 725.1218 of the regulations (25 F.R. 6676) is hereby amended by changing the second sentence thereof to read as follows: "The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed, in the case of burley, flue-cured, fire-cured and dark air-cured tobacco, one-tenth of one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1960-61 marketing year, and shall not exceed in the case of Virginia sun-cured tobacco four percent of the total acreage of such tobacco allotted to all tobacco farms in the State for the 1960-61 marketing year."

Since farmers are now making plans for growing Virginia sun-cured tobacco in 1961, it is imperative that they be advised as soon as possible of the tobacco acreage allotments for their farms and it is hereby found and determined that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the provisions of this amendment shall become effective upon filing with the Director, Office of the Federal Register.

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1375)

Issued at Washington, D.C., this 27th day of January 1961.

H. D. GODFREY,  
Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 61-963; Filed, Feb. 1, 1961; 8:50 a.m.]

**PART 727—MARYLAND TOBACCO**

**Announcement and Apportionment of National Marketing Quota for 1961-62 Marketing Year**

**§ 727.1201 Basis and purpose.**

(a) Sections 727.1201 and 727.1202 are issued (1) to establish the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1960; (2) to announce the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1961; and (3) to apportion the quota for the marketing year beginning October 1, 1961, among the several States. The findings and determinations by the Secretary contained in § 727.1202 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (25 F.R. 9901) given in accordance with the Ad-

Administrative Procedure Act (5 U.S.C. 1003).

(b) Since Maryland tobacco growers will soon be making their plans for producing Maryland tobacco in 1961, and need to know the Maryland tobacco acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1961-62 marketing year, contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 727.1202 Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1961.<sup>1</sup>

(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 95.2 million pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25.5 million pounds and a normal year's exports of 12.5 million pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1960, is 94.8 million pounds, consisting of estimated carry-over of 62.0 million pounds and estimated 1960 production of 32.8 million pounds.

(c) *Carry-over.* The estimated carry-over of Maryland tobacco on January 1, 1962, is 58.4 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1960, of 36.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1961, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 36.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 36.8 million pounds would not meet market demands during the 1961-62 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1961, is 44.2 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

<sup>1</sup> Rounded to the nearest tenth of a million pounds.

State:	Acreage allotment
Maryland -----	49,566.85
Virginia -----	33.85
Delaware -----	0.13
Reserve <sup>1</sup> -----	62.08

<sup>1</sup> Acreage reserved for establishing allotments for new farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46 as amended; 47 as amended; 66 as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-988; Filed, Feb. 1, 1961; 8:51 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

#### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, and Slaughtering Establishments

##### MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

##### § 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

*Alabama:* Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Etowah, Geneva, Henry, Houston, Jackson, Madison, Marshall, and Randolph Counties;

*Arizona:* The entire State;

*Arkansas:* Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lincoln, Logan, Lonoke, Madison, Marion, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Saline, Sebastian, Scott, Searcy, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

*California:* Alameda, Amador, Alpine, Butte, Calaveras, Colusa, Contra Costa, Del

Norte, El Dorado, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yuba, and Yolo Counties;

*Colorado:* Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

*Connecticut:* The entire State;

*Delaware:* The entire State;

*Florida:* Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

*Georgia:* The entire State;

*Idaho:* The entire State;

*Illinois:* Alexander, Boone, Bond, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Inoquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Putnam, Richland, Stephenson, Tazewell, Union, Vermillion, Wabash, Washington, Whiteside, Will, Williamson, Woodford, and Winnebago Counties;

*Indiana:* The entire State;

*Iowa:* Delaware, Fayette, Mitchell, and Warren Counties;

*Kansas:* Cheyenne, Decatur, Franklin, Jefferson, Nemaha, Rawlins, Sheridan, Sherman, Smith, Thomas, and Wyandotte Counties;

*Kentucky:* Anderson, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carter, Edmonson, Elliott, Floyd, Fulton, Gallatin, Graves, Greenup, Harrison, Hickman, Hopkins, Jackson, Jefferson, Johnson, Larue, Lawrence, Lincoln, McCracken, McLean, Marshall, Martin, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Perry, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, and Wolfe Counties;

*Louisiana:* Assumption, Claiborne, and St. Landry Parishes;

*Maine:* The entire State;

*Maryland:* The entire State;

*Massachusetts:* The entire State;

*Michigan:* The entire State;

*Minnesota:* The entire State;

*Mississippi:* Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lee, Lowndes, Marion, Monroe, Newton, Neshoba, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

*Missouri:* Adair, Andrew, Bates, Barry, Bollinger, Boone, Buchanan, Butler, Caldwell, Cape Girardeau, Carroll, Carter, Cass, Chariton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Henry, Hickory, Iron, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lincoln, Macon, Maries, Marion, McDonald, Mercer, Moniteau,

Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, St. Charles, St. Francois, St. Genevieve, St. Louis, Shelby, Stoddard, Stone, Texas, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

**Montana:** Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Silver Bow, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

**Nebraska:** Adams, Banner, Burt, Butler, Cass, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

**Nevada:** The entire State;  
**New Hampshire:** The entire State;  
**New Jersey:** The entire State;  
**New Mexico:** The entire State;  
**New York:** The entire State;  
**North Carolina:** The entire State;

**North Dakota:** Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divis, Dunn, Eddy, Emmons, Foster, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

**Ohio:** Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Fulton, Greene, Guernsey, Hancock, Henry, Hardin, Harrison, Hocking, Jackson, Knox, Logan, Lorain, Lucas, Marion, Mahoning, Meigs, Monroe, Montgomery, Morrow, Morgan, Muskingum, Noble, Ottawa, Paulding, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

**Oklahoma:** Adair, Delaware, and Mayes Counties;

**Oregon:** The entire State;  
**Pennsylvania:** The entire State;  
**Rhode Island:** The entire State;

**South Carolina:** Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Pickens, Richland, Saluda, Sumter, Union, and York Counties;

**South Dakota:** Butte, Campbell, Clay, Codrington, Custer, Day, Deuel, Edmonds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

**Tennessee:** The entire State;

**Texas:** Bandera, Blanco, Borden, Brewster, Burnet, Coleman, Crane, Dallam, Ector, Gillespie, Glasscock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kerr, Kimble, Lampasas, Llano, Loving, Mason, Menard, Midland, Pecos, Presidio, Reagan, San Saba, Schleicher, Shackelford, Stonewall, Sutton, Terrell, Upton, Ward, Winkler, and Young Counties;

**Utah:** The entire State;

**Vermont:** The entire State;

**Virginia:** Accomack, Alleghany, Amelia, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chester-

field, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fairfax, Fluvanna, Franklin, Giles, Gloucester, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

**Washington:** The entire State;  
**West Virginia:** The entire State;  
**Wisconsin:** The entire State;

**Wyoming:** Albany, Big Horn, Campbell, Fremont, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

**Puerto Rico:** The entire area;  
**Virgin Islands of the United States:** The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Jasper and Ripley Counties in Missouri from the list of areas designated as modified certified brucellosis areas, because it has been determined that such counties no longer come within the definition of § 78.1(i), and adds the following additional areas which have been determined to come within such definition: Clay County in Arkansas; Gallatin and Madison Counties in Illinois; Alameda, Contra Costa, and Kings Counties in California; Breathitt, Edmonson, Gallatin, Harrison, Perry, Spencer, and Webster Counties in Kentucky; Lowndes and Stone Counties in Mississippi; Carter, Gentry, and Macon Counties in Missouri; Big Horn and Rosebud Counties in Montana; Polk County in Nebraska; Pembina County in North Dakota; Greene, Pickaway, and Preble Counties in Ohio; Richland County in South Carolina; Dallam, Ector, Glasscock, Hartley, Hudspeth, Irion, Kerr, Loving, Midland, Reagan, San Saba, Schleicher, Shackelford, Stonewall, Sutton, and Young Counties in Texas; Pittsylvania County and City of Newport News in Virginia; and Niobrara County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amend-

ment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1961.

R. J. ANDERSON,  
 Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-945; Filed, Feb. 1, 1961; 8:47 a.m.]

## Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55307]

### PART 16—LIQUIDATION OF DUTIES

#### Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1960 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1960:	Net amount of bounty per 2,240 pounds of sugar content
July	AE36. 15. 0
August	29. 14. 0
September	32. 10. 0
October	32. 16. 0
November	34. 14. 0
December	38. 7. 0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in section 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,  
 Acting Commissioner of Customs.

Approved: January 25, 1961.

A. GILMORE FLUES,  
 Acting Secretary of the Treasury.

[F.R. Doc. 61-960; Filed, Feb. 1, 1961; 8:50 a.m.]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[Docket No. 13737; FCC 61-119]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**Bandwidth Specification for Certain Transmitters**

1. On July 29, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 60-983) setting forth proposed formulas for computing necessary bandwidth of composite transmissions and proposed modulation conditions for measuring the occupied bandwidth of composite transmissions.

2. "Necessary bandwidth" is defined in § 2.202(a) of the Commission's rules as follows: "The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information and does not necessarily indicate the interfering characteristics of an emission." Thus, necessary bandwidth encompasses all components of emissions useful for the proper reception of the signals. It does not, however, include an allowance for frequency instability of the transmitter or receiver, nor for any excess receiver bandwidth beyond that occupied by the useful components of the emission. The magnitudes of the useful components depend on the design of the respective systems; consequently, no minimum values for the useful components are specified by the Commission. It has, however, been found in this proceeding that formulas can be provided for calculation of the necessary bandwidth of composite transmissions.

3. Comments in response to the notice of proposed rule making were filed by the American Telephone and Telegraph Company (AT&T) and by the Microwave Section of the Electronic Industries Association (EIA). These comments indicated general agreement with the proposed rule changes, including the formulas. Additionally, AT&T suggested that it be stated that pre-emphasis is not involved in the bandwidth formulas and that transmitters being tested for occupied bandwidth should use the pre-emphasis networks, if any, which would be employed under normal service conditions. The Commission agrees with the foregoing suggestions of AT&T and is incorporating the latter in § 2.524(c) (6). With regard to the former, however, it is considered sufficient to state here that pre-emphasis is irrelevant to the necessary bandwidth formulas in § 2.202.

4. Further consideration of the proposed formulas has indicated the need for minor revisions in the details of the examples given, without altering the formulas or the substance of the proposal.

5. Accordingly, it is ordered, Under the authority provided in sections 4(1)

and 303 of the Communications Act of 1934, as amended, that Part 2 of the Commission's rules is amended, effective February 1, 1961, as set forth below; and: *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 25, 1961.

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

1. Section 2.1 *Definitions*, is amended by adding the following in the appropriate alphabetical order:

§ 2.1 *Definitions.*

*Baseband.* In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

2. Section 2.202(b) is amended by adding the following classifications:

§ 2.202 *Bandwidths.*

(b) *Table of necessary bandwidths.*

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
Composite transmission: A9.	2M (double sideband)-----	Television relay, video limited to 4 Mc, audio on 6.5 Mc. FM subcarrier, subcarrier deviation plus or minus 50 kilocycles. M=subcarrier frequency plus maximum deviation=6.55 Mc. Bandwidth: 13,100 kilocycles.	13,100A9
Composite transmission: A9.	2M (double sideband)-----	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kilocycles. M=164×10 <sup>3</sup> . Bandwidth: 328 kilocycles.	328A9

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
Composite transmission: F9.	2M+2D	Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles. M=1.05×10 <sup>6</sup> . D=2.35×10 <sup>6</sup> . Bandwidth: 6800 kilocycles.	6800F9
Composite transmission: F9.	2M+2D	TV microwave relay, aural program on 7.5 Mc subcarrier; subcarrier deviation plus or minus 150 kilocycles. M=subcarrier frequency plus maximum deviation=(7.5 plus 0.15)×10 <sup>6</sup> . D=1×10 <sup>6</sup> (visual) plus 0.3×10 <sup>6</sup> (aural). Bandwidth: 17,900 kilocycles.	17,900F9
Composite transmission: F9.	2M+2D	FM Broadcast with 2 FM subcarriers in multiplex at 41 and 67 kc, subcarrier deviation plus or minus 8 kc. M=(67 plus 8)×10 <sup>3</sup> . D=52.5×10 <sup>3</sup> (main) plus 2×11.25×10 <sup>3</sup> (subchannels)=75×10 <sup>3</sup> . Bandwidth: 300 kc.	300F9

III. PULSED EMISSIONS

Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission
Composite transmission: P9.	$\frac{2K}{t}$ K=1.6	Microwave relay, pulse-position modulated by 36 channel baseband: pulse width at half amplitude=0.4 microseconds. Bandwidth: 8000 kc.	8000P9

3. Section 2.524 is amended by redesignating paragraph (c) (6) as (c) (8), and by adding new paragraph (c) (6) and (7), as follows:

§ 2.524 *Measurement data required for type acceptance.*

(c) \* \* \*  
(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kilocycles to the highest frequency in the baseband. The

level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any pre-emphasis networks used in normal service.

(7) Transmitters in which the modulating baseband comprises not more than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

[F.R. Doc. 61-955; Filed, Feb. 1, 1961; 8:49 a.m.]

[Docket No. 13755; FCC 61-116]

### PART 3—RADIO BROADCAST SERVICES

#### Noncommercial Educational FM Stations

1. This proceeding, which was begun by notice of proposed rule making issued August 2, 1960 (FCC 60-966), involves the question of extending to noncommercial educational FM broadcast stations permission to engage in specified kinds of non-broadcast activities on a multiplex basis, similar to permission granted to commercial FM stations by our Report and Order in Docket 12517 released in May 1960 (FCC 60-497, 19 Pike & Fischer R.R. 1619). In that document we amended § 3.293 of our rules so as to permit commercial FM stations to hold subsidiary communications authorizations (SCA's) for multiplex subsidiary services of two general types: (1) Transmission of programs of a broadcast nature but primarily of interest to limited segments of the public wishing to subscribe thereto (e.g., background music, storecasting, detailed weather forecasting, special time signals, and other material of a broadcast nature expressly intended for groups, such as business, educational, labor or religious groups, engaged in any lawful activity); and (2) transmission of signals directly related to the operation of FM broadcast stations (e.g., relaying of broadcast material to other broadcast stations, remote cueing and order circuits, remote control telemetering functions associated with authorized STL operation, and similar uses).

2. Eight parties filed comments in this proceeding, including the National Association of Educational Broadcasters (NAEB), four universities and two other noncommercial educational FM licensees, and the American Medical Association (AMA). All supported the general principle that permission to engage in subsidiary communications on a multiplex basis should be extended to noncommercial educational FM stations as it has been to commercial FM stations. The only reply comment filed merely restated the position of the commenting party.

We have considered, in reaching our determination herein, the various contentions made in these comments.

3. In light of the comments and other pleadings, and our deliberations, it appears obvious that noncommercial educational FM stations should be permitted to engage in some types of subsidiary communications activities, along with commercial FM broadcast stations. There remains the question of how far such permission should extend, and we must consider this question within the framework of two concepts—first, the policy expressed in § 3.503 of our rules, that a noncommercial educational FM station "will be used for the advancement of an educational program" (paragraph (a)) and "shall furnish a non-profit and noncommercial broadcast service" (paragraph (c)); and second, the fact that the subsidiary communications activities to be permitted herein will take place within a portion of the spectrum which has been allocated basically for broadcast service.

4. As to the first of these limiting concepts, in our Notice herein we noted that the NAEB's original petition for rule making appeared to contemplate both commercial and noncommercial subcarrier usage by noncommercial FM stations, and therefore the NAEB proposal was inconsistent with the provisions of § 3.503(c) just mentioned. We stated that the proposal to be considered herein is one for subchannel uses "for educational purposes which in all respects conform with basic policy underlying the established rules limiting the use of such stations to noncommercial educational service." No party commenting herein has sought to controvert this basic limitation; the NAEB in its comments states that it fully agrees therewith. We are of the view that—subject to the qualifications discussed in the next paragraph—rendition of service of a commercial character is inappropriate for stations using a portion of the spectrum specifically reserved for educational use, and that the same principle applies to subsidiary activities rendered on subcarrier channels as an adjunct to the main broadcast service. Therefore we adhere to the restriction set forth in the Notice, and in new §§ 3.593 and 3.595 which we adopt herein concerning SCA operation by noncommercial educational FM stations, we apply to such operations the limitations set forth in § 3.503 concerning main channel operation by these stations.

5. In limiting noncommercial FM stations to SCA operations of a "noncommercial" character, we do not mean either to preclude these stations from access to subchannels for communications activities directly related to station operation (for relaying, order and cueing circuits, etc.), or to prevent the presentation of material for which the only "consideration" received by the station is the furnishing of the material and/or the payment of line charges. Under § 3.293(a)(2), commercial FM stations are permitted to conduct on subchannels communications operations directly related to station operation. While it may be argued that some of

these activities are "commercial" in the sense that commercial facilities such as telephone line or microwave circuits are available for such functions,<sup>1</sup> there appears no reason why noncommercial educational FM stations, any more than commercial FM stations, should be excluded from access to subchannels for such activities, provided no consideration is received in connection therewith. As to cases where the only consideration received by a station in connection with the presentation of material is the furnishing of the material itself or the payment of line charges by other parties, our rule for noncommercial educational television stations (§ 3.621) provides that such stations may present programs under these circumstances, and it is appropriate to make the same provision in the case of noncommercial educational FM stations. Extension of the prohibition against commercial activity into these areas would impose an unwarranted restriction upon useful transmissions by noncommercial FM stations. Accordingly, § 3.593 as herein adopted contains language permitting the types of activities mentioned above.

6. As to the second overall limitation which must be borne in mind—that the portion of the spectrum involved here is one allocated for broadcast activities—in our Report and Order in Docket 12517 we affirmed (par. 13) our previous position that "the character of the specialized operation should not run completely counter to that of a broadcast operation." We stated that we could not take action to permit in the FM band "operations which are completely unrelated to and different from broadcast activities," because such use of FM subcarrier channels would amount to a de facto reallocation of broadcast frequencies, a matter which could properly be approached only in a frequency reallocation proceeding. Therefore we limited commercial FM stations to the two general types of SCA uses specified in § 3.293, and we held activities such as radio paging or traffic light control to be inappropriate for SCA.

7. None of the parties commenting herein has explicitly sought to controvert this basic principle, and we adhere to this position. The reason for discussion of this point is that some of the uses proposed by some of the commenting parties would not appear to fall within the scope of operations which we could permit within this concept. For example, transmission of data from one university to another for processing, suggested by one commenting party as a possible subcarrier use, does not seem to meet the standard which must be applied. Here, as in Docket 12517, we do

<sup>1</sup> The National Association of Broadcasters (NAB) did not file comments in this rule making proceeding, but in earlier comments partially opposing the NAEB petition NAB apparently took the position that at least some of the communications activities mentioned in § 3.293(a)(2) are "commercial" and therefore should not be available to noncommercial educational FM stations. To the extent that NAB intended to make this contention, its argument is rejected, for the reason stated in the text.

not attempt to spell out precise standards of eligibility. Noncommercial educational FM licensees and permittees must in their SCA applications fully describe the purposes for which multiplexing will be used, and the licensee will be limited to those uses specified in the application (filing an application for modification of SCA if additional uses are desired). Marginal applications will be judged on a case-to-case basis. We emphasize that, while most of the uses proposed in the comments appear to be appropriate for SCA operations (programs designed for reception in classrooms or at meetings of professional groups, programs designed for a specialized audience such as members of a profession, relaying of programs between stations, etc.), it is true here, as in the case of commercial FM stations, that we cannot properly permit subcarrier frequencies within the FM broadcast band to be used for the rendition of nonbroadcast point-to-point communication service (except where communications relate directly to the operation of one or more noncommercial educational FM stations).

8. The suggestion was made in an earlier AMA petition, and while not specifically urged in the comments herein is implied in at least one of them, that SCA operation be permitted at any time regardless of whether or not the station's main channel is being programmed simultaneously. In this respect we must adhere to the position which we took in Docket 12517 (Report and Order, par. 17) with respect to commercial FM stations. Subcarrier operation under SCA is, and must be, an adjunct to broadcast operations. Use of the subchannels without simultaneous main-channel broadcast operation is inconsistent with this concept, and cannot be permitted here any more than with commercial FM stations. The new Rule therefore provides that SCA operations may be conducted only if the main channel is being programmed simultaneously.

9. Michigan State University in its comments herein suggests that the rules relating to noncommercial educational FM stations should make it clear—both as to subchannel and as to main channel operation—that such stations may present programs where the only consideration received by the station is the furnishing of the program material. For reasons stated above (par. 5), and in light of the provisions of section 317 (a) (1) of the Communications Act, recently enacted into law, we are of the view that this is appropriate. Accordingly, we include such a provision in new § 3.593, for SCA operations, and we are amending § 3.503, relating to main-channel operation, so as to make this point clear. Amendment of § 3.503 is not within the scope of the notice of proposed rule making in this proceeding; but the amendment adopted herein simply interprets and clarifies the provisions of present § 3.503. As interpretative in nature, this action does not require notice and rule making proceedings, under the provisions of section 4(a) of the Administrative Procedure Act.

10. The present proceeding does not deal with the matter of FM stereophonic "broadcasting", which is the subject of a separate rule making proceeding (Docket No. 13506). To the extent that noncommercial educational FM station licensees can demonstrate a need for FM stereophonic broadcasting, such need will be considered by the Commission in connection with that proceeding and subsequently.

11. The amendment to § 3.503 adopted herein is interpretative; the effect of the other amendments adopted is to relieve restrictions which preclude noncommercial educational FM stations from subchannel operation under SCA. Therefore, under the provisions of section 4(c) of the Administrative Procedure Act, these rules may be made effective less than 30 days after publication. We find that the public interest would be served by making the changes in and additions to the rules effective as early as possible.

12. Authority for the adoption of this Report and Order and associated rule amendments is contained in sections 301, 303 (b), (g), and (r) and 317(a) (1) of the Communications Act of 1934, as amended.

13. *It is ordered*, This 25th day of January 1961, that effective February 2, 1961, the Commission's rules are amended, as set forth below (amendment of § 3.503 (c), and new §§ 3.593, 3.594, 3.595).

14. *It is further ordered*, That proceedings in Docket 13755 are terminated. (Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 317, 48 Stat. 1031, 1032, 74 Stat. 889; 47 U.S.C. 301, 303, 317)

Released: January 30, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

1. Section 3.503(c) is amended to read as follows:

§ 3.503 Licensing requirements and service.

\* \* \* \* \*

(c) Each station shall furnish a non-profit and noncommercial broadcast service. No sponsored or commercial programs shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated. The provisions of this paragraph shall not be considered to prohibit the broadcast of programs (without commercial announcements or references) where the only consideration received by the licensee is the furnishing of the program material and/or the payment of line charges.

2. Section 3.592 is reserved, and the following new §§ 3.593, 3.594, and 3.595 are added to Subpart C of Part 3:

§ 3.592 [Reserved]

§ 3.593 Subsidiary Communications Authorizations.

(a) A noncommercial educational FM broadcast licensee or permittee may ap-

ply for a Subsidiary Communications Authorization (SCA) to provide limited types of subsidiary service on a multiplex basis. Any use of SCA by such licensee or permittee must be consistent with the limitation on the purpose and operation of noncommercial educational FM stations contained in § 3.503: *Provided*, That uses permitted under this paragraph will not be considered "commercial" as long as no consideration for such use (other than the furnishing of the material transmitted and/or payment of line charges) is received by the licensee, directly or indirectly, and no commercial announcements or references are contained in the material transmitted under the SCA. Permissible uses must fall within one or both of the following categories:

(1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Illustrative services include: programs for presentation in classrooms, programs designed for specialized audiences such as doctors or other professional groups, and any use which would be permitted for a commercial FM station under § 3.293(a) (1), subject to the prohibitions against commercial operations and limitation as to purpose contained in this section and in § 3.503.

(2) Transmission of signals which are directly related to the operation of FM broadcast stations; for example, relaying of broadcast material to other broadcast stations, remote cueing and order circuits, remote control telemetering functions associated with authorized STL operation, and similar uses.

(b) Applications for Subsidiary Communications Authorization shall be submitted on FCC Form 318. An applicant for SCA shall specify the particular nature or purpose of the proposed use.

(c) SCA operations may be conducted without restriction as to time so long as the main channel is programmed simultaneously.

§ 3.594 Nature of the SCA.

(a) The SCA is of a subsidiary or secondary nature and shall not exist apart from the noncommercial educational FM license or permit. No transfer or assignment of it shall be made separate from the FM license or permit, and failure to transfer the SCA (through application on FCC Form 318) with the FM license or permit renders the SCA void. The licensee or permittee must seek renewal of FM license or permit; failure to renew the latter automatically terminates the SCA.

(b) The grant or renewal of a noncommercial educational FM license or permit will not be furthered or promoted by the proposed or past operation under an SCA; the licensee must establish that its broadcast operation is in the public interest wholly apart from the SCA activities. (Violation of rules applicable to the SCA operation would, of course, reflect on the licensee's qualifications to hold its broadcast license or permit).

§ 3.595 Operation under the SCA.

(a) The holder of the SCA must restrict its operation to the uses or purposes granted by the Commission in acting upon the SCA application; prior permission to engage in any additional or new activity must be obtained from the Commission.

(b) No consideration (other than the furnishing of the material transmitted and/or payment of line charges) may be received by the licensee, directly or indirectly, for the transmission of any matter under the SCA. No sponsored or commercial program shall be transmitted under the SCA, nor shall commercial announcements of any character be made. If programs from other stations are transmitted under the SCA, all commercial announcements and commercial references therein shall be deleted.

(c) Supersonic tones or other similar devices may be employed with respect to material transmitted under the SCA operation, with the station using appropriate actuating devices with receivers where desired.

(d) In all arrangements entered into under the SCA with outside parties, the licensee or permittee must pass on all material to be transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable.

(e) The requirements of §§ 3.590 and 3.591 are equally applicable when the noncommercial educational FM licensee is engaged in operation pursuant to the SCA.

(f) The requirements of § 3.587 with respect to station identification announcements must be met by identification on the main carrier when a station is engaged in SCA operations. The licensee may prevent their reception on receivers adapted for SCA reception by the use of supersonic tones capable of deactivating these specialized receivers.

(g) The noncommercial educational FM licensee or permittee shall maintain logs for the SCA operations. In the program log, the following entries shall be made:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry describing the material transmitted in each hour segment. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(h) Operation under the SCA shall be conducted in compliance with the standards set forth in § 3.319 for SCA operation by commercial FM stations.

[F.R. Doc. 61-957; Filed, Feb. 1, 1961; 8:49 a.m.]

[RM-185; FCC 61-117]

**PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)**

**Frequencies**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of January 1961;

The Commission having under consideration a petition, filed June 10, 1960, by American Telephone and Telegraph Company (RM-185) requesting the Commission to:

(1) Immediately reserve the frequencies 454.70-454.95 Mc and 459.70-459.95 Mc for exclusive assignment to the public air-ground two-way radiotelephone service;

(2) Provide a common carrier assignment of 454.990 Mc for operation of a signaling circuit with a transmitter deviation of  $\pm 5$  kc;

(3) Grant air-ground authorizations on a provisional basis only, pending development of a coordinated national plan of ground station installations;

(4) Clear the frequencies 454.70-454.95 Mc and 459.70-459.95 Mc of assignments in the Domestic Public Land Mobile and Rural Radio Services, commencing July 1, 1961, in such areas and at such times as required to provide frequencies for public air-ground service; and

It appearing that preliminary studies indicate that establishment of a nationwide public air-ground radiotelephone service requires a minimum of 6 pairs of frequencies, which is equivalent to the spectrum space of 454.675-455.000 Mc and 459.675-460.000 Mc; and

It further appearing that the aforementioned frequencies are within the frequency bands wherein the Commission, by its Sixth Memorandum Report and Order in Docket No. 11959, provided for authorization of public air-ground service on frequencies which are shared with Domestic Public Land Mobile and Rural Radio Services by addition of footnote NG19 to the Table of Frequency Allocations in Part 2 of the rules; and

It further appearing that because of the heights at which aircraft normally operate, harmful interference between aircraft stations and co-channel stations on the surface of the earth is generally unavoidable and, therefore, it is not feasible for the air-ground service to operate simultaneously on the same frequencies with the Domestic Public Land Mobile and Rural Radio Services; and

It further appearing that because of the aforementioned interference considerations, the Commission, at an early date, intends to institute rule-making for public air-ground radiotelephone service which, among other things, will look toward designating a minimal number of frequencies, presently assignable on a shared basis pursuant to footnote NG19 in Part 2 of our rules, for assignment exclusively to the air-ground service; and

It further appearing that practically all current Domestic Public Land Mobile and Rural Radio Services station assignments in the 454.675-455.000 Mc and 459.675-460.000 Mc bands can be shifted to frequencies allocated for common carrier use immediately below these bands, which are also available for establishment of new facilities in such services; and

It further appearing that since frequencies in the 454.675-455.000 Mc and 459.675-460.000 Mc bands may soon have to be cleared of Domestic Public Land

Mobile and Rural Radio Services operations to permit establishment of a nationwide public air-ground radiotelephone service on an interference-free basis, the public interest would be served by not permitting any new station authorizations to be issued in the Domestic Public Land Mobile and Rural Radio Services on these frequencies, pending promulgation of rules and regulations governing the public air-ground radiotelephone service at which time the aforementioned A. T. & T. rule-making petition (RM-185) will be considered further; and

It further appearing that, since this action is a necessary interim procedure which is required to be made effective at the earliest practicable date, pending later definitive proposed rule-making procedures, in accordance with section 4(a) of the Administrative Procedure Act, proposed rule-making at this time would be impracticable, unnecessary and contrary to the public interest, and, in accordance with section 4(c) of the Act, these rules should be made effective at once in the public interest and for the efficient conduct of our business; and

It further appearing that authority for the promulgation of these rules is set forth in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That pending the institution and final disposition of anticipated later rule-making for public air-ground radiotelephone service, requests for authorizations in the Domestic Public Land Mobile Service and Rural Radio Service on the frequencies 454.675-455.000 Mc and 459.675-460.000 Mc will be considered in accordance with the following interim procedure, and shall be subject to further order of the Commission, as may hereafter appear necessary or appropriate:

(a) Applications, as described above, pending on the effective date of this Order, will not be acted upon by the Commission but will be placed in the pending files.

(b) Applications, as described above, hereafter tendered for filing, will not be accepted for filing but will be returned to the applicant.

It is further ordered, That §§ 21.501 (b) and 21.601(a) of Subparts G and H, respectively, of Part 21 of the Commission's rules are amended, effective January 25, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

1. Section 21.501(b) is amended to read as follows:

§ 21.501 Frequencies.

\* \* \* \* \*

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Com-

munications may also be furnished by any facility rendering such General or Dispatch Service):<sup>1</sup>

Base station frequencies (Mc) :	Mobile and auxiliary station frequencies (Mc)
152.51	157.77
152.54 <sup>1</sup>	157.80
152.57	157.83
152.60 <sup>1</sup>	157.86
152.63	157.89
152.66 <sup>1</sup>	157.92
152.69	157.95
152.72 <sup>1</sup>	157.98
152.75	158.01
152.78 <sup>1</sup>	158.04
152.81	158.07
454.40	459.40
454.45	459.45
454.50	459.50
454.55	459.55
454.60	459.60
454.65	459.65
454.70 <sup>2</sup>	459.70
454.75 <sup>2</sup>	459.75
454.80 <sup>2</sup>	459.80
454.85 <sup>2</sup>	459.85
454.90 <sup>2</sup>	459.90
454.95 <sup>2</sup>	459.95

<sup>1</sup> This frequency becomes available for assignment on November 1, 1963; however, earlier assignment may be made when the transmitting equipment proposed to be installed is capable of meeting the technical standards set forth elsewhere in this part and applicable to equipment installed after November 1, 1963, and when the application is accompanied by an engineering showing which clearly indicates that the proposed station will not cause harmful interference to any station located within 75 miles of the proposed station and authorized to operate on frequencies removed by 30 kc or less from the proposed frequency. This showing shall include a notarized statement from each of such licensees setting forth their views as to the probability of harmful interference being caused thereby; if harmful interference is anticipated, the basis for the belief should be set forth by the licensee.

<sup>2</sup> Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675-455.000 Mc. and 459.675-460.000 Mc bands are not available for operation of new radio facilities in the Domestic Public Land Mobile Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

2. Section 21.601(a) is amended to read as follows:

**§ 21.601 Frequencies.**

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and inter-office station frequencies (Mc) :	Rural subscriber and inter-office station frequencies (Mc)
152.03 <sup>2</sup>	158.49
152.06 <sup>2</sup>	158.52
152.09 <sup>2</sup>	158.55
152.12 <sup>2</sup>	158.58
152.15 <sup>2</sup>	158.61
152.18 <sup>2</sup>	158.64

Central office and inter-office station frequencies (Mc) :	Rural subscriber and inter-office station frequencies (Mc)
152.21 <sup>2</sup>	158.67
152.51 <sup>1</sup>	157.77
152.54 <sup>1</sup>	157.80
152.57 <sup>1</sup>	157.83
152.60 <sup>1</sup>	157.86
152.63 <sup>1</sup>	157.89
152.66 <sup>1</sup>	157.92
152.69 <sup>1</sup>	157.95
152.72 <sup>1</sup>	157.98
152.75 <sup>1</sup>	158.01
152.78 <sup>1</sup>	158.04
152.81 <sup>1</sup>	158.07
454.05 <sup>2</sup>	459.05
454.10 <sup>2</sup>	459.10
454.15 <sup>2</sup>	459.15
454.20 <sup>2</sup>	459.20
454.25 <sup>2</sup>	459.25
454.30 <sup>2</sup>	459.30
454.35 <sup>2</sup>	459.35
454.40 <sup>1</sup>	459.40
454.45 <sup>1</sup>	459.45
454.50 <sup>1</sup>	459.50
454.55 <sup>1</sup>	459.55
454.60 <sup>1</sup>	459.60
454.65 <sup>1</sup>	459.65
454.70 <sup>1,2</sup>	459.70
454.75 <sup>1,2</sup>	459.75
454.80 <sup>1,2</sup>	459.80
454.85 <sup>1,2</sup>	459.85
454.90 <sup>1,2</sup>	459.90
454.95 <sup>1,2</sup>	459.95

<sup>1</sup> This frequency is available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service.

<sup>2</sup> This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service. (NOTE: There is pending, in Docket 13847, a proposal to delete frequencies available for central office and inter-office stations for miscellaneous common carriers and to retain the frequencies for rural subscriber stations as designated by this footnote designator 2.)

<sup>3</sup> Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675-455.000 Mc and 459.675-460.000 Mc bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

[F.R. Doc. 61-956; Filed, Feb. 1, 1961; 8:49 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Agency**

[Reg. Docket No. 510, Amdt. 60-22]

**PART 60—AIR TRAFFIC RULES**

**VFR Minimum Weather Conditions**

On September 14, 1960, notice was given in Draft Release No. 60-16 (25 F.R. 9060) that the Federal Aviation Agency proposed to re-establish the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60-11; revise the definition "VFR conditions"; add a new definition entitled "Special VFR conditions."

In Civil Air Regulations Amendment 60-11, adopted August 7, 1958, §§ 60.30 and 60.31 were revised to provide for "Basic VFR Minimum Weather Conditions" in § 60.30 and "Special VFR Minimum Weather Conditions in Control Zones" in § 60.31.

The preamble of Amendment 60-11 made it clear, with one exception, the amendment did not contemplate the modification of the minimum VFR weather criteria. This is evident in the following statement quoted from the preamble of Amendment 60-11: "This amendment introduces the terms 'basic' and 'special' VFR flight but leaves unchanged the existing VFR weather minimums with the exception of the one-half mile rule for VFR flights which is eliminated."

Prior to the adoption of Amendment 60-11, Section 60.30 contained the phrase "beneath the ceiling." In the rule adopted by Amendment 60-11, this phrase, "beneath the ceiling," was inadvertently omitted. The significance of this omission is apparent as it would technically require the approval of Air Traffic Control for flights through the Control Zone, when the ceiling in the zone was less than 1,000 feet, even though the aircraft was above an undercast operating VFR-on-top. Such a requirement was not intended and would impose an unnecessary burden on pilots operating under VFR conditions, VFR-on-top, and also would create an unnecessary workload on air traffic control and communications facilities.

Amendment 60-11 incorporated the provisions for "special VFR" flight in § 60.31, which permitted a degree of flexibility to VFR flights when weather conditions were below the minimums specified for "basic VFR" in a control zone. While permitting greater flexibility, Amendment 60-11 did not distinguish by definition between "basic VFR" and "special VFR." Such a distinction is believed necessary in order to clearly define the difference.

The phrase "VFR conditions" is most commonly used in reference to "basic VFR minimum weather conditions;" therefore the definition of "VFR conditions" will reflect this concept. A definition for "special VFR" is added to define the term as meaning those special weather minimums as contained in § 60.31.

All relevant comments received in response to Draft Release 60-16 have been considered. These comments endorsed the proposal in varying degrees except one, which was based on a misconception of the intended result.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) is hereby amended as follows:

1. By amending § 60.30(a) (1) to read as follows:

§ 60.30 Basic VFR minimum weather conditions.

(a) Clearance from clouds—(1) In controlled airspace. Aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over,

and 2,000 feet horizontally from any cloud formation except that, in the continental control area, aircraft shall not be flown VFR less than 1,000 feet vertically and one mile horizontally from any cloud formation. Aircraft shall not be flown VFR within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

§ 60.60 [Amendment]

2. By amending § 60.60 by revising the definition "VFR conditions" and by adding, in proper alphabetical order, a new definition "Special VFR conditions" to read as follows:

*VFR conditions (VFR minimum weather conditions).* Basic weather conditions prescribed in § 60.30 for flight under VFR.

\* \* \* \* \*  
*Special VFR conditions (special VFR minimum weather conditions).* Weather conditions which are less than basic VFR weather conditions and which permit flight under Visual Flight Rules as specified in § 60.31.

This amendment shall become effective March 3, 1961.

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

Issued in Washington, D.C., on January 26, 1961.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 61-926; Filed, Feb. 1, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 588; Amdt. 245]

PART 507—AIRWORTHINESS DIRECTIVE

Continental Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of exhaust valves on certain Continental engines to prevent failures which can result in engine damage was published in 25 F.R. 12477.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Because of information subsequently provided by the manufacturer, an additional means of identifying satisfactory valves has been incorporated.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**CONTINENTAL.** Applies to all E165, E185, E225, and O-470 Series engines. (These engines may be found in such aircraft as Beech 35 Series, Cessna 180, 182, 310 and Navion.)

Compliance required at next engine top overhaul or overhaul, whichever occurs first after the effective date of this directive.

Unless already accomplished per Continental Motors Corporation Service Bulletin No. M60-1, remove exhaust valves, CMC P/N

40651, 537844, 538997, or 539449, and replace with CMC P/N 626540. P/N 626540 may be identified by the following:

(a) The part number on the top surface of the head, or

(b) The letter "H" or a triangle stamped or etched 0.06-inch high in two places 180 degrees apart on the valve stem between the keeper groove and the end of the valve.

This amendment shall become effective March 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 24, 1961.

GEORGE C. PRILL,  
Acting Director, Bureau of  
Flight Standards.

[F.R. Doc. 61-927; Filed, Feb. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 646; Amdt. 247]

PART 507—AIRWORTHINESS DIRECTIVES

Certain Hartzell Propellers

Several cases of cracked cylinders on Hartzell HC-93Z30-2D and HC-B3Z30-2D propellers have been reported. Recent incidents have involved emergency landings after automatic propeller feathering due to loss of engine oil through the cracked cylinders. Accordingly, in order to minimize the loss of propeller control and the fire hazard of leaking oil coming in contact with hot engine parts, it is necessary to require replacement of the B-1803 cylinders at the next propeller overhaul or within 400 hours' time in service, with repetitive inspections until the cylinders are replaced.

In the interest of safety notice and public procedure hereon are impracticable and good cause exists for making this amendment effective 10 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**HARTZELL.** Applies to all HC-93Z30-2D and HC-B3Z30-2D propellers installed on Pratt and Whitney R-985 engines. (These may be found in such aircraft as Beech 18 series, Grumman G-21A, and Lockheed 12A.)

Compliance required as indicated.

Due to failure or cracking of several B-1803 cylinders in the threaded area, resulting in the loss of engine oil and control of the propeller, the following shall be accomplished, unless the replacement required in paragraph (b) has already been made:

(a) Check for oil leaks in the propeller hub within the next 25 hours' time in service and every 25 hours' time in service thereafter until the replacement required in paragraph (b) is accomplished. It is not necessary to remove the spinner for this inspection. If an oil leak is discovered replace the cylinder as provided in paragraph (b) before further flight.

(b) Unless already accomplished, replace cylinder B-1803 and collar 834-7 with cylinder B-1803-1 and collar 834-7A at the next propeller overhaul or within the next 400 hours of time in service, whichever occurs first. The hub model dash number is to be restamped -2E in place of the present -2D.

(Hartzell Bulletin No. 73 dated April 18, 1960, and Bulletin No. 73 amendment dated September 8, 1960, cover this subject.)

This amendment shall become effective February 13, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 26, 1961.

GEORGE C. PRILL,  
Acting Director, Bureau of  
Flight Standards.

[F.R. Doc. 61-928; Filed, Feb. 1, 1961; 8:45 a.m.]

[Reg. Docket No. 571; Amdt. 246]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring corrective measures to prevent failures of brake attachment flanges on the main landing gear ram foot fitting of certain Vickers Viscount 745D aircraft was published in 25 F.R. 11239.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received to the effect that the only United States scheduled air carrier using aircraft affected is already taking the action required by the proposal, and that this carrier is the only American operator with this particular ram foot/brake combination. However, the FAA is aware that there are U.S. operators, other than the scheduled air carrier referred to above, using the Model 745-D aircraft affected by this AD. Therefore, the directive is considered necessary. The AD does not require further compliance if already accomplished.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**VICKERS.** Applies to all Viscount Model 745D aircraft with Dunlop "Inorganic" AH-50961/2 main wheel brake units.

Compliance required as indicated, unless already accomplished.

Due to failure of the main landing gear ram foot fitting brake attachment flange, pre-Mod D.2781 Standard, the following must be accomplished.

(a) All brake units P/N AH.50961/2 in service must be inspected at the next main wheel removal to ensure that shoulders of dowels (P/N AHO.36232) do not protrude above the surface of the torque plate, P/N AH.41181/2. Spare brake units must be inspected prior to installation.<sup>1</sup> Brake units on which the shoulders of the dowels are found to protrude above the surface of the torque plate are considered unairworthy until reworked in accordance with Vickers PTL No. 225 or FAA approved equivalent.

(b) When conducting the above inspection also inspect the ram foot fitting for cracks on the inside surface of the top portion of the brake attachment flange, with special

<sup>1</sup> Whenever a brake unit is reassembled or initially installed on the ram foot, precautionary measures as detailed in Vickers PTL No. 225 should be observed.

attention to the blend radius at the base of the flange, using dye penetrant or FAA approved equivalent. If cracks are found in an area of the flange between the brake attachment holes and the blend radius itself, the ram foot fitting must be replaced or repaired prior to further flight. The defective part may be repaired in accordance with Vickers Mod D. 3000 or FAA approved equivalent provided only one flange is cracked. The ram foot fitting must be replaced if both flanges are cracked.

(Vickers Preliminary Technical Leaflet No. 225 and Modification D.3000 cover this subject.)

This amendment shall become effective March 3, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 24, 1961.

GEORGE C. PRILL,  
*Acting Director, Bureau of  
Flight Standards.*

[F.R. Doc. 61-929; Filed, Feb. 1, 1961;  
8:45 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-114]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### Modification

The purpose of this amendment to § 600.6037 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 37 between Savannah, Ga., and Allendale, S.C.

This segment of Victor 37 presently extends direct from the Savannah VOR to the Allendale VOR. Because of technical difficulties, the Allendale VOR 170° True radial is unusable beyond 20 miles from the station. This defect cannot readily be corrected. Therefore, it is necessary to designate this segment via other radials so that aircraft may receive usable signals for navigation. Thus, the Federal Aviation Agency is modifying this segment of Victor 37 herein by realigning the airway via the Savannah VOR 346° True and the Allendale VOR 174° True radials. This action will add no appreciable distance to the airway (approximately one nautical mile). The control areas associated with Victor 37 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.6037 (14 CFR 600.-6037, 25 F.R. 5377, 9701) "via the Allen-

dale, S.C., VOR" is deleted and "via the INT of the Savannah VOR 346° True and the Allendale, S.C., VOR 174° True radials; Allendale VOR," is substituted therefor.

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

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

Issued in Washington, D.C. on January 26, 1961.

D. D. THOMAS,  
*Director, Bureau of  
Air Traffic Management.*

[F.R. Doc. 61-935; Filed, Feb. 1, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-WA-170]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Designation of Control Zone; Modification

On November 26, 1960, there was published in the FEDERAL REGISTER (25 F.R. 11216) an amendment to Part 601 of the regulations of the Administrator. This amendment, to be effective February 9, 1961, designated the Oklahoma City, Okla. (Tinker AFB), control zone which is described in part utilizing the Spencer Fan Marker.

Subsequent to the publication of the amendment, the Department of the Air Force advised the Federal Aviation Agency that the Spencer Fan Marker had been decommissioned. It is necessary, therefore, to amend the description of the Tinker AFB control zone to delete the reference to this fan marker.

Consequently, the north extension of the Tinker control zone is modified herein to delete the reference to the Spencer Fan Marker and to substitute therefor a distance of 13 miles north of the Tinker VOR. No additional airspace is involved in this action.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-170 is hereby modified as follows:

In the text of § 601.2474 "to the Spencer FM," is deleted and "to 13 miles N of the VOR," is substituted therefor.

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

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,  
*Director, Bureau of  
Air Traffic Management.*

[F.R. Doc. 61-931; Filed, Feb. 1, 1961;  
8:45 a.m.]

[Airspace Docket No. 60-KC-5]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification of Control Area Extension

On August 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8055) stating that the Federal Aviation Agency proposed to modify the Huron, S. Dak., control area extension. Subsequent to the closing date for comments, a Modification of Proposal was published on November 29, 1960, in the FEDERAL REGISTER (25 F.R. 12203) amending the original proposal. The time for submission of comments was extended to December 20, 1960.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1259 is amended to read:

§ 601.1259 Control area extension  
(Huron, S. Dak.).

That area within a 20-mile radius of the Huron VOR extending clockwise from the 283° True radial to the 333° True radial of the VOR and within a 15-mile radius extending clockwise from the 333° True radial to the 283° True radial of the VOR.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

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

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,  
*Director, Bureau of  
Air Traffic Management.*

[F.R. Doc. 61-932; Filed, Feb. 1, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-KC-85]

### PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSI- TIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Modification of Control Zone

On November 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 11039) stating that the Federal Aviation Agency proposed to modify the Kansas City, Mo., control zone.

No adverse comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2056 (14 CFR 601.2056) is amended to read:

§ 601.2056 Kansas City, Mo., control zone.

Within a 5-mile radius of the Kansas City Municipal Airport (Latitude 39°-07'20" N., Longitude 94°35'30" W.), within 2 miles either side of the ILS localizer N course, extending from the 5-mile radius zone to the ILS OM and within 2 miles either side of the 185° True radial of the Kansas City VORTAC, extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

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

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-933; Filed, Feb. 1, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-NY-97]

**PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS**

**Modification of Control Zone**

On November 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10777) stating that the Federal Aviation Agency (FAA) proposed to modify the Falmouth, Mass., control zone.

As stated in the notice, the FAA proposed to modify the Falmouth control zone as follows:

1. Modify the existing northeast control zone extension based on a line bearing 039° True from the Otis AFB, to extend from the 5-mile radius zone to 9 miles northeast of the air base.

2. Designate control zone extensions within 2 miles either side of the 030° True and 224° True radials from the Otis TACAN extending from the 5-mile radius zone to 8 miles northeast and southwest of the TACAN.

3. Designate control zone extensions within 2 miles either side of lines bearing 127°, 218°, and 307° True from air base extending from the 5-mile radius zone to 9 miles southeast, southwest and northwest of the air base.

4. Designate control zone extensions within 2 miles either side of the 139° True and 299° True radials from the TACAN extending from the 5-mile radius

zone to 7 miles southeast and northwest of the TACAN.

5. Delete from the control zone designation the exclusion of the portion which coincides with the Camp Edwards, Mass., Restricted Area (R-14). This portion of the control zone, in addition to the portion which coincides with the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor (R-571), would be utilized when the restricted areas are not being used for their designated purposes.

The Air Line Pilots Association, Air Transport Association of America, and the Department of the Air Force concurred in the proposal. However, the Director of Aeronautics for the Massachusetts Aeronautics Commission and the Airspace Representative for the Aircraft Owners and Pilots Association/National Aviation Trades Association offered practically identical objections. A summary of these objections reveals that they are of the opinion that this modification as proposed will penalize a large volume of general aviation in order to provide more complete freedom of action for marginal performance military aircraft. They recommend that military aircraft orbit to altitude within the present control zone or climb in the "already protected fighter departure route". The Agency assumes they are referring to the military climb corridor.

The purpose of this control zone modification is not to permit complete freedom of action for marginal performance military aircraft but to permit an adequate margin of safety for heavily-laden tanker aircraft departing and arriving Otis AFB, Falmouth, while maneuvering at or below 1,000 feet above the terrain. The suggestion to use the military climb corridor to attain the desired 1,000 feet above the terrain is not practical. The entry base of the corridor is 2,000 feet above the terrain and this type aircraft cannot attain this altitude prior to entering the corridor. To require these heavily-laden aircraft to orbit at low altitudes within the basic control zone is impractical to the point of bordering on the unsafe. The burden this modification will impose on general aviation is very slight, if at all. As proposed, the control zone is expanded by three 4-mile extensions. To transit these extensions when the flight visibility is less than 3 miles will require a clearance. The FAA is of the opinion that this requirement, which will permit freedom of transit, is not a penalty at this stage of aviation progress.

The Agency has made a re-evaluation of the control zone requirements for Otis AFB and as a result, determined that the two 9-mile extensions based on runways 5-23 can be deleted. The majority of tanker aircraft departures use runways 14-32. The requirement for the 9-mile extensions on these runways is necessary to protect these aircraft when maneuvering below 1,000 feet above the terrain. The FAA is modifying the control zone herein, as proposed, with the exception of the two 9-mile extensions based on the 039° True and 218° True bearings (runways 5-23) from the air-

port, extending to 9 miles northeast and southwest of the air base.

No other comments were received regarding the proposed amendment.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2254 (14 CFR 601.2254) is amended to read:

§ 601.2254 Falmouth, Mass., control zone.

Within a 5-mile radius of Otis AFB (latitude 41°38'54" N., longitude 70°31'12" W.), and within 2 miles either side of lines bearing 127° True and 307° True from the air base extending from the 5-mile radius zone to 9 miles SE and NW of the air base; within 2 miles either side of the 030° True and 224° True radials from the Otis AFB TACAN (latitude 41°39'43" N., longitude 70°30'43" W.) extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; and within 2 miles either side of the 139° True and 299° True radials of the TACAN extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN. The portion of the control zone which coincides with the Camp Edwards, Mass., Restricted Area (R-14) and the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor (R-571) shall be used only after obtaining prior approval from the controlling agencies.

This amendment shall become effective 0001 e.s.t., April 6, 1961.

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

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-934; Filed, Feb. 1, 1961;  
8:46 a.m.]

[Airspace Docket No. 60-WA-241]

**PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA**

**Modification of Coded Jet Routes**

On October 14, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9872) stating that the Federal Aviation Agency proposed to modify jet routes 55-V and 53-L between Jacksonville, Fla., and Charleston, S.C., via the Savannah, Ga., VOR and radio range, respectively.

No adverse comments were received regarding the proposed amendments.

Subsequent to publication of the notice, technical difficulty with the Savannah, Ga., radio range station has developed that cannot readily be corrected. Therefore, action is taken herein to re-

align J-53-L via True bearings between the Jacksonville and Charleston radio range stations, over Savannah, thus eliminating the Savannah radio range from the descriptions of J-53-L. This alignment occupies the same airspace as proposed in the Notice.

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

The substance of the proposed amendments having been published, therefore,

pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 602.555 (14 CFR 602.555, 25 F.R. 12552) "the Charleston, S.C., VOR;" is deleted and "the Savannah, Ga., VOR; Charleston, S.C., VORTAC;" is substituted therefor.

2. In the text of § 602.153 (14 CFR 602.153) "Charleston, S.C., RR;" is deleted and "INT of a line bearing 013° True from the Jacksonville, Fla., RR and a line bearing 225° True from the

Charleston, S.C., RR; Charleston RR," is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 9, 1961.

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

Issued in Washington, D.C., on January 26, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-930; Filed, Feb. 1, 1961;  
8:45 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-LA-1]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Alteration

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 §§ 600.6095 and 601.6095 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 95 extends in part from Phoenix, Ariz., to Winslow, Ariz. The Federal Aviation Agency is considering extending this airway and its associated control areas southwesterly from the Phoenix, Ariz., VORTAC to the Gila Bend, Ariz., VOR via the intersection of the Phoenix VORTAC 204° and the Gila Bend 096° True radials. This

would facilitate air traffic management and simplify flight planning by providing a single numbered airway for the route being utilized between Phoenix and Gila Bend, a portion of which is presently off-airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field 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 Management Field 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 B-316, 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 Management Field 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 January 25, 1961.

CHARLES W. CARMODY,  
*Chief, Airspace Utilization Division.*

[F.R. Doc. 61-925; Filed, Feb. 1, 1961; 8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management  
IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 011823 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for recreation areas, campground and picnic areas, a boat landing, a historical cemetery site, and organization sites in the Kaniksu, Nezperce and St. Joe National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

KANIKSU NATIONAL FOREST

#### Garfield Bay Recreation Area

T. 56 N., R. 1 W.,

Sec. 27; That portion of Lot 3 lying north of a line drawn between the centers of Sections 27 and 28;

Sec. 28; Lot 1, except west 20 acres and Lot 2, except west 20 acres.

Totaling approximately 37.18 acres.

#### Huckleberry Campground

T. 57 N., R. 2 E.,

Unsurveyed, but will be when surveyed:

Sec. 7; SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Totaling 10 acres.

NEZPERCE NATIONAL FOREST

#### Red River Recreation Area

A strip of land 8 chains wide being 5 chains on the northerly side and 3 chains on the southerly side of the thread of Red River beginning at the point where Red River is closest to the center of unsurveyed Section 34, T. 28 N., R. 9 E., and extending approximately 4.5 miles upstream to the point where Red River crosses the section line between unsurveyed Section 24, T. 28 N., R. 9 E., and unsurveyed Section 19, T. 28 N., R. 10 E., and

located wholly within the following subdivisions:

T. 28 N., R. 9 E.,

Unsurveyed, but will be when surveyed:

Sec. 23; E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24; S $\frac{1}{2}$ N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 26; NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27; SE $\frac{1}{4}$ ;  
Sec. 34; NE $\frac{1}{4}$ .

Totaling 288 acres more or less.

#### Papoose Creek Camp and Picnic Area

T. 24 N., R. 1 W.,

Sec. 23; NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24; SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 26; NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 25 acres.

#### Low Saddle Camp and Picnic Area

T. 25 N., R. 1 W.,

Sec. 18; S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 19; N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 25 acres.

#### Wind River Recreational Area

T. 24 N., R. 4 E.,

Sec. 3; Lot 1.

Totaling 19.15 acres.

#### Peter Ready Camp and Picnic Area

T. 27 N., R. 3 E.,

Sec. 14; SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Totaling 12.5 acres.

#### Rocky Bluff Camp and Picnic Area

T. 27 N., R. 4 E.,

Unsurveyed, but will be when surveyed:

Sec. 31; S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Totaling 15 acres.

#### Wildhorse Lake Recreation Area

T. 27 N., R. 6 E.,

Unsurveyed, but will be when surveyed:

Sec. 24; SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25; NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 27 N., R. 7 E.,

Unsurveyed, but will be when surveyed:

Sec. 19; NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Totaling 60 acres.

#### Mackay Bar Recreation Area

T. 24 N., R. 8 E.,

Unsurveyed, but will be when surveyed:

Sec. 29; NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Totaling 23.75 acres.

#### Mackay Bar Boat Landing

T. 24 N., R. 8 E.,

Unsurveyed, but will be when surveyed:

Sec. 29; SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Totaling 3.75 acres.

#### Sam's Creek Campground

T. 25 N., R. 8 E.,

Unsurveyed, but will be when surveyed:

Sec. 5; S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 5 acres.

#### Florence Cemetery Historical Site

T. 25 N., R. 3 E.,

Sec. 13; SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 10 acres.

ST. JOE NATIONAL FOREST

#### Avery Landing Administrative Site

T. 45 N., R. 5 E.,

Sec. 14; Lots 2, 3, 5.  
Totaling 62.08 acres.

#### Cedar Prospect Creek Campground

T. 46 N., R. 4 E.,

Sec. 12; NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 13; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 14; NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 60 acres.

#### Slate-Horseshoe Organization Site

T. 47 N., R. 4 E.,

Sec. 25; S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Totaling 110 acres.

#### Rye Creek Campground

T. 46 N., R. 5 E.,

Sec. 13; N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 30 acres.

#### Squaw-Stetson Creek Campground

T. 46 N., R. 5 E.,

Sec. 25; S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 36; N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Totaling 80 acres.

#### Railroad Creek Picnic Area

T. 47 N., R. 5 E.,

Sec. 28; N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Totaling 40 acres.

#### Bullion Creek Organization Camp

T. 47 N., R. 5 E.,

Sec. 36; S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Totaling 70 acres.

#### Triangle Point Campground

T. 46 N., R. 6 E.,

Sec. 5; SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Totaling 20 acres.

#### Lucky Swede Gulch Picnic Area

T. 46 N., R. 6 E.,

Sec. 6; W $\frac{1}{2}$  Lot 1 except patented mining claim SE $\frac{1}{4}$  Lot 2.

Totaling 22 acres, more or less.

#### Long Liz Campground

T. 46 N., R. 6 E.,

Sec. 7; SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Totaling 10 acres.

#### Cliff Creek Campground

T. 46 N., R. 6 E.,

Sec. 10; S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  less that portion of HES 685.

Totaling 32 acres more or less.

#### Big Dick Creek Picnic Area

T. 46 N., R. 6 E.,

Sec. 18; NW $\frac{1}{4}$  of Lot 2.

Totaling 9.2 acres.

*Mozier Creek Recreation Area*

T. 47 N., R. 6 E.,  
Sec. 31; N $\frac{1}{2}$  Lot 4 except that portion containing patented mining claim.  
Totalling 13 acres more or less.

*Bird Creek Campground*

T. 45 N., R. 7 E.,  
Unsurveyed, but will be when surveyed:  
Sec. 5; NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totalling 30 acres.

*Lents-Conrad Campground*

T. 44 N., R. 8 E.,  
Sec. 14; W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totalling 25 acres.

*Middle Quartz Creek Campground*

T. 45 N., R. 8 E.,  
Unsurveyed, but will be when surveyed:  
Sec. 17; S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Totalling 85 acres.

*Entente Creek Campground*

T. 45 N., R. 8 E.,  
Unsurveyed, but will be when surveyed:  
Sec. 19; S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totalling 25 acres.

*Wahoo Creek Campground*

T. 43 N., R. 9 E.,  
Sec. 6; W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Totalling 50 acres.

*Indian Creek Campground*

T. 43 N., R. 9 E.,  
Sec. 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totalling 20 acres.

*Beaver Creek Campground*

T. 43 N., R. 9 E.,  
Sec. 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17; NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Totalling 30 acres.

*Cave Rock Campground*

T. 43 N., R. 9 E.,  
Sec. 17; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totalling 10 acres

*Midget Creek Campground*

T. 44 N., R. 9 E.,  
Sec. 31; W $\frac{1}{2}$ NE $\frac{1}{4}$  Lot 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$  Lot 3, N $\frac{1}{2}$ NW $\frac{1}{4}$  Lot 3, SE $\frac{1}{4}$  Lot 3.  
Totalling 22.27 acres more or less.

*Heller Creek Campground*

T. 43 N., R. 10 E.,  
Sec. 17; S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20; NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Totalling 32.5 acres.

*Yankee Bar Campground*

T. 43 N., R. 10 E.,  
Sec. 22; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27; S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , except for portion of patented mining claim within these subdivisions.  
Totalling 14.2 acres more or less.

*California Creek Campground*

T. 43 N., R. 10 E.,  
Sec. 26; W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , except portion of patented claim.  
Totalling 2.5 acres more or less.

The areas described aggregate 1,439.08 acres, more or less, located in Bonner, Idaho and Shoshone Counties, Idaho.

JOE T. FALLINI,  
State Supervisor.

[F.R. Doc. 61-943; Filed, Feb. 1, 1961; 8:47 a.m.]

[W-075803]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1961.

The Federal Aviation Agency, Department of Commerce, has filed an application, Serial No. Wyoming 075803, for withdrawal of the lands described below from location and entry under the general mining laws of the United States. Grazing administration is to remain under the jurisdiction of the Bureau of Land Management.

The applicant desires the land for a Remote Controlled Air to Ground Communications Facility for the guidance of aircraft along the Federal Airways System.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 88 W.,  
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 40 acres more or less.

EUGENE L. SCHMIDT,  
Lands and Minerals Officer.

[F.R. Doc. 61-944; Filed, Feb. 1, 1961; 8:47 a.m.]

[Serial No. Utah 060747]

UTAH

Order for the Opening of Public Lands

JANUARY 25, 1961.

Pursuant to the authority delegated to me by Order No. 541, Sec. 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), the following-described lands reconveyed to the United States in an exchange of land made under the provisions of Sec. 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under applicable public land laws as hereinafter indicated:

(1) The conveyance to the United States of the following-described lands contained no provisions for the reser-

vation of minerals, easements, of other rights:

T. 8 S., R. 6 W., SL Mer., Utah,  
Sec. 20; E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29; N $\frac{1}{2}$ NE $\frac{1}{4}$ .

Containing 320 acres.

Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Bureau of Land Management, 3d Floor Darling Building, Salt Lake City 10, Utah.

The land subject to this order may be described as level to rolling in topography; devoid of water for livestock except such as may be obtained from snowfall; and covered with sagebrush, June grass, and a scattering of browse. It is predominately suited for winter grazing of livestock.

No application for this land will be allowed under the homestead, desert land, small tract or any other nonmineral public land law, unless the land has already been classified as valuable, or suitable, for such type of application. Any application that is filed will be considered upon its merits. The lands will not be subject to occupancy until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(1) Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning at the date of this order. Such applications shall be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

a. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws for lands listed above presented prior to 10:00 a.m. February 27, 1961, will be considered as simultaneously filed, and offers filed after that hour will be governed by the time of filing.

c. The lands listed above will be open to location under the United States mining laws beginning at 10:00 a.m., February 27, 1961.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in

Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3d Floor Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,  
State Supervisor.

[F.R. Doc. 61-948; Filed, Feb. 1, 1961;  
8:48 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[643.3-0]

#### CHRISTMAS TREE ORNAMENTS FROM POLAND

##### Purchase Price; Constructed Value

JANUARY 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Christmas tree ornaments imported from Poland is less or likely to be less than the constructed value, as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

Customs officers are being authorized to withhold appraisement of entries of Christmas tree ornaments from Poland pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

[F.R. Doc. 61-958; Filed, Feb. 1, 1961;  
8:49 a.m.]

[643.3-0]

#### PORTLAND CEMENT FROM POLAND

##### Purchase Price; Foreign Market Value

JANUARY 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland cement, other than white, non-staining Portland cement, imported from Poland is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland cement, other than white, non-staining Portland cement, from Poland pursuant to § 14.9 of the Customs regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

[F.R. Doc. 61-959; Filed, Feb. 1, 1961;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

#### FIRE-CURED (TYPES 21, 22, 23, and 24) TOBACCO AND DARK AIR- CURED (TYPES 35 AND 36) TO- BACCO

##### Notice of Referenda

Notice is hereby given that on February 24, 1961, referenda will be held of farmers engaged in the production in 1960 of fire-cured (types 21, 22, 23, and 24) tobacco, and of dark air-cured (types 35 and 36) tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referenda was given in 25 F.R. 9901. The purpose of the referenda is to determine whether the farmers voting favor national marketing quotas for each of the 1961-62, 1962-63, and 1963-64 marketing years for each of such kinds of tobacco. The referenda will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (23 F.R. 3432, 7285; 25 F.R. 5907).

In order that arrangements for holding the referenda may be made in an orderly manner and as much advance notice as possible be given to the date of the referenda, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 30th day of January 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-984; Filed, Feb. 1, 1961;  
8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11901]

### ARGONAUT AIRWAYS CORP.; EN- FORCEMENT PROCEEDING

#### Notice of Change in Time and Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is reassigned to be held on February 15, 1961, at 10:00 a.m., local time, in the Allison Hotel, 6221 Collins Avenue, Miami Beach, Florida, before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 27, 1961.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 61-950; Filed, Feb. 1, 1961;  
8:48 a.m.]

[Docket 9843]

## NORTHEAST AIRLINES, INC.

### Notice of Reassignment of Hearing

In the matter of the termination of the authority of Northeast Airlines, Inc., to serve Greenfield, Massachusetts.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, noticed to be held in Washington, D.C., on February 8, 1961, is hereby reassigned and will be held on March 1, 1961, at 10:00 a.m., e.s.t., in the Demonstration Room, Western Massachusetts Electric Company, 45 Federal Street, Greenfield, Massachusetts, before Examiner Barron Fredricks.

Dated at Washington, D.C., January 27, 1961.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 61-951; Filed, Feb. 1, 1961;  
8:48 a.m.]

[Docket 9767]

## SERVICE TO SHEBOYGAN COUNTY, WIS.

### Notice of Hearing

In the matter of the application of Sheboygan County, Wis., for scheduled airline service under the provisions of Section 401 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the above-entitled matter are assigned to be held on March 8, 1961, at 10:00 a.m., c.s.t., in the County Board Room in the Court House in the City of Sheboygan, Wis., before Examiner Edward T. Stodola.

Dated at Washington, D.C., January 27, 1961.

[SEAL] Francis W. Brown,  
Chief Examiner.

[F.R. Doc. 61-952; Filed, Feb. 1, 1961;  
8:48 a.m.]

## FARM CREDIT ADMINISTRATION

[Order No. 687]

### CERTAIN DESIGNATED OFFICIALS

#### Authority To Act as Governor

JANUARY 28, 1961.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Harold T. Mason, Deputy Governor.

(2) M. H. Uelsmann, Deputy Governor and Director of Short-Term Credit Service.

(3) Glenn E. Heitz, Deputy Governor and Director of Cooperative Bank Service.

(4) Don H. Bushnell, Deputy Governor and Director of Land Bank Service.

(5) John C. Bagwell, General Counsel.

(6) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective January 28, 1961, and supersedes Farm Credit Administration Order No. 684, dated November 16, 1960 (25 F.R. 11190).

R. B. TOOTELL,  
Governor,  
Farm Credit Administration.

[F.R. Doc. 61-946; Filed, Feb. 1, 1961; 8:48 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

### Statement of Changes in Financial Interests

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

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of January 11, 1961.

RAYMOND E. HEBERT.

JANUARY 11, 1961.

[F.R. Doc. 61-949; Filed, Feb. 1, 1961; 8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13916, 13917; FCC 61M-133]

MARSHALL ROSENE AND COURT HOUSE BROADCASTING CO. (WCHI)

### Order Scheduling Hearing

In re applications of Marshall Rosene, Celina, Ohio, Docket No. 13916, File No. BP-13305; The Court House Broadcasting Co. (WCHI), Chillicothe, Ohio, Docket No. 13917, File No. BP-14047; for construction permits.

It is ordered, This 26th day of January 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1961, in Washington, D.C.

Released: January 27, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-953; Filed, Feb. 1, 1961; 8:49 a.m.]

[Docket No. 13649 etc.; FCC 61M-135]

## RADIO CARMICHAEL ET AL.

### Order Scheduling Hearing

In re applications of Radio Carmichael, Sacramento, Calif., Docket No. 13649, File No. BP-12031; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, Calif., Docket No. 13651, File No. BP-12306; Golden Gate Broadcasting Corp. (KSAN), San Francisco, Calif., Docket No. 13652, File No. BP-12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, Calif., Docket No. 13653, File No. BP-12938; for construction permits.

Pursuant to agreements reached by counsel for all participants at the further prehearing conference held on this date, and as fully explained on the record thus made,

It is ordered, This 26th day of January 1961, that the following dates for procedural steps shall govern in this proceeding:

Exchange of all exhibits of the applicants' direct cases with copies to the Hearing Examiner—February 16, 1961.

Notification of witnesses desired for cross-examination—February 23, 1961.

Commencement of hearing—February 28, 1961 (10:00 a.m.).

Released: January 27, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-954; Filed, Feb. 1, 1961; 8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI61-335]

### ATLANTIC REFINING CO.

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

JANUARY 26, 1961.

On December 28, 1960, The Atlantic Refining Company (Atlantic)<sup>1</sup> tendered for filing a proposed change in rate for sales of natural gas subject to the jurisdiction of the Commission. The filing proposes an increase from 20.686 cents<sup>2</sup> to 20.936 cents per Mcf<sup>3</sup> representing an annual increase of \$1,533 for sales to Texas Gas Transmission Company from the producing area of Lewisburg Field, Acadia Parish, La., and is designated Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 57. The proposed effective date is January 28, 1961.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforce-

<sup>1</sup> P.O. Box 2819, Dallas 21, Tex.

<sup>2</sup> Rate presently in effect subject to refund obligation in Docket No. G-11844.

<sup>3</sup> The pressure base is 15.025 psia.

ment of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the above-described proposed change and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Supplement No. 9 to Atlantic's FPC Gas Rate Schedule No. 57, be allowed to take effect as of January 29, 1961, subject to refund upon the timely filing of its agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the above-described proposed increased rate and charge contained in the above-designated supplement.

(B) Supplement No. 9 to The Atlantic Refining Company's FPC Gas Rate Schedule No. 57 shall be effective as of January 29, 1961: *Provided, however*, That within 20 days from the date of the issuance of this order, Atlantic shall file under Docket No. RI61-335 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall be signed by a responsible officer of the corporation accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Atlantic is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-937; Filed, Feb. 1, 1961; 8:46 a.m.]

[Docket No. CP61-29]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

JANUARY 27, 1961.

Take notice that Cities Service Gas Company (Applicant), a Delaware cor-

poration with its principal office in Oklahoma City, Oklahoma, filed an application on July 28, 1960, in Docket No. CP61-29, pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to replace approximately 2.7 miles of its present 8-inch gas pipeline serving the Carthage, Missouri, area with a 16-inch gas pipeline and to construct approximately 2.7 miles of 10-inch gas pipeline to a plant to be built in Jasper County, Missouri, all as more particularly described in the application on file with the Commission and open to public inspection.

Exhibits attached to said application show the estimated peak day and annual gas requirements of the proposed service are as follows:

Year:	Peak day Mcf	Annual Mcf
1-----	13,610	2,940,000
2-----	15,055	3,750,000
3-----	16,500	5,148,000

The purpose of the proposed facilities is to enable Applicant to serve directly on an interruptible basis the gas requirements of the proposed Solar Nitrogen Chemicals, Inc. plant (Solar) in Jasper County. The gas is to be used for processing and reforming and for boiler fuel in the plant.

Applicant states that the Solar plant will manufacture ammonia and urea, both of which are used extensively in agriculture and in industry.

It appears from the application that Solar is required to keep standby fuel on hand at all times for boiler fuel and other purposes where standby fuel can be utilized.

Applicant proposes to serve the Solar

plant under a contract dated June 9, 1960 providing for an average rate of 21.84 cents per Mcf in the first year. This price is subject to adjustment for taxes and Applicant's cost of purchased gas. Gross revenues to Applicant from the proposed sale at the 21.84-cent rate are estimated at \$577,886 the first year. Net revenues before income taxes are estimated at \$109,360. The 21.84-cent price exceeds the rate for resale in the area under Applicant's I-1 and I-2 rate schedules on file with the Commission.

The term of the contract is 15 years from the date of execution or December 23, 1960, whichever is earlier, and thereafter to June 22, 1976, but may be cancelled under certain conditions by either party after arbitration and after proper notice is given as called for under the terms thereof.

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

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

the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 20, 1961. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-938; Filed, Feb. 1, 1961; 8:46 a.m.]

[Docket Nos. RI61-342—RI61-345]

**SHELL OIL CO. ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates <sup>1</sup>**

JANUARY 26, 1961.

Shell Oil Co., Docket No. RI61-342; Socony Mobil Oil Co., Inc., Docket No. RI61-343; Samedan Oil Corp. (Operator), et al., Docket No. RI61-344; Samedan Oil Corp., Docket No. RI61-345.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-342	Shell Oil Co., 50 West 50th Street, New York 20, N.Y.	241	2	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	\$1,063	12-29-60	<sup>4</sup> 1-29-61	6-29-61	\$ 11.5	12.5	-----
RI61-343	Socony Mobil Oil Co., Inc., P.O. Box 900, Dallas 21, Tex.	241	3	do	-----	12-29-60	<sup>4</sup> 1-29-61	6-29-61	11.0	-----	RI60-176
RI61-344	Samedan Oil Corp. (Operator), et al., c/o Guy H. Woodward, 321 Pan American Building, Tulsa 3, Okla.	50	13	Texas Eastern Transmission Corp. (Helen Gohlke Field, DeWitt County, Tex., R.R. District No. 2).	121	12-30-60	<sup>4</sup> 2-1-61	7-1-61	15.7778	16.1111	-----
RI61-344	Samedan Oil Corp. (Operator), et al.	2	3	El Paso Natural Gas Co. (Blindberry and Drinkard Fields, Lea County, N. Mex.).	28,200	12-30-60	<sup>4</sup> 1-30-61	6-30-61	10.5	\$ 15.5017	-----
RI61-344	Samedan Oil Corp. (Operator), et al.	1	5	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	16,290	12-30-60	<sup>4</sup> 1-30-61	6-30-61	10.5	\$ 15.5017	-----
RI61-344	Samedan Oil Corp. (Operator), et al.	3	7	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.).	5,257	1-6-61	<sup>4</sup> 2-6-61	7-6-61	10.5	\$ 15.5017	-----
RI61-345	Samedan Oil Corp.	7	<sup>6</sup> 3	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	2,586	1-6-61	<sup>4</sup> 2-6-61	7-6-61	10.53883	\$ 15.5017	-----
RI61-345	Samedan Oil Corp.	7	4	do	-----	1-6-61	<sup>4</sup> 2-6-61	7-6-61	-----	-----	-----

<sup>1</sup> Supersedes Shell's FPO Gas Rate Schedule No. 76, as Supplemented.  
<sup>2</sup> Previously reported as 11.59 cents per Mcf based on the Kansas Severance Tax which was subsequently invalidated, under Shell's Rate Schedule No. 76.  
<sup>3</sup> Subject to a charge of 0.4467 cents per Mcf for compression by buyer.

<sup>4</sup> The stated effective date is the first day after expiration of the required 30 days notice.  
<sup>5</sup> The stated effective date is the effective date proposed by respondent.  
<sup>6</sup> Supplemental agreement.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate schedule and supplements be sus-

pended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (13 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes

and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated rate schedule and supplements are hereby

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

suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule and supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 13, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-940; Filed, Feb. 1, 1961;  
8:47 a.m.]

[Docket No. CP61-146]

### TENNESSEE GAS TRANSMISSION CO. Notice of Application and Date of Hearing

JANUARY 26, 1961.

Take notice that, on November 14, 1960, Tennessee Gas Transmission Company (Applicant) P.O. Box 2511, Houston 1, Tex., filed an application pursuant to section 7(c) of the Natural Gas Act for a Certificate of Public Convenience and Necessity authorizing applicant to render a natural gas storage service to Consolidated Edison Company of New York, Inc. (Con Edison) as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render natural gas storage service to Con Edison commencing with the 1960-61 winter season, pursuant to its Storage Service Rate Schedule SS-5 which is on file with the Commission as part of Applicant's FPC Gas Tariff, Eighth Revised Volume No. 1. Under this proposal, Applicant will deliver to Con Edison a quantity of natural gas up to a daily storage quantity of 5,000 Mcf at 15.025 psia during the storage withdrawal period of November 1 through the next succeeding April 30. The total deliveries by Applicant to Con Edison during the storage withdrawal period will be limited to a winter storage quantity of 450,000 Mcf of natural gas at 15.025 psia. The gas delivered by Applicant to Con Edison during each storage withdrawal period will be made available to Applicant for injection into Applicant's underground storage fields by Con Edison prior to the commencement of each withdrawal period. This will be accomplished during the months of May through October by Con Edison electing to have Applicant inject in Applicant's underground storage fields, for the account of Con Edison, a portion of Con Edison's presently authorized contract demand volumes tendered by Applicant to Con Edison.

No additional facilities are required to render the proposed storage services.

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

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

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 16, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-941; Filed, Feb. 1, 1961;  
8:47 a.m.]

[Docket No. CP60-72 etc.]

### EL PASO NATURAL GAS CO. ET AL. Notice of Application and Date of Hearing

JANUARY 26, 1961.

El Paso Natural Gas Co., Docket No. CP60-72; Pan American Petroleum Corp., Docket No. G-19277; Humble Oil & Refining Co., Docket No. CI60-65; Humble Oil & Refining Co., Docket No. CI60-66; Belco Petroleum Corp., Docket No. CI60-475; Beneficial Oil Co., Docket No. CI61-729.

Take notice that each of the above applicants has filed an application for a Certificate of Public Convenience and Necessity, pursuant to section 7 of the Natural Gas Act. The respective applications and supplements thereto, are on file with the Commission and open to public inspection.

El Paso Natural Gas Company proposes to purchase at 17.5 and 18.5 cents per Mcf approximately 20.5 MMcf of natural gas daily from the above named producer applicants, and to construct and operate the following facilities in or near the Tip Top-Hogsback Field, Sublette and Lincoln Counties, Wyoming:

- (1) Approximately 6.0 miles of 4½ and 7.1 miles of 6¾-inch field lines.
- (2) Thirteen well-ties and related dehydration and metering equipment.

- (3) One 6¾-inch river crossing.

The total cost of the facilities is estimated at \$449,000 and is to be financed from current working funds or by short term bank loans.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on February 20, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1961.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-939; Filed, Feb. 1, 1961;  
8:47 a.m.]

[Docket No. RI61-252]

### UNION OIL COMPANY OF CALIFORNIA

#### Order Amending Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allow- ing Increased Rate To Become Effective Subject to Refund

JANUARY 27, 1961.

On November 25, 1960, the Commission issued its order providing for hearing on and suspension of proposed change in rate and allowing increased rate to become effective subject to refund in the above-described proceeding. By its order, the Commission suspended for one day, Supplement No. 4 to Union Oil Company of California's (Union Oil) FPC Gas Rate Schedule No. 22 and made effective as of December 22, 1960, subject to refund obligation, the increased rate of 13.337 cents per Mcf<sup>1</sup> proposed therein.

The increased 13.337-cent rate is below the 14.0-cent area price levels for increased rates in Northern Louisiana as stated in our Statement of General Policy No. 61-1 as amended. However, as the Louisiana severance tax reimbursement appears to be questionable and the buyer, Arkansas Louisiana has notified the Commission that it does not agree with Union's interpretation of the tax clause in the rate schedule, the Commission found it appropriate to suspend the proposed increased rate.

The Commission finds: The Commission order issued November 25, 1960, should be amended as hereafter stated.

The Commission orders: The Commission order of November 25, 1960, is hereby amended to include the following paragraph: "Although the increased rate of 13.337 cents per Mcf is below the area price level in Northern Louisiana as

<sup>1</sup> At a pressure base of 15.025 psia.

stated in our Statement of General Policy No. 61-1 as amended, the increased rate includes 1.667 cents per Mcf reimbursement for the Louisiana severance tax which appears to be questionable and has been objected to by the buyer, Arkansas Louisiana Gas Co. The Commission is therefore of the opinion that this matter should be determined after hearing and is, therefore, suspending the proposed increased rate."

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 61-942; Filed, Feb. 1, 1961;  
8:47 a.m.]

### CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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