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Contents

THE PRESIDENT

Executive Order

Committee on Government Activities Affecting Prices and Costs; abolitionment..... 2547

EXECUTIVE AGENCIES

Agricultural Marketing Service

NOTICES:

Stockyards:

Riverbank Livestock Auction Yard et al.; proposed posting..... 2574
Sutton Livestock Commission et al.; changes in names..... 2574

PROPOSED RULE MAKING:

Filberts grown in Oregon and Washington; handling..... 2570

RULES AND REGULATIONS:

Fruit grown in California and Arizona; handling limitations:..... 2559

Lemons..... 2559

Navel oranges..... 2558

Valencia oranges..... 2558

Onions grown in south Texas..... 2560

Oranges and grapefruit grown in Lower Rio Grande Valley in Texas; containers..... 2559

Agricultural Research Service

RULES AND REGULATIONS:

Cattle officially condemned and destroyed because of brucellosis, tuberculosis, or paratuberculosis; payment of indemnities..... 2548

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.

Civil Aeronautics Board

NOTICES:

Mohawk Airlines, Inc.; "no refund" rule for "no shows" during peak traffic..... 2573

Civil Service Commission

RULES AND REGULATIONS:

Exceptions from competitive service:.....

Health, Education, and Welfare Department..... 2548

Justice Department..... 2548

National Capital Transportation Agency..... 2548

Retirement; joint and survivorship annuities..... 2548

Commerce Department

NOTICES:

Bucher, Jerrold R.; changes in financial interests..... 2575

Commodity Stabilization Service

RULES AND REGULATIONS:

Determination of acreage and performance; miscellaneous amendments..... 2552

Peanuts; revision of apportionment to States of national acreage allotment for 1961 crop..... 2557

Customs Bureau

RULES AND REGULATIONS:

Canned crab meat from Union of Soviet Socialist Republics..... 2552

Customs districts, ports and stations; miscellaneous amendments..... 2550

Imported cigarette papers and tubes, playing cards, and oleomargarine..... 2551

Defense Department

RULES AND REGULATIONS:

Uniform rules of procedure for proceeding in and before boards of review..... 2561

Federal Aviation Agency

NOTICES:

Television tower, proposed construction; no airspace objection..... 2574

PROPOSED RULE MAKING:

Control area extensions; alteration and revocation..... 2571

RULES AND REGULATIONS:

Coded jet route; modification..... 2550

Federal airways, associated control areas and Hawaiian VOR reporting points; modification, designation and revocation..... 2549

Federal Communications Commission

NOTICES:

Hearings, etc.:

Boothroyd, Philip D..... 2575

Harford County Broadcasting Co. (WAMD)..... 2575

Idaho Microwave, Inc..... 2575

Theriot, Leo Joseph..... 2575

Federal Power Commission

NOTICES:

Hearings, etc.:

Connecticut Light and Power Co. and Housatonic Public Service Co..... 2576

El Paso Natural Gas Co. and United Gas Pipe Line Co..... 2575

Kerr-McGee Oil Industries, Inc., et al..... 2576

Tarpon Oil Corp. et al..... 2576

Texas Pacific Coal and Oil Co. et al..... 2577

Health, Education, and Welfare Department

See Public Health Service.

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:

Fourth section applications for relief..... 2577

Motor carrier transfer proceedings..... 2578

(Continued on next page)

RULES AND REGULATIONS:	
Motor carrier quarterly report forms:	
Class I carriers of property-----	2568
Class I common carriers of general freight-----	2568

Land Management Bureau

NOTICES:	
Alaska; proposed withdrawal and reservation of lands-----	2573

Public Health Service

RULES AND REGULATIONS:	
Poliovirus vaccine; live, oral; additional standards-----	2564

Treasury Department

See also Customs Bureau.

NOTICES:	
Meat thermometers from Japan; determination of no sales at less than fair value-----	2573

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:	
10802 (revoked by EO 10928)-----	2547
10928-----	2547

5 CFR

6 (3 documents)-----	2548
29-----	2548

7 CFR

718-----	2552
729-----	2557
914-----	2558
922-----	2558
953-----	2559
1031-----	2559
1033-----	2560
PROPOSED RULES:	
997-----	2570

9 CFR

51-----	2548
---------	------

14 CFR

600-----	2549
601-----	2549
602-----	2550
PROPOSED RULES:	
601-----	2571

19 CFR

1-----	2550
9-----	2551
11-----	2551
12-----	2552

32 CFR

150-----	2561
----------	------

42 CFR

73-----	2564
---------	------

49 CFR

205 (2 documents)-----	2568
------------------------	------

Up-to-date revision

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Appointed January 20—
March 20, 1961

A listing of more than 300 appointments of key officials made after January 20, 1961. Serves as a supplement to the 1960-61 edition of the U.S. Government Organization Manual

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10928

ABOLISHING THE COMMITTEE ON GOVERNMENT ACTIVITIES AFFECT- ING PRICES AND COSTS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Committee on Government Activities Affecting Prices and Costs is hereby abolished.

SEC. 2. Executive Order No. 10802 of January 23, 1959, by which the said Committee was established, is hereby revoked.

JOHN F. KENNEDY

THE WHITE HOUSE,
March 23, 1961.

[F.R. Doc. 61-2724; Filed, Mar. 24, 1961;
9:41 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, paragraph (e)(1) is added to § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(e) *General.* (1) Until December 31, 1962, 50 positions in medical and related occupations for employment under the Cuban refugee program. Employment under this authority shall not exceed two years.

(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. 61-2635; Filed, Mar. 24, 1961; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(3) of § 6.308 is amended as set out below.

§ 6.308 Department of Justice.

(a) *Office of the Attorney General.*

(3) Three Private Secretaries to the Attorney 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. 61-2636; Filed, Mar. 24, 1961; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Capital Transportation Agency

Effective upon publication in the FEDERAL REGISTER, a new § 6.366, paragraphs (a) and (b), is added to Part 6 as set out below.

§ 6.366 National Capital Transportation Agency.

(a) One Confidential Assistant to the Administrator.

(b) One Confidential Assistant to the Deputy Administrator.

(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. 61-2637; Filed, Mar. 24, 1961; 8:47 a.m.]

PART 29—RETIREMENT

Joint and Survivorship Annuities

Paragraph (g) of § 29.13 is amended as set out below.

§ 29.13 Joint and survivorship annuities.

(g) Where an employee chooses the joint and survivorship plan, the annuity to the survivor annuitant shall commence on the day after the retired employee's death.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-2638; Filed, Mar. 24, 1961; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), part 51 of Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is hereby amended in the following respects:

1. In § 51.4, the first sentence is amended to read:

§ 51.4 Appraisals.

Cattle to be destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be appraised by a Division or State representative or by any accredited veterinarian specifically authorized to make appraisals.

§ 51.9 [Amendment]

2. Paragraphs (b) and (m) of § 51.9 are amended, respectively, to read:

(b) If the cattle are classified as affected with tuberculosis or paratuberculosis on the basis of a test, unless the existence of the disease in the cattle was determined as the result of a tuberculosis or johnin test applied by a Division, State, or Accredited veterinarian; or if the cattle are classified as affected with brucellosis, unless the existence of the disease in the cattle was determined as the result of an agglutination or other test approved by the Director of Division applied by such a veterinarian, or by a non-veterinary technician under the supervision of a Division or State veterinarian.

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

(Secs. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The purpose of the revision contained in § 51.4 is to bring the definition of "Division representative" into conformity with the provisions of the Division's Fee Veterinarians Agreement; the amendments to § 51.9 (b) and (m) would make it possible to pay indemnity on infected animals not now covered by the provisions of such paragraphs.

Effective date. The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of March 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-2656; Filed, Mar. 24, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60—HO—4]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

Modification, Designation and Revocation of Federal Airways, Associated Control Areas and Hawaiian VOR Reporting Points

On November 9, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 10706) stating that the Federal Aviation Agency proposed to modify, designate and revoke various airways in the Hawaiian Islands, as well as Hawaiian VOR reporting points.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments. In the notice, it was stated that the Upolu Point, Hawaii, VOR was scheduled to be relocated and a new VOR was to be installed at South Kauai, Hawaii. Since the commissioning of these VORs is now scheduled for late in 1961, the effective date of actions related to these VORs will be November 16, 1961. Certain other actions not related to these new facilities are being made effective June 1, 1961.

In addition, subsequent to publication of the Notice, it has been determined that technical difficulties with the Upolu Point VOR at its new location will necessitate minor modifications to VOR Federal airways No. 1, 2, and 11. Moreover, in the interest of making the airways more compatible with the instrument approach procedures at the Hilo, Hawaii, and Kona, Hawaii, airports, minor modifications are made herein to Victor 2 east of Hilo and Victor 11 south of Upolu Point.

In the notice, it was stated that Hawaiian Islands Warning Area W-320 would be modified to eliminate conflict with airways involved in these actions. Since the overlap of the airways in question is minor, however, the portions of these airways coinciding with W-320 are being excluded.

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 herein and in the notice, the following actions are taken:

1. Section 600.6402 (14 CFR 600.6402, 25 F.R. 8635) is amended to read:

§ 600.6402 Hawaiian VOR Federal airway No. 2.

From the Lihue, Hawaii, VOR via the INT of the Lihue VOR 126° and the Honolulu, Hawaii, VORTAC 261° radials; Honolulu VORTAC; INT of the Honolulu VORTAC 113° and the Lanai, Hawaii, VOR 304° radials; Lanai VOR, including a S alternate; INT of the Lanai VOR 107° and the Hilo, Hawaii, VOR 334° radials; Hilo VOR; to the INT of the Hilo VOR 091° radial and longitude 154°31'00" W., excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R-3104 and Warning Area W-320.

2. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6415 Hawaiian VOR Federal airway No. 15.

From the Koko Head, Hawaii, VOR via the Molokai, Hawaii, VOR; Kahului, Hawaii, VOR; INT of the Kahului VOR 095° and the Hilo, Hawaii, VOR 334° radials to the Hilo VOR.

§ 601.7002 [Amendment]

3. § 601.7002 (14 CFR 601.7002) the following is added:

Bayview INT: INT of the Hilo, Hawaii, VOR 091° radial and a line bearing 022° from the Pahoa, Hawaii, RBN.

4. In Part 601 (14 CFR 601) the following sections are added:

§ 601.6413 Hawaiian VOR Federal airway No. 13 control area.

All of Hawaiian VOR Federal airway No. 13.

§ 601.6415 Hawaiian VOR Federal airway No. 15 control area.

All of Hawaiian VOR Federal airway No. 15.

These amendments shall become effective 0001 e.s.t., June 1, 1961.

5. Section 600.6401 (14 CFR 600.6401) is amended to read:

§ 600.6401 Hawaiian VOR Federal airway No. 1.

From the Lanai, Hawaii, VOR via the INT of the Kahului, Hawaii, VOR 183° and the Lanai VOR 107° radials; INT of the Kahului VOR 183° and the Lanai VOR 119° radials; Upolu Point, Hawaii, VOR; INT of the Upolu Point VOR 093° and the Hilo, Hawaii, VOR 034° radials to the Hilo VOR, excluding the portion which coincides with the Island of Kahoolawe, Hawaii, Restricted Area R-3104 and Warning Area W-320.

6. Section 600.6402 (14 CFR 600.6402, 25 F.R. 8635) is amended to read:

§ 600.6402 Hawaiian VOR Federal airway No. 2.

From the South Kauai, Hawaii, VOR via the Lihue, Hawaii, VOR; INT of the

Lihue VOR 130° and the Honolulu, Hawaii, VORTAC 269° radials; Honolulu VORTAC; INT of the Honolulu VORTAC 113° and the Lanai, Hawaii, VOR 304° radials; Lanai VOR, including a S alternate; INT of the Lanai VOR 107° and the Upolu Point, Hawaii, VOR 306° radials; Upolu Point VOR; INT of the Upolu Point VOR 093° and the Hilo, Hawaii, VOR 334° radials; Hilo VOR; to the INT of the Hilo VOR 091° radial and longitude 154°31'00" W., excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R-3104 and Warning Area W-320.

§ 600.6403 [Amendment]

7. In the text of § 600.6403 (14 CFR 600.6403) "Upolu Point, Hawaii, omnirange 096° True radials." is deleted and "Upolu Point, Hawaii, VOR 093° radials." is substituted therefor.

8. Section 600.6405 (25 F.R. 8635) is amended to read:

§ 600.6405 Hawaiian VOR Federal airway No. 5.

From the INT of the Honolulu, Hawaii, VORTAC 179° and the Lanai, Hawaii, VOR 289° radials via the Lanai VOR; INT of the Lanai VOR 107° and the Kahului, Hawaii, VOR 201° radials, to the Kahului VOR, excluding the portion that coincides with the Island of Kahoolawe, Hawaii, Restricted Area R-3104 and Warning Area W-320.

9. In Part 600 (14 CFR Part 600) the following section is revoked:

§ 600.6410 Hawaiian VOR Federal airway No. 10. [Revoked]

10. Section 600.6411 (14 CFR 600.6411) is amended to read:

§ 600.6411 Hawaiian VOR Federal airway No. 11.

From the INT of the Lanai, Hawaii, VOR 149° and the Upolu Point, Hawaii, VOR 211° radials via the Upolu Point VOR, to the INT of the Upolu Point VOR 349° and the Kahului, Hawaii, VOR 080° radials.

11. Section 600.6412 (14 CFR 600.6412) is amended to read:

§ 600.6412 Hawaiian VOR Federal airway No. 12.

From the INT of the Lihue, Hawaii, VOR 195° and the Honolulu, Hawaii, VORTAC 269° radials via the Honolulu VORTAC; Koko Head, Hawaii, VOR; INT of the Koko Head VOR 050° and the Kahului, Hawaii, VOR 012° radials, including the additional area between lines diverging at an angle of 5° from the centerline extending W from the Honolulu VORTAC and NE from the Koko Head VOR.

12. Section 600.6413 (14 CFR 600.6413) is amended to read:

§ 600.6413 Hawaiian VOR Federal airway No. 13.

From the Lihue, Hawaii, VOR via the INT of the Lihue VOR 145° and the Honolulu, Hawaii, VORTAC 269° radials; INT of the South Kauai, Hawaii, VOR 133° and the Koko Head, Hawaii, VOR 254° radials, to the Koko Head VOR.

13. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6414 Hawaiian VOR Federal airway No. 14.

From the INT of the South Kauai, Hawaii, VOR 271° radial with longitude 161°20'00" W., via the South Kauai VOR; INT of the South Kauai VOR 133° and the Koko Head, Hawaii, VOR 254° radials; to the Koko Head VOR, including the additional area between lines diverging at an angle of 5° from the centerline extending W from the South Kauai VOR. The portion of this airway that coincides with the Bonham, Hawaii, Restricted Area R-3101 and the Bonham Two, Hawaii, Warning Area W-510 is excluded.

14. In Part 600 (14 CFR Part 600) § 600.6415 is amended to read:

§ 600.6415 Hawaiian VOR Federal airway No. 15.

From the INT of the South Kauai, Hawaii, VOR 288° radial with Long. 161°15'00" W., via the South Kauai VOR; INT of the South Kauai VOR 108° and the Lihue, Hawaii, VOR 130° radials; INT of the Lihue VOR 130° and the Honolulu, Hawaii, VORTAC 269° radials; Honolulu VORTAC; Koko Head, Hawaii, VOR; Molokai, Hawaii, VOR; Kahului, Hawaii, VOR; INT of the Kahului VOR 095° and the Hilo, Hawaii, VOR 334° radials; to the Hilo VOR, including the additional area between lines diverging at a 5° angle from the centerline extending NW from the South Kauai VOR. The portion of this airway that coincides with the Bonham, Hawaii, Restricted Area R-3101 and the Bonham Two, Hawaii, Warning Area W-510 is excluded.

15. In Part 601 (14 CFR Part 601) the following changes are made:

(a) Revoke § 601.6410:

§ 601.6410 Hawaiian VOR Federal airway No. 10 control areas. [Revoked]

(b) Add:

§ 601.6414 Hawaiian VOR Federal airway No. 14 control areas.

All of Hawaiian VOR Federal airway No. 14.

§ 601.7002 [Amendment]

16. In the text of § 601.7002 (14 CFR 601.7002) the following changes are made:

(a) Delete:

Swordfish Intersection: The intersection of the Honolulu VOR 261° True and the Lihue VOR 189° True radials.

Paradise Intersection: Intersection of Hilo VOR 334° True and Upolu Point VOR 96° True radials.

Grass Shack Intersection: Intersection of Hilo VOR 004° True and Upolu Point 96° True radials.

Hibiscus Intersection: Intersection of Upolu Point VOR 96° True and Hilo VOR 34° True radials.

Coconut Intersection: The intersection of the Honolulu VOR 261° True radial and a line bearing 220° True from the Kahuku nondirectional radio beacon.

(b) Add:

South Kauai, Hawaii, VOR.
Breakers INT: INT of the Honolulu, Hawaii, VORTAC 269° and the Lihue, Hawaii, VOR 128° radials.

Dogwood INT: INT of the South Kauai, Hawaii, VOR 271° radial with Long. 161°20'00" W.

Vanda INT: INT of the South Kauai, Hawaii, VOR 288° radial with Long. 161°15'00" W.

Swordfish INT: INT of the Lihue, Hawaii, VOR 195° and the Honolulu, Hawaii, VORTAC 269° radials.

Paradise INT: INT of the Hilo, Hawaii, VOR 334° and the Upolu Point, Hawaii, VOR 093° radials.

Grass Shack INT: INT of the Hilo, Hawaii, VOR 004° and the Upolu Point, Hawaii, VOR 093° radials.

Hibiscus INT: INT of the Hilo, Hawaii, VOR 034° and the Upolu Point, Hawaii, VOR 093° radials.

These amendments shall become effective 0001, e.s.t., November 16, 1961.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 20, 1961.

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

[F.R. Doc. 61-2618; Filed, Mar. 24, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-206]

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

Modification of Coded Jet Route

On September 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8494) stating that the Federal Aviation Agency (FAA) proposed to realign VOR/VORTAC jet route No. 3 north of Red Bluff, Calif.

The Department of the Navy requested consideration be given to the fact that it is negotiating with the State of Oregon for property in the vicinity of Wagonfire, Ore. (latitude 43°04'30" N., longitude 120°13'10" W.) to be used for high and low altitude bombing operations. They further state that if this property is acquired, a request will be submitted for a restricted area. If, in the future, the Navy submits a formal proposal for the designation of a restricted area in the Wagonfire area and it is deemed appropriate to designate such an area, consideration will then be given to any conflict that may exist between the proposed restricted area and any established jet routes. No other adverse comments were received regarding the proposed amendment.

Subsequent to the publication of the notice, the FAA has determined by flight check that radar sites presently incorporated in the radar jet advisory program do not provide complete radar coverage along the proposed realignment of J-3-V north of Pendleton, Ore. However, these radar sites do provide

complete coverage of the present alignment of this route from Pendleton to Spokane, Wash. Additionally, the Canadian Department of Transport has requested that J-3-V be designated from Spokane to the United States-Canadian Border via a direct route from the Spokane VORTAC to the Kimberly, British Columbia, Canada, radio range so as to connect with Canadian High-Level Airway No. 500 at Kimberly. The 030° True radial of the Spokane VORTAC will serve this segment from Spokane to the United States-Canadian Border and radar coverage can be provided for this segment from presently staffed radar sites. These changes will not affect the realignment via Lakeview, Ore., for the stated purpose of providing better navigational guidance between Red Bluff, Calif., and Pendleton. Therefore, the FAA is redesignating J-3-V from Red Bluff to the United States-Canadian Border via Lakeview, Pendleton and Spokane.

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, § 602.503 (14 CFR 602.503, 25 F.R. 12551) is amended to read:

§ 602.503 VOR/VORTAC jet route No. 3 (San Diego, Calif., to Kimberly, British Columbia, Canada).

From the Mission Bay, Calif., VOR via the Oceanside, Calif., VORTAC; Los Angeles, Calif., VOR; INT of the Palmdale, Calif., VOR 291° and the Bakersfield, Calif., VORTAC 149° radials; Bakersfield VORTAC; Oakland, Calif., VORTAC; Red Bluff, Calif., VORTAC; Lakeview, Ore., VORTAC; Pendleton, Ore., VORTAC; Spokane, Wash., VORTAC; to the Kimberly, British Columbia, Canada, RR, excluding the portion that lies over Canadian territory.

This amendment shall become effective 0001 e.s.t., May 4, 1961.

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

Issued in Washington, D.C., on March 20, 1961.

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

[F.R. Doc. 61-2617; Filed, Mar. 24, 1961; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55341]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Miscellaneous Amendments

MARCH 20, 1961.

By virtue of the authority vested in the President by section 1 of the Act of

August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Los Angeles, California, the headquarters port of Customs Collection District No. 27 (Los Angeles), comprising the territory within the corporate limits of that city (which includes San Pedro and Wilmington, California), the territory within the corporate limits of Long Beach and El Segundo, California, and the territory described in T.D. 54524, is hereby further extended and redescribed as follows:

All the territory within the corporate limits of Los Angeles (which includes San Pedro and Wilmington, California), the territory within the corporate limits of El Segundo, Long Beach and Signal Hill, California, and in addition, all that territory embracing that portion of Los Angeles County, State of California, lying east of the corporate limits of Los Angeles, bounded on the north by Whittier Boulevard and on the east by Rosemead and Lakewood Boulevards to the point of intersection with the corporate limits of Long Beach, California, and on the east and south by the corporate limits of Long Beach, California.

This extension is effective on the date of publication of this Treasury Decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting the parenthetical matter opposite "Los Angeles" in the column headed "Ports of Entry" in District No. 27 (Los Angeles) and substituting therefor "(including territory described in T.D. 55341)."

Houma, Louisiana, was designated as a customs station (port of documentation) in Customs Collection District No. 20 (New Orleans) on January 3, 1961. To reflect this designation the first sentence of footnote 4 in Part 1 of the Customs Regulations is amended to read as follows:

"Marine documents may be issued at Charlotte Amalie, St. Thomas, headquarters port of the customs collection district of the Virgin Islands (No. 51); at Washington, N.C., a customs station in the customs collection district of North Carolina (No. 15); at Biloxi, Miss., a customs station in the customs collection district of Mobile (No. 19); and at Houma, La., a customs station in the customs collection district of New Orleans (No. 20)."

Section 1.2(d) of the Customs Regulations is amended by inserting in its proper alphabetical order the following entry in the list of customs stations for District No. 20:

District No.	Customs station	Port of entry having supervision
20	Houma, La.	Morgan City, La.

The designation of Fort Yukon, Alaska, as a customs station was revoked, effective January 15, 1961. To reflect this change, § 1.2(d) of the Customs Regulations is amended by deleting "Fort Yukon, Alaska" and "Fairbanks" from the columns headed "Customs Station" and "Port of Entry Having Supervision", respectively, in district No. 31.

Anchorage, Alaska, which was previously a customs station, was designated as a port of entry in Customs Collection District No. 31 (Alaska) by T.D. 55295, effective January 14, 1961. To reflect this change, § 1.2(d) of the Customs Regulations is amended by deleting "Anchorage, Alaska" and "Juneau" from the columns headed "Customs Station" and "Port of Entry Having Supervision", respectively, in district No. 31.

In order to show the district numbers for the various customs laboratories, the listing of the addresses of the customs laboratories and ports of entry served thereby in § 1.7 of the Customs Regulations is changed to read as follows:

Laboratory District No.	Address	Customs Collection Districts
1	103 South Gay Street, Baltimore, Md.	13, 14, 15, 42, and 43.
2	408 Atlantic Avenue, Boston, Mass.	1, 2, 4, and 5.
3	Customhouse, Chicago, Ill.	34, 35, 36, 37, 38, 39, 40, and 45.
4	531 Mateo Street, Los Angeles, Calif.	24, 25, 26, 27, and 50.
5	Customhouse, New Orleans, La.	19, 20, 21, 22, and 23.
6	201 Varick Street, New York, N.Y.	6, 7, 8, 9, 10, 49, and 51.
	Branch Laboratory: Customhouse, San Juan, P.R.	
7	Customhouse, Philadelphia, Pa.	11, 12, and 41.
8	630 Sansome Street, San Francisco 11, Calif.	28, 29, 30, 31, 32, 33, and 47.
9	Customhouse, Savannah, Ga.	16, 17, and 18.

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66) [MC 192 D]

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-2649; Filed, Mar. 24, 1961; 8:48 a.m.]

[T.D. 55340]

PART 9—IMPORTATIONS BY MAIL

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Imported Cigarette Papers and Tubes, Playing Cards, and Oleomargarine

To make certain conforming changes corresponding to amended regulations of the Internal Revenue Service in Parts 45 and 285 (26 CFR Parts 45, 285), the Customs Regulations are amended as follows:

1. In Part 9—Importations by Mail, § 9.8(a) is amended by substituting the following for all of the material preceding subparagraph (2):

§ 9.8 Cigars, cigarettes, and manufactured tobacco; playing cards, etc.

(a) In the case of mail entries for playing cards or other imported articles subject to tax and to which internal-revenue stamps must be affixed before release to the importer (see Internal Revenue Regulations, Part 45 (26 CFR Part 45)), customs officers shall sign and

attach to the entries an order for stamps, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with the order for stamps. The addressee will be required to secure from the office of the district director of internal revenue the necessary stamps and affix them to the immediate packages of the merchandise before the parcels will be delivered to him.

(1) When playing cards imported by mail bear the required internal-revenue stamps affixed in a foreign country as provided for in regulations of the Internal Revenue Service, they may be treated the same as any importation by mail subject only to duty.

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

2. In Part 11—Packing and Stamping; Marking; Trade-Marks and Trade Names; Copyrights:

a. Section 11.3 is amended to read:

§ 11.3 Cigarette papers and tubes.

With respect to the tax thereon, the procedures for the release from customs custody of imported cigarette papers in a book or set of cigarette papers containing more than 25 and of imported cigarette tubes are prescribed in Part 285 of the regulations of the Internal Revenue Service (26 CFR Part 285). Release from customs custody of such articles subject to tax and in packages complying with such regulations may be made when a copy of the tax return on Internal Revenue Form 2139 acknowledged by the district director of internal revenue as to tax payment has been presented. Samples of imported cigarette tubes may be released exempt from tax in accordance with such regulations. Imported cigarette papers and tubes may be released for delivery to an appropriate manufacturer upon presentation of a notice of release on Internal Revenue Form 2145 certified by the assistant regional commissioner (alcohol and tobacco tax) of the region in which the manufacturer is established. Release of such imported articles without payment of tax for the use of consular officers and employees of foreign States may also be made in accordance with such regulations.

§ 11.4 [Amendment]

b. Paragraph (a) of § 11.4 is amended to read:

(a) Imported playing cards subject to tax under section 4451, Internal Revenue Code of 1954, not bearing stamps in payment of the tax affixed abroad in accordance with regulations of the Internal Revenue Service (26 CFR Part 45, subpart B), shall not be released for consumption until the required internal-revenue stamps have been affixed thereto and canceled by the importer in accordance with such regulations. Imported playing cards bearing the required

stamps affixed abroad may be treated the same as any importation subject only to duty.

c. Section 11.5 is amended to read:

§ 11.5 Oleomargarine; adulterated butter; filled cheese.

Imported oleomargarine, adulterated butter, and filled cheese are subject to special packaging requirements under regulations of the Internal Revenue Service (26 CFR Part 45, Subparts E, G, and H, respectively), and to internal-revenue taxes imposed in addition to duty under sections 4591, 4812, and 4831, Internal Revenue Code of 1954, the payment of which must be represented by stamps.² Imported merchandise suspected of being such articles, but not entered as such, shall be detained by the collector of customs and the facts reported to the district director of internal revenue of the district, to whom such samples shall be furnished as may be requested. Imported oleomargarine, adulterated butter, and filled cheese shall not be released from customs custody until the proper internal-revenue stamps have been affixed and canceled by the importer as required by the regulations of the Internal Revenue Service.

d. Footnote 2 to Part 11 is amended to read:

²Internal-revenue stamps for imported playing cards, oleomargarine, adulterated butter, and filled cheese will be sold to the owner or consignee of the merchandise by the district director of internal revenue for the district in which is located the office of the collector of customs where the customs entry is filed, upon requisition therefor on the order form duly executed by an authorized customs officer.

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

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

Approved: March 20, 1961.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 61-2648; Filed, Mar. 24, 1961; 8:47 a.m.]

[T.D. 55342]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Canned Crabmeat From Union of Soviet Socialist Republics

I hereby find, pursuant to the provisions of § 12.42, Customs Regulations, promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U.S.C. 1307), that canned crabmeat manufactured or produced wholly or in part in the Union of Soviet Socialist Republics does not come within the purview of section 307, Tariff Act of 1930.

Accordingly, on and after the date of the publication of this finding in the FEDERAL REGISTER, the finding made in T.D. 52655 (16 F.R. 776) is no longer in effect.

Section 12.42(h), Customs Regulations, is amended by deleting from the list the following:

Canned crabmeat—Union of Soviet Socialist Republics—52655

(Secs. 307, 624, 46 Stat. 689, 759; 19 U.S.C. 1307, 1624)

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

Approved: March 20, 1961.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-2650; Filed, Mar. 24, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

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

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), and the Soil Bank Act (7 U.S.C. 1801 et seq.) for the purpose of: (1) Prescribing the method to be used in determining the acreage of non-allotment crops and other land uses; (2) extending the period during which the premeasurement service may be offered; (3) prescribing the conditions governing the measurement of excess acreage prior to adjustment; and (4) publishing State committee recommendations pursuant to §§ 718.10(a) (25 F.R. 1743) and 718.15(a) (24 F.R. 4223).

Since farmers are now engaged in farming operations required for 1961 crops, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.5 (e) (4) (25 F.R. 5754) and (f) (1) (25 F.R. 12166) is amended to read as follows:

§ 718.5 Methods of measurement.

(e) *Effect of planting pattern on determination of acreage.*

(4) *Non-allotment crops and other land uses.* The acreage of non-allotment crops or other land uses, for which measurements are required, shall be the acreage devoted to the crop or land use. Where allotment crops are intertilled or fallow-stripped with non-allotment crops and the area is considered as planted to

allotment crops, only the area devoted to non-allotment crops shall be considered as planted to non-allotment crops and the acreage shall be counted only once in determining the acreage of soil bank base crops.

(f) *Premeasurement service*—(1) *Cotton.* The county committee shall provide a premeasurement service for cotton when the farm operator requests such premeasurement and pays the cost thereof as determined by the county committee. The service shall be performed prior to the beginning of the check of regular performance on the farm. The acreage premeasured shall not exceed the farm cotton allotment. The acreages of fields or subdivisions which were officially premeasured will not be redetermined unless a performance check reveals that all of the premeasured area was not utilized for the purpose for which it was premeasured or that the acreage devoted to the crop is outside the premeasured area. In all such cases, any part of the premeasured area which was not planted shall be measured and deducted and any additional land beyond the premeasured area which is devoted to the crop shall be computed as a separate field or subdivision.

2. Section 718.13(b) (24 F.R. 4223) is amended to read as follows:

§ 718.13 Determination and adjustment of excess acreage.

(b) *Measurement of excess acreage prior to adjustment.* The county committee may provide for the measurement of excess acreage prior to adjustment and verification of the disposition if the farm operator files a timely request for the service and pays the cost. The charge for this service shall cover the cost of determining the acreage and verifying the disposition. Reporters may compute such acreages in the field. To qualify for this service, the farm operator must request the service and pay the cost as prescribed below:

(1) For crops other than peanuts and tobacco, prior to the applicable disposition date.

(2) For tobacco, prior to the date specified on the notice of excess acreage for declaration of intention with respect to disposition.

(3) For peanuts, the date Form MQ-92—Peanuts is signed or prior to the date harvest begins on the farm, whichever is earlier.

3. Section 718.15(b) (24 F.R. 4223, 25 F.R. 1743, 25 F.R. 2125, 25 F.R. 4129, and 25 F.R. 7237) is amended to read as follows:

§ 718.15 State committee option.

(b) The following State committee determinations, provided for in this section, which deviate from the standards prescribed in this part are effective for the 1961 program year and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Alabama.....	For cotton and peanuts, 32 inches.	0.1 A.....	Minimum combined area of 0.1 A. established.		Minimum width, 4 rows. Disposition of excess acreage for any crop must be accomplished in not more than two plots or in an entire field(s) plus not more than two plots. Areas disposed of must be of regular shape with no more than 6 sides, one of which must border on a side or end of a field. If an area(s) to be destroyed is a narrow strip extending out into the field, either from an end or a side of the field, such strip must be at least 4 rows wide to be eligible for disposition credit.		
Arizona.....							
Arkansas.....	For sugar beets, 20 inches.	0.05 A.....	Minimum area of 0.1 A. established. Minimum widths, cropline to cropline, 4 normal rows for row crops and 20 links for close-sown crops. Each area to be deducted must meet the minimum requirements.		Minimum widths, cropline to cropline, 4 normal rows for row crops and 20 links for close-sown crops. Acreages to be destroyed shall be limited to 2 areas within any one field (a block of 2 or more consecutive 4-row strips, each extending the full length of the field will count as one area). Irrigation ditches, constructed subsequent to the initial acreage determinations, which meet the minimum area and width requirements may be deducted in addition to the 2-area limitation per field. At least one side of any area to be deducted must be on the perimeter of the field. All sides of each area must be straight, except sides which are a part of the perimeter of a field, sides which are contour levees of rice fields, or sides formed by a crop row. Any area having more than 8 sides will not qualify for adjustment except in cases where a block of 4-row strips is accepted as one area.		
California.....		0.1 A. Minimum widths: (1) Around perimeter of the field, one normal row, cropline to cropline, for row crops and 4 links for close-sown crops; (2) within the planted area, 4 normal rows, cropline to cropline, for row crops and 20 links for close-sown crops.					
Colorado.....		0.1 A.....	Minimum area of 0.1 A. established. Each area must meet the area and width requirements.				0.25 A.
Connecticut.....		0.1 A.....					
Delaware.....							
Florida.....	For peanuts, 18 inches; for soybeans, 24 inches.	Minimum width around the perimeter of the field, one row.					

RULES AND REGULATIONS

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Georgia	For cotton, peanuts other than Spanish, field and commercial peas and beans for hay or seed, soybeans, lima beans, snap beans, cabbage, and potatoes, 30 inches; Spanish peanuts, 26 inches; for onions, 16 inches.						0.1 A.
Idaho		0.1 A.	Minimum width, 4 rows.			No "within" notices will be mailed to farm operators.	
Illinois		0.1 A. Minimum width around the perimeter of the field, 36 inches.	Minimum width, 2 rows.				
Indiana		0.1 A. for all crops except tobacco. Minimum widths: (1) Around perimeter of the field, the smaller of 5 links or one row; (2) within the planted area, 5 links in case of close-sown crops.	Minimum area for tobacco, 0.01 A. Minimum area for all other crops 0.1 A. Minimum width, 3 rows for all row crops except tobacco and 15 links for all close-sown crops. Each area must meet the minimum requirements.	Minimum width, the smaller of one row or 5 links. After one or more areas to be disposed of have been determined, the final area shall be the balance of the excess even though it does not meet the minimum area requirement of 0.03 A.	0.5 A. After one or more areas to be disposed of have been determined, the final area shall be the balance of the excess even though it does not meet the minimum area requirement of 0.5 A.		0.1 A. for tobacco.
Iowa					The crops to be disposed of must be in a continuous area along one side or one end of one field. If the excess to be destroyed is greater than the field selected for disposal, the additional amount required may be disposed of along one side or one end of another field. Excess acreage destroyed by causes beyond the control of the producer is not limited to these restrictions if it meets the 0.1 A. minimum.		
Kansas	For sugar beets, 20 inches.	0.1 A.			0.5 A. for all crops except sugar beets. All acreage to be destroyed must be in plots of 0.5 A. or more except that where the entire area of a field to be disposed of is less than the minimum, credit may be allowed for such area and the balance of the excess may be destroyed from another field.		
Kentucky			Minimum area of 0.01 A. established. Each area must meet the minimum area and width requirements.	Minimum widths, (1) Inside planted area and along end boundaries, the smaller of 10 links or 2 rows; (2) along boundaries parallel to the rows in the field, one row.			

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Louisiana		Unplanted rice levees within rice fields are not eligible for deduction.			1.0 A. with a minimum width of 0.5 chain for all crops except cotton and peanuts, except that (1) when all of the field or subdivision is destroyed or (2) when an area along one edge or down the middle of a field is destroyed, provided all of the excess for the farm is destroyed in one area and the area extends the entire length of the row(s).		
Maryland			Minimum area of 0.03 A. established. Each area must meet the minimum area and width requirement.				
Minnesota		0.1 A. for tobacco and sugar beets; 0.25 A. for all other crops. Minimum widths: (1) Around perimeter of field, 10 links; (2) within planted area, 10 links.	Minimum combined area of 0.25 A. established. Minimum width, 10 links.	0.1 A. Minimum width, 10 links.	0.25 A. Minimum width, 10 links.	No "within" notices will be mailed to farm operators.	
Mississippi		0.1 A. Minimum widths: (1) around the perimeter of the field, 2 rows for row crops; 0.1 chain for close-seeded crops; (2) within the planted area, 4 rows for row crops; 0.2 chain for close-seeded crops.	Minimum combined area of 0.1 A. established. Irrigation dikes in cotton fields shall be deducted the same as terraces provided such dikes are at least 0.1 chain in width. Irrigation dikes within rice fields are not eligible for deduction.		0.5 A. Areas to be destroyed must also meet the following minimum requirements: (1) When the excess for the farm is 1.0 A. or less, only one plot may be less than 0.5 A.; (2) when the excess for the farm is more than 1.0 A., only one plot may be less than 1.0 A. Notwithstanding (1) and (2) above, all of any field or subdivision planted to the crop may be disposed of in adjusting the excess without regard to the size of the area. Disposition areas must not have more than 4 sides. In case of rice, one side must be along the perimeter of the field. All sides must form straight lines except when part of the perimeter of the field or when formed by another crop boundary, or in case of rice, when formed by levees within the planted area. In case of row crops, the entire length of the rows must be disposed of in the same row pattern which was followed at the time the crop was planted. Disposition areas which form a fallow-strip pattern must be at least 4 rows in width and must extend for the entire length of the rows.		

RULES AND REGULATIONS

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Missouri		0.1 A. for all crops except tobacco. Minimum width around perimeter of the field, the smaller of 6 links or one row.	Minimum area of 0.03 A. established for tobacco; minimum area of 0.1 A. established for all other crops. Each area to be deducted must meet the minimum requirements.				0.1 A. for tobacco.
Nebraska	For sugar beets, 22 inches.	0.1 A.	Minimum area of 0.1 A. established. Each area must meet the minimum area and width requirements.		0.5 A. for all crops except sugar beets. For crops other than sugar beets, areas to be destroyed also must meet the following requirements: (1) When the total excess for the farm is 0.5 A. or less, the entire excess must be destroyed in one plot; (2) when the total excess for the farm exceeds 0.5 A., only one plot to be destroyed may contain less than 0.5 A.		
New Hampshire		0.06 A.				"Within" notices will not be mailed to farm operators.	
New Mexico		Minimum widths: (1) Around the perimeter of the field, one row except where turn rows have been established, in which case, the minimum shall be increased to 12 links; (2) within the planted area 12 links.	Minimum width 12 links.				
New York						No "within" notices will be mailed to farm operators.	0.2 A.
North Carolina	For peanuts, 18 inches; for corn, 30 inches.		Minimum combined area of 0.03 acre established.	Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or the field boundary.	Disposition must be made in a square, rectangular, or trapezoidal pattern with one side or one end of the area parallel with the rows or the field boundary.		
North Dakota	For sugar beets, 20 inches.	0.1 A.	Minimum combined area of 0.1 A. established. Minimum width, 10 feet.				
Ohio	For sugar beets and horticultural crops, 28 inches.	0.3 A. for all crops except tobacco and for areas around the perimeter of the field. Minimum widths: (1) Around perimeter of the field, 5 links; (2) within the planted area, for wheat, 5 links.		Minimum widths, (1) Along field boundary, one row; (2) within planted area, 2 rows.	0.3 A. Minimum widths, (1) along field boundary, the smaller of one row or 5 links; (2) within planted area, the smaller of 4 rows or 18 links.	"Within" notices will be mailed for tobacco only.	0.1 A. for tobacco.
Oklahoma		0.1 A.	Minimum area of 0.1 A. established.				0.3 A.
Oregon	For sugar beets, 20 inches.	0.1 A. Minimum width within the planted area, for close-sown crops, 6 feet.					
Pennsylvania						No "within" notices will be mailed to farm operators.	
South Dakota	For sugar beets, 22 inches.	0.5 A. for all crops except sugar beets.	Minimum combined area of 0.5 A. established.		0.5 A. for all crops except sugar beets.	No "within" notices will be mailed to farm operators.	
Tennessee				Minimum width, 2 rows.	Minimum widths: (1) For close-sown crops, 4 links; (2) for row crops, 4 rows.		0.1 A. for tobacco.

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)—Continued

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
Texas.....	For vegetable crops, 18 inches; for sugar beets, 30 inches.	For solid-seeded crops and row crops other than tobacco, any continuous area around the outside boundary of a field or subdivision, 0.05 A. with a minimum width of 0.1 chain. For row crops, other than tobacco, any continuous area within a field or subdivision, 0.1 A. with a minimum width of 4 rows. For solid-seeded crops, any continuous area within a field or subdivision, 0.1 A. with a minimum width of 0.2 chain.	Minimum area of 0.1 A. established. Minimum width for row crops, 4 rows. Minimum width for solid-seeded crops, 0.2 chain. Each area to be deducted must meet the minimum requirements.	Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when the crop is destroyed in a square, rectangular or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision.	Areas to be destroyed must be of regular shape with not more than four sides. One side or one end of the disposition area shall be parallel with the rows or the field boundary when row crops are destroyed in a square, rectangular, or trapezoidal pattern. These restrictions may be disregarded when the crop in an entire field or subdivision is destroyed in disposing of excess acreage or when disposition of excess acreage is made between adjacent terraces or between the field boundary and a terrace within that field or subdivision.		
Utah.....	22 inches.....	0.1 A. for wheat and sugar beets; 0.3 A. for all other crops.			0.3 A. for all crops except wheat and sugar beets. The area destroyed must be in one plot or an entire field(s) plus one plot in another field. When a portion of a field is destroyed, the disposition area must be in a block which is readily measurable. Credit will not be allowed for disposition areas extending around the perimeter of the field, such as a fire guard.	No "within" notices will be mailed to farm operators.	
Vermont.....						No "within" notices will be mailed to farm operators.	
Virginia.....	For peanuts, 32 inches.					No "within" notices will be mailed to farm operators.	In cases involving an acreage of 5.0 A. or less, a refund will be made for errors of at least 10 percent or 0.1 A., whichever is larger.
Washington.....	For sugar beets and beans, 22 inches.	0.1 A.					
West Virginia.....							
Wisconsin.....			Minimum width, 72 inches.			"Within" notices will be mailed for burley tobacco only.	
Wyoming.....	20 inches.....					"Within" notices will be mailed for tobacco only.	0.1 A. for tobacco.
Puerto Rico.....						No "within" notices will be mailed to farm operators.	

PART 729—PEANUTS

Revision of Apportionment to States of the National Acreage Allotment for 1961 Crop

Basis and purpose. The purpose of this document is to revise the apportionment of the 1961 national peanut allotment among the several peanut-producing States previously made on October 19, 1960 (25 F.R. 9939). This

revision is necessary to apportion to peanut-producing States the reserve of 1,610.0 acres which was set aside for establishing 1961 peanut acreage allotments for new farms. This document apportions 1,244.6 acres among the peanut-producing States on the basis of applications approved under the provisions of § 729.1021, as amended, of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R.

(Secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 7 U.S.C. 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 20th day of March 1961.

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

[F.R. Doc. 61-2576; Filed, Mar. 24, 1961;
8:45 a.m.]

RULES AND REGULATIONS

2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523). The remainder of the reserve, 365.4 acres, is hereby apportioned on exactly the same basis as the 1961 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States will soon begin planting the 1961 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1961. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this revision of apportionment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001-1011) is impracticable and contrary to the public interest, and the revised apportionment of the national peanut acreage allotment among the peanut-producing States shall become effective upon filing of this document with the Director, Office of the Federal Register.

For the purpose of apportioning the national reserve of 1,244.6 acres § 729.1203 (25 F.R. 9939) is amended to read as follows:

§ 729.1203 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1961.

(a) The national peanut acreage allotment proclaimed in § 729.1202 is hereby apportioned as follows:

State:	1961 State acreage allotment
Alabama.....	218,377.4
Arizona.....	717.2
Arkansas.....	4,220.0
California.....	940.2
Florida.....	55,352.0
Georgia.....	528,480.8
Louisiana.....	1,963.4
Mississippi.....	7,558.7
Missouri.....	247.1
New Mexico.....	5,103.1
North Carolina.....	169,018.0
Oklahoma.....	138,358.4
South Carolina.....	13,866.3
Tennessee.....	3,619.0
Texas.....	356,547.4
Virginia.....	105,631.0
Total.....	1,610,000.0

(b) The additional acreage hereby apportioned to each State shall be used to the extent necessary to establish new farm allotments on the basis of applications approved under the provisions of § 729.1021 and the remaining acreage shall be available for use for the purposes specified in §§ 729.1016(b)(5), subject to the 10 percent and other limitations contained therein, and 729.1017 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523).

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

Issued at Washington, D.C., this 21st day of March 1961. Witness my hand and the seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-2611; Filed, Mar. 24, 1961;
8:45 a.m.]

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

[Navel Orange Reg. 211]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.511 Navel Orange Regulation 211.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as herein-after provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and

views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 650,000 cartons;
 - (iii) District 3: Unlimited movement;
 - (iv) District 4: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 24, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-2741; Filed, Mar. 24, 1961;
11:22 a.m.]

[Valencia Orange Reg. 219]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.519 Valencia Orange Regulation 219.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22 as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

- (i) District 1: 103,666 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 125,000 cartons.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: March 24, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-2742; Filed, Mar. 24, 1961; 11:22 a.m.]

[Lemon Reg. 892]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.999 Lemon Regulation 892.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1961, and ending at 12:01 a.m., P.s.t., April 2, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 22, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-2678; Filed, Mar. 24, 1961; 8:50 a.m.]

[Amdt. 1]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container Regulation

Findings. 1. Pursuant to the Marketing Agreement No. 141 and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of oranges and grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and such amendment relieves restrictions on the handling of oranges and grapefruit.

It is therefore ordered, That paragraph (a) of § 1031.322 *Container regulation* (26 F.R. 2335) is hereby amended by adding at the end thereof a new subparagraph (12) reading as follows:

(12) Containers with inside dimensions of 19¾ x 13 x 12½ inches: *Provided,* That such containers may be used only (i) for the shipment of fruit in bags having a capacity for 5-, 8-, or 20-pounds of fruit, or (ii) for the shipment of grapefruit in bags having a capacity for three (3) pack size 64 grapefruit, each such bag containing three (3) grapefruit of pack size 64 or pack size 70 or 72, or both, grading at least U.S. No. 1.

The provisions of this amendment shall become effective at 12:01 a.m., c.s.t., March 27, 1961.

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

Dated: March 23, 1961.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 61-2679; Filed, Mar. 24, 1961;
8:50 a.m.]

PART 1033—ONIONS GROWN IN SOUTH TEXAS

Rules and Regulations

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Order No. 133 (7 CFR Part 1033; 26 F.R. 704), regulating the handling of onions grown in designated counties in South Texas, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), was published in the FEDERAL REGISTER March 9, 1961 (26 F.R. 2053).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than ten days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Onion Committee, established pursuant to the aforesaid marketing order, the following rules and regulations are hereby approved to become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.	
1033.100	Order.
1033.101	Terms.
1033.102	Communications.
1033.103	Registered handler.
1033.104	Fiscal period.

SAFEGUARDS

1033.120	Policy.
1033.121	Qualification.
1033.122	Application.
1033.123	Approval.
1033.124	Reports.
1033.125	Disqualification.

AUTHORITY: §§ 1033.100 to 1033.125, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL

§ 1033.100 Order.

Order means Order No. 133 (§§ 1033.1 to 1033.92; 26 F.R. 704) regulating the handling of onions grown in South Texas.

§ 1033.101 Terms.

The terms used in this subpart shall have the same meaning as when used in the order.

§ 1033.102 Communications.

Unless otherwise provided in the order, or by specific direction of the committee,

all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the South Texas Onion Committee, at its principal office.

§ 1033.103 Registered handler.

For purposes of this part any person who operates an established packing house within the production area with commonly accepted adequate facilities for grading and packing onions for market, and who customarily buys onions from producers for grading, packing, and marketing shall be recorded by the committee as a registered handler. Any other person who wishes to be listed as a registered handler may make application for registration on forms furnished by the committee. If such applicant has facilities available to him that are determined by the committee to be adequate for grading and packing onions for market, and he assumes responsibility for inspection of onions handled by him, and for assessments thereon, he may be approved and recorded as a registered handler. If the committee determines from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application. Any registration of a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both.

§ 1033.104 Fiscal period.

The initial fiscal period shall begin on the effective date of this part, February 6, 1961, and end on January 31, 1962. Thereafter, each fiscal period shall begin on February 1 of each year and end on January 31 of the following year, both dates inclusive.

SAFEGUARDS

§ 1033.120 Policy.

Whenever shipments of onions for special purposes pursuant to § 1033.53 are relieved in whole or in part from regulations issued under § 1033.52, the committee may require information and evidence on the manner, methods, and timing of such shipments as safeguards against the entry of any such onions in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

§ 1033.121 Qualification.

Before handling onions for special purposes which do not meet regulations issued pursuant to § 1033.52, a handler, when required by such regulations, must qualify with the committee to handle

shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle onions, (b) agree to comply with reporting and other requirements set forth in §§ 1033.120 to 1033.125, inclusive, with respect to such shipments, and (c) receive approval of the committee, or its duly authorized agents, to so handle onions. Such approval will be based upon evidence furnished in his application for Certificate of Privilege and other information available to the committee.

§ 1033.122 Application.

(a) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, and quality of the onions to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the onions are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 1033.120.

(b) The committee may require each handler making shipments of onions for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment.

§ 1033.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and specified quantities and quantities of onions to be sold or transported to a designated consignee for the purpose declared.

§ 1033.124 Reports.

Each handler of onions shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 1033.125 Disqualification.

The committee from time to time may conduct surveys of handling of onions for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable

to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with requirements and regulations applicable to handling of onions in special outlets and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) these rules and regulations apply to the handling of onions grown in the production area and the handling of the 1961 early spring crop of onions has begun, (2) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing order, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of March 9, 1961 (26 F.R. 2053).

Effective date: Dated, March 22, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-2653; Filed, Mar. 24, 1961; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 150—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

Revision of Part

Scope and purpose. The following is a revision of Part 150 as jointly prescribed by the Judge Advocates General of the armed forces, effective February 28, 1961. Part 150 is revised to read as follows:

Subpart A—General

- Sec.
150.01 Authority.
150.02 Definitions.

Subpart B—Rules

- 150.1 Quorum.
150.2 Place for filing papers.
150.3 Who may file papers.
150.4 Signing of papers.
150.5 Computation of time.
150.6 Qualification of counsel.
150.7 Conduct of counsel.
150.8 Request for appellate defense counsel.
150.9 Retention of civilian counsel.

No. 57—3

- Sec.
150.10 Failure to request or give notice of appellate counsel.
150.11 Mandatory assignment of appellate defense counsel.
150.12 Relations between civilian counsel and other appellate counsel.
150.13 Notice of appearance of counsel.
150.14 Availability of records of trial to civilian counsel.
150.15 Assignment of errors.
150.16 Briefs.
150.17 Oral arguments.
150.18 Matters outside the record.
150.19 Decisions of a board of review.
150.20 Reconsideration.
150.21 Petition for new trial.
150.22 Motions.
150.23 Continuances and interlocutory matters.

Subpart C—Appendixes

- 150.31 Appendix 1—Form for assignment of errors (§ 150.15).
150.32 Appendix 2—Form for cover page of brief (§ 150.16).
150.33 Appendix 3—Form for contents of brief on behalf of accused (§ 150.16).

AUTHORITY: §§ 150.01 to 150.33 issued under sec. 866, 70A Stat. 59; 10 U.S.C. 866.

Subpart A—General

§ 150.01 Authority.

Pursuant to Article 66(f) of the Uniform Code of Military Justice (sec. 866(f), 70A Stat. 59-60, 10 U.S.C. 866(f)), the following rules of procedure for proceedings in and before boards of review are jointly promulgated by the Judge Advocates General of the armed forces effective February 28, 1961.

§ 150.02 Definitions.

So far as the terms defined in Article 1 of the Uniform Code of Military Justice (sec. 801, 70A Stat. 36; 10 U.S.C. 801) are used in this part, they are used in the sense of their respective definitions therein unless the context indicates otherwise. As used in this part:

(a) "Appellate counsel" means any counsel representing any party before a board of review.

(b) "Appellate defense counsel" means any officer appointed by the Judge Advocate General to represent an accused before a board of review pursuant to Article 70 of the Uniform Code of Military Justice (sec. 870, 70A Stat. 62; 10 U.S.C. 870).

(c) "Appellate government counsel" means any officer appointed by the Judge Advocate General to represent the government before a board of review pursuant to Article 70 of the Uniform Code of Military Justice (sec. 870, 70A Stat. 62; 10 U.S.C. 870).

(d) "Civilian counsel" means civilian counsel provided by the accused to represent him before a board of review.

(e) "Appellate counsel for the accused" includes appellate defense counsel and civilian counsel.

(f) "Defense counsel" means any person who represented an accused at the trial by court-martial or who served as his counsel in the field.

Subpart B—Rules

§ 150.1 Quorum.

A majority of the member of a board of review constitutes a quorum for the

purpose of hearing and determining any matter referred to the board. The determination of any matter referred to a board of review will be according to the opinion of a majority of the members participating in the decision. In the absence of a quorum the senior member present may make all necessary orders touching any proceedings pending in the board preparatory to hearing or decision thereof.

§ 150.2 Place for filing papers.

When the filing of a notice of appearance, brief, or other paper in the Office of a Judge Advocate General is required by these rules, such papers will be filed in the Office of the Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office.

§ 150.3 Who may file papers.

Papers will be filed only by the accused or the duly authorized counsel for the parties in interest and proof of such authorization may be required.

§ 150.4 Signing of papers.

All formal papers must be signed and must show, typewritten or printed, the name and address of the person signing same, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for purposes of unnecessary delay.

§ 150.5 Computation of time.

Times referred to herein are calendar days. If the last day falls on a Saturday, Sunday, or holiday, compliance may be made on the next working day.

§ 150.6 Qualification of counsel.

(a) In any proceeding before a board of review the accused may be represented by civilian counsel provided by him or by assigned appellate defense counsel. Civilian counsel must be a member of the bar of a Federal court or of the highest court of a State or Possession of the United States, and may be required to file a certificate setting forth such qualifications. Assigned appellate defense and government counsel must be qualified in accordance with Articles 70(a) and 27(b) (1) of the Uniform Code of Military Justice (secs. 870(a) and 827 (b) (1), 70A Stat. 62 and 46; 10 U.S.C. 870(a) and 827 (b) (1)).

(b) Civilian counsel may not act as counsel before a board of review if he has been suspended by the Judge Advocate General of the service concerned from such practice and such suspension has not been revoked.

§ 150.7 Conduct of counsel.

(a) The conduct of counsel appearing before a board of review will be in accordance with the rules of conduct prescribed by paragraph 42b, Manual for Courts-Martial, United States, 1951 (16 F.R. 1320; 3 CFR, 1949-1953 Comp. p. 441).

(b) A board of review may exercise its inherent right to remove, on an ad hoc basis, counsel misbehaving before or in relation to their appearance before such board. When a counsel has been so removed and the board considers that his conduct was such as probably to warrant suspension, either temporarily or indefinitely, the board shall report the misconduct to the Judge Advocate General of the service concerned and make such recommendations as deemed appropriate.

§ 150.8 Request for appellate defense counsel.

A request for representation by appellate defense counsel will be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the Office of the Judge Advocate General within ten days from the date of the action of the convening or reviewing authority, whichever is later. In cases referred to a board under Article 69 of the Uniform Code of Military Justice (sec. 869, 70A Stat. 61; 10 U.S.C. 869), the accused will have two days from the time he receives notice of such reference to forward a request for appellate defense counsel to the Office of the Judge Advocate General unless he has already forwarded such request. Any request for appellate defense counsel should be accompanied by a statement as to the errors or other matters urged as grounds for relief. Although such statement need not be in technical form, the assistance of counsel in the field should be made available for its preparation. In the event defense counsel files a brief as provided in Article 38(c) of the Uniform Code of Military Justice (sec. 838(c), 70A Stat. 50; 10 U.S.C. 838(c)), such brief may be submitted in lieu of this statement.

§ 150.9 Retention of civilian counsel.

(a) Notice that an accused has retained or has taken action to retain civilian counsel to represent him before a board of review will be forwarded to the convening or reviewing authority for attachment to the record or dispatched to the Judge Advocate General within ten days from the date of the action of the convening or reviewing authority, whichever is later. In cases referred to a board of review under Article 69 of the Uniform Code of Military Justice (sec. 869, 70A Stat. 61; 10 U.S.C. 869), the accused will forward such notice within two days after receipt of notice by him of such referral unless he has already forwarded such notice. The notice of retention of civilian counsel will be signed by the accused or his representative and will state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain civilian counsel, a notice of retainer stating the name and address of such counsel must be received in the Office of the Judge Advocate General within ten days of receipt of the notice of intention. Such civilian counsel will thereafter be notified of the receipt of the record of trial in the Office of the Judge Advocate General,

the number of the case, the board to which the case has been referred, and the arrangements made, or to be made, for a hearing.

(b) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel.

§ 150.10 Failure to request or give notice of appellate counsel.

Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and a board may take final action in the case.

§ 150.11 Mandatory assignment of appellate defense counsel.

In all cases in which the United States is represented by counsel before a board of review, the accused will be assigned appellate defense counsel if not already represented by counsel.

§ 150.12 Relations between civilian counsel and other appellate counsel.

Civilian counsel may communicate directly with appellate defense or government counsel. Appellate defense counsel shall render such appropriate assistance in connection with the appellate review in the case as may be requested by civilian counsel.

§ 150.13 Notice of appearance of counsel.

Appellate defense and government counsel in a case before a board of review will file a written notice of appearance in the Office of the Judge Advocate General within five days of assignment to the case. Civilian counsel will file such notice within ten days from the date of receipt of the notice of retainer in the Office of the Judge Advocate General. Unless separate notice of appearance is filed, an assignment of errors, brief, or other formal paper will constitute a notice of appearance.

§ 150.14 Availability of records of trial to civilian counsel.

Civilian counsel who do not have a copy of the record of trial may make arrangements with appellate defense counsel to examine a copy of the record of trial in the Office of the Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government.

§ 150.15 Assignment of errors.

Within fifteen days after notification of the receipt of the record in the Office of the Judge Advocate General, appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged (§ 150.31). An original and five clear copies prepared in accordance with the provisions of § 150.16(a) will be submitted. It will contain the information prescribed in § 150.16(d)(1). A reply to this assignment may be filed within fifteen days.

§ 150.16 Briefs.

(a) *General provisions.* The assignment of errors prescribed in § 150.15 may be included in, or filed in lieu of, a brief for the accused. An original and five clear copies of all briefs will be submitted. Briefs will be typewritten, double-spaced on 8" x 12½" (legal cap) white paper, securely fastened at the top. All references to matters contained in the record will show record page numbers and any exhibit designations.

(b) *Number of briefs.* Appellate counsel will be limited to the filing of one brief for each side unless the board otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused will be filed within fifteen days after his appellate counsel has been notified of the receipt of the record in the Office of the Judge Advocate General. If the Judge Advocate General has directed appellate government counsel to represent the United States, such counsel may file a brief on behalf of the government within fifteen days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the government may be filed within fifteen days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(d) *General contents.* (1) Each brief will indicate on the cover page (§ 150.32):

(i) The designation of the board of review to which the case has been referred,

(ii) The number of the case, if known, and the caption with designation of parties,

(iii) Title of the document,

(iv) Names and addresses of all counsel submitting the document,

(2) If the brief is ten pages or more, an index containing:

(i) Divisions of the brief, including a summary of the argument,

(ii) Table of authorities cited with references to the page of the brief where cited.

(e) *Contents (accused)* (§ 150.33). The brief for an accused will contain the following arranged in the order indicated:

(1) A summary of the proceedings showing the findings and sentence as approved and the action of the convening authority thereon,

(2) A concise statement of the facts of the case containing all that is material to the consideration of the questions presented with appropriate page references to the record,

(3) The substance of the errors or points intended to be urged, prepared in accordance with § 150.15,

(4) The argument exhibiting clearly the points of fact and law being presented, citing the authorities and statutes relied upon, and quoting the relevant parts of such authorities and statutes as are deemed to have an important bearing,

(5) A conclusion stating concisely why the case should be decided as urged.

(f) *Contents (government).* (1) A brief on behalf of the government will

be of like character as that prescribed for the accused except that the matters prescribed in paragraph (e) (1), (2), and (3) of this section need not be given unless deemed necessary in correcting any inaccuracy or omission in the brief of the accused.

(2) Appropriate proof of service of a copy of the brief will appear on the cover sheet when the accused is represented by civilian counsel.

§ 150.17 Oral arguments.

(a) *When heard.* All cases in which the parties are represented by counsel will be set for argument unless, upon request of counsel, a board permits a case to be submitted without argument.

(b) *Notice of setting of arguments.* A board of review will give appellate counsel at least ten days' notice of the time and place of oral argument, unless waived.

(c) *Time limits.* The length of oral arguments will be within the discretion of a board of review and ordinarily will not exceed thirty minutes for each side.

(d) *Number of counsel; opening and closing.* A board in its discretion may limit the number of counsel making an oral argument. The defense will have the right to make opening and closing arguments.

(e) *Failure to appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the board may proceed to act on the case as submitted without argument or, in its discretion, may continue the case for argument at a later date, giving due notice thereof.

(f) *Presence of accused.* The accused does not have a right to be present at the hearing before the board of review.

§ 150.18 Matters outside the record.

Matters outside the record of trial will not be presented to or argued before a board of review except with respect to:

(a) A petition for new trial referred to a board under Article 73 of the Uniform Code of Military Justice (sec. 873, 70A Stat. 63; 10 U.S.C. 873) (see § 150.21),

(b) A question of jurisdiction,

(c) Matters affecting the sanity of an accused tending to show that further inquiry as to his mental condition is warranted in the interest of justice,

(d) Matters as to which judicial notice may be taken in military law,

(e) Such other matters as a board of review may determine to be proper under substantive law.

§ 150.19 Decisions of a board of review.

(a) *Notice of decisions.* Notice of the decision of a board of review will be accomplished as prescribed in paragraph 100, Manual for Courts-Martial, United States, 1951 (16 F.R. 1351; 3 CFR, 1949-1953 Comp., p. 502). In any case where a board affirms a sentence without opinion, notice upon the accused and appellate counsel for the accused, in accordance with paragraph 100c(1)(a), Man-

ual for Courts-Martial, United States, 1951 (16 F.R. 1351; 3 CFR, 1949-1953 Comp., p. 502), may be accomplished by any equally expeditious means of communication.

(b) *Copies of decisions.* A copy of the decision of a board of review will be furnished appellate counsel for the accused.

(c) *Format of decisions.* The Judge Advocate General of the service concerned may prescribe the format of board of review decisions.

§ 150.20 Reconsideration.

(a) A board of review may, in its discretion and on its own motion, enter an order in any case not later than 30 days after service of its decision on the accused to reconsider such decision, provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b)(1) of the Uniform Code of Military Justice (sec. 867(b)(1), 70A Stat. 60; 10 U.S.C. 867(b)(1)) has not been received by the court.¹ Copies of such order will be served on appellate defense counsel and appellate government counsel. No briefs or arguments will be received unless the order so directs.

(b) A board of review may, in its discretion, reconsider its decision in any case upon motion filed by either appellate defense counsel within 10 days from the time an accused is notified of the decision of the board of review or upon motion of appellate government counsel within 10 days after receipt of its decision, provided a petition for grant of review or certificate for review has not been filed with the United States Court of Military Appeals, or a record of trial for review under Article 67(b)(1) of the Uniform Code of Military Justice (sec. 867(b)(1), 70A Stat. 60; 10 U.S.C. 867(b)(1)) has not been received by the court.¹

(c) A motion for reconsideration shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the board of review. A reply to the motion for reconsideration will be received by the board only if filed within five days of receipt of a copy of the motion. No oral argument will be received on a motion

¹ Entry of an order under paragraph (a) or receipt of a motion under paragraph (b) of this section, will delay the inception of the thirty-day appeal period prescribed by Article 67(c) of the Uniform Code of Military Justice (sec. 867(c), 70A Stat. 60; 10 U.S.C. 867(c)) until the time the accused is notified of the final disposition of the reconsideration or motion by the board of review and will delay the inception of the thirty-day period prescribed by Rule 25 of the Rules of Practice and Procedure of the United States Court of Military Appeals until the Judge Advocate General is notified of the final disposition of the reconsideration or motion by the board. See United States v. Sell, 3 USCMA 202, 11 CMR 202; United States v. Sparks, 5 USCMA 453, 18 CMR 77.

for reconsideration unless ordered by the board of review. The original of the motion filed with the board shall indicate the date of receipt of a copy of the same by opposing counsel.

(d) The time limitations prescribed by this section will not be extended under the authority of § 150.23 beyond the expiration of the time for filing a petition for review by the United States Court of Military Appeals, except that the time for filing briefs by either party may be extended for good cause.

§ 150.21 Petition for new trial.

(a) *General provisions.* Upon receipt from the Judge Advocate General of a petition for a new trial in a case pending before a board, the board of review shall, as soon as practicable, notify appellate counsel for the accused of such receipt.

(b) *Additional investigation.* The board on considering a petition for a new trial may, when deemed appropriate, request the Judge Advocate General to initiate further investigation and to report the results thereof to the board. Additionally, the board may take evidence concerning the petition, relaxing the rules of evidence to whatever extent it deems advisable.

(c) *Answer.* Appellant government counsel shall file an answer to a petition for new trial within 10 days after receipt of notification of the receipt thereof by a board of review.

(d) *Briefs.* Any brief in support of a petition for new trial shall be filed within 10 days of appellant government counsel's answer. If appellee fails to file an answer, appellant may file a brief within 10 days after the expiration of the time allowed for the filing of appellee's answer. Appellee's brief shall be filed within 10 days of the filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 10 days after the expiration of the time allowed for filing of appellant's brief.

(e) *Oral argument.* Except when ordered by the board, oral argument will not be permitted on a petition for a new trial.

§ 150.22 Motions.

(a) *Content.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor.

(b) *Opposition.* Any opposition to a motion shall be filed within five days after receipt by the opposing party of service of the motion.

(c) *Leave to file.* Any pleading not required by this part shall be accompanied by a motion for leave to file such pleading.

§ 150.23 Continuances and interlocutory matters.

Except as otherwise provided in § 150.20(d), a board, in its discretion, may extend any time limits prescribed and may dispose of any interlocutory or other matters, not specifically covered

RULES AND REGULATIONS

by this part, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case. The Chairman of the board may grant such extensions of time limits prescribed, for such time and as often as may appear to be just.

Subpart C—Appendixes

§ 150.31 Appendix 1—Form for assignment of errors (§ 150.15).

IN THE OFFICE OF THE JUDGE ADVOCATE
GENERAL OF THE AIR FORCE¹

Before Board of Review No. —

UNITED STATES v. Private JOHN RICHARD ROE,
U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. -----

Tried at -----, on ----- 19--,
before a G.C.M. appointed by CG-----
Air Force

ASSIGNMENT OF ERRORS

Summary of Proceedings

Upon trial by general court-martial the accused pleaded not guilty to, and was found guilty of, absence without leave from 2 June 1951 until 1 July 1951 in violation of U.C.M.J., Art. 86, and of larceny of a watch of a value of \$75.00, the property of Private Schmidt, in violation of U.C.M.J., Art. 121. On ----- 19-- he was sentenced to dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 4 years. The convening authority approved the sentence, forwarded the record of trial to the Judge Advocate General of the ----- and directed that pending completion of appellate review the accused be transferred to the command of -----, where he is presently confined in the base stockade, ----- Air Base, -----.

Errors

The following errors are assigned:

1. The law officer erred in admitting in evidence as Prosecution's Exhibit No. 1, an alleged extract copy of the morning report of the 3000th Training Squadron dated 2 June 1951 (R. 17).

The exhibit shows that the alleged morning report was signed, and indicates that the entry as to the accused's alleged unauthorized absence was made, by Sergeant William Q. Johns, 3000th Training Squadron. Under pertinent regulations in effect at the time the alleged entry was made, a noncommissioned officer was not the proper person to sign the morning report and had no official duty to record the fact of unauthorized absence.

2. The court erred in its findings of guilty of absence without leave (R. 29), as there was no competent evidence of the alleged unauthorized absence.

3. -----

4. -----

[S] -----

JOHN J. DOE,
Major, U.S. Air Force,
Office of the Judge Advocate General, U.S. Air Force, Appellate Defense Counsel.

¹ Use Judge Advocate General of the Army Judge Advocate General of the Navy, or General Counsel of the Treasury Department, respectively, for Army, Navy, or Coast Guard accused, and modify title accordingly.

§ 150.32 Appendix 2—Form for cover page of brief (§ 150.16).

IN THE OFFICE OF THE JUDGE ADVOCATE
GENERAL OF THE AIR FORCE¹

Before Board of Review No. —

UNITED STATES v. Private JOHN RICHARD ROE,
U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. -----

Tried at -----, on ----- 19--,
before a G.C.M. appointed by CG-----
Air Force

Brief on behalf of accused
(Brief on behalf of the Government)
(Reply brief on behalf of accused)

ROGER Q. SMITH,
Attorney-at-Law,
Crow Building, Muscatine, Iowa,
Civilian Counsel for Accused.

WILLIAM R. QUEEN,
Major, U.S. Air Force,
Office of the Judge Advocate General,
U.S. Air Force,
Appellate Defense Counsel.

§ 150.33 Appendix 3—Form for contents of brief on behalf of accused (§ 150.16).

(For Form of Cover Page, see § 150.32.)

INDEX OF BRIEF

(Omit if brief is less than 10 pages long)

	Page
Summary of Proceedings-----	1
Statement of Facts-----	1
Assignment of Errors-----	2
Argument-----	4
I. An extract copy of a morning report entry, which entry was made by a non-commissioned officer who had no official duty to make the entry, is not admissible in evidence as an exception to the hearsay rule-----	4
a. Such an entry is not an official record-----	4
b. The local practice of permitting unauthorized persons to sign morning reports in violation of Departmental regulations cannot create a custom having the force of law so as to impose upon the maker of the writing a duty to record the facts contained therein-----	9
c. An extract copy of an alleged morning report is not a business entry-----	11
II. The improper cross-examination of an accused, who has testified only as to the circumstances under which an alleged confession had been obtained, concerning the issue of guilt or innocence constitutes fatal error-----	15
Conclusion-----	19

TABLE OF AUTHORITIES

MANUAL FOR COURTS-MARTIAL

MCM, 1951, par. 140a-----	16
MCM, 1951, par. 144b-----	4, 5, 10

CASES

----- v. UNITED STATES, — F.2d —	12
----------------------------------	----

STATUTES

18 U.S.C. -----	14
-----------------	----

REGULATIONS

AFR ----- 10 August 1950-----	6
-------------------------------	---

¹ Same as for § 150.31.

MISCELLANEOUS

Fifth Amendment of the Constitution--	16
Winthrop, Military Law and Precedents,	
2d Ed. 1920 Reprint, pp. -----	17

(New page)

UNITED STATES v. Private JOHN RICHARD ROE,
U.S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. -----

Tried at -----, on ----- 19--,
before a G.C.M. appointed by CG-----
Air Force

BRIEF ON BEHALF OF ACCUSED

Summary of Proceedings
(See first paragraph of § 150.31)

Statement of Facts

Briefly summarized the record of trial shows ----- (State all the facts material to the consideration of errors assigned).

Assignment of Errors

The following errors are assigned:
(See § 150.31)

Argument

(Discuss the points presented separately and in detail under the headings listed in the index, citing and quoting applicable authority deemed to have an important bearing.)

Conclusion

For the reasons stated, the findings of guilty and the sentence should be set aside and the charges should be dismissed.

[S] -----

ROGER Q. SMITH,
Attorney-at-Law, Crow Building, Muscatine, Iowa, Civilian Counsel for Accused.

[S] -----

WILLIAM R. QUEEN,
Major, U.S. Air Force,
Office of the Judge Advocate General, U.S. Air Force, Appellate Defense Counsel.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61-2625; Filed, Mar. 24, 1961; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGIC PRODUCTS

Additional Standards; Poliovirus Vaccine, Live, Oral

On November 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER proposing regulatory standards for the manufacture of Poliovirus Vaccine, Live, Oral.

Views and arguments respecting the proposed amendments were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 30 days after the date of publication of the adopted amendments.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted to become effective 30 days after the date of publication in the FEDERAL REGISTER.

1. Redesignate §§ 73.110, 73.111, 73.112, 73.113, 73.114, and 73.115 as §§ 73.130, 73.131, 73.132, 73.133, 73.134, 73.135, respectively.

2. In § 73.130(b) as redesignated, substitute the numerals "73.132" and "73.133" for the numerals "73.112" and "73.113".

3. In § 73.130(c) as redesignated, substitute the numerals "73.132" and "73.133" for the numerals "73.112" and "73.113".

4. In § 73.131(d) as redesignated, substitute the numeral "73.132" for the numeral "73.112" in the three places where it appears.

5. In § 73.132(b) as redesignated, substitute the numeral "73.131" for the numeral "73.111".

6. In § 73.135 as redesignated, substitute the numerals "73.130" and "73.134" for the numerals "73.110" and "73.114", respectively.

7. Insert the following immediately after § 73.105:

**ADDITIONAL STANDARDS: POLIOVIRUS
VACCINE, LIVE, ORAL**

§ 73.110 The product.

(a) *Proper name and definition.* For the purpose of section 351(a)(2) of the Act and § 73.1(k), the proper name of this product shall be "Poliovirus Vaccine, Live, Oral", followed by a designation of the form in which the vaccine is distributed by the manufacturer. The vaccine shall be a preparation of one or more live, attenuated polioviruses grown in monkey kidney cell cultures, prepared in a form suitable for oral administration.

(b) *Criteria for acceptable strains and acceptable seed virus.* (1) Strains of attenuated poliovirus Types 1, 2, and 3 used in the manufacture of the vaccine shall be identified by: (i) Historical records including origin and techniques of attenuation, (ii) antigenic properties, (iii) neurovirulence for monkeys, (iv) pathogenicity for other animals and tissue cultures of various cell types, and (v) established virus markers including rct/40, d, MS.

(2) Poliovirus strains shall not be used in the manufacture of Poliovirus Vaccine, Live, Oral, unless, (i) data are submitted to the Surgeon General which establish that each such strain is free of harmful effect upon administration in the recommended dosage to at least 100,000 people susceptible to poliomyelitis, under circumstances where adequate epidemiological surveillance of neurological illness has been maintained, and, (ii) each such strain pro-

duces a vaccine meeting the safety and potency requirements of §§ 73.114(b), 73.115, and 73.117. Susceptibility shall be demonstrated by blood tests, stool examinations and other appropriate methods.

(3) Each seed virus used in manufacture shall be demonstrated to be free of extraneous microbial agents.

(4) No seed virus shall be used for the manufacture of poliovirus vaccine unless its neurovirulence in Macaca monkeys is no greater than that of the NIH Reference Attenuated Poliovirus. The neurovirulence of the seed virus shall be demonstrated by the following tests to be performed by the manufacturer: (i) The test prescribed in § 73.114(b)(1) using seed virus as test material in place of monovalent virus pool material and (ii) the following comparative intramuscular neurovirulence test: Each of at least ten monkeys shall be injected with a total of 5.0 ml. of the seed virus under test in one or more proximate locations of either a gluteus or gastrocnemius muscle. Similar injections shall be made in another group of ten monkeys using the NIH Reference Attenuated Poliovirus. Each monkey shall be injected intramuscularly with no less than $10^{7.7}$ TCID₅₀ of viral inoculum. All monkeys shall be observed for 17 to 21 days and a comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the NIH Reference Attenuated Poliovirus, as prescribed in § 73.114(b)(1) (iii).

(5) Subsequent and identical neurovirulence tests shall be performed in monkeys whenever there is evidence of a change in the neurovirulence of the production virus and upon introduction of a new production seed lot and as often as necessary otherwise to establish to the satisfaction of the Surgeon General that the seed virus strains for vaccine manufacture have maintained their neurovirulence properties as set forth in § 73.114(b)(1).

(6) The Surgeon General may, from time to time, prohibit the use of a specified strain whenever he finds it is practicable to use another strain of the same type which is potentially less pathogenic for man, and that it will produce a vaccine of equivalent safety and potency.

§ 73.111 NIH reference strains.

The following NIH reference viruses shall be obtained from the Division of Biologics Standards.

NIH Reference Poliovirus, Live Attenuated, Type 1, as a control for correlation of virus titers in tissue cultures.

NIH Reference Poliovirus, Live Attenuated, Type 2, as a control for correlation of virus titers in tissue cultures.

NIH Reference Poliovirus, Live Attenuated, Type 3, as a control for correlation of virus titers in tissue cultures.

NIH Reference Attenuated Poliovirus, Type 1, as a control for correlation of monkey neurovirulence tests.

§ 73.112 Animal conditioning, personnel, and facilities.

(a) *Monkey conditioning, housing and handling.* (1) Only Macaca monkeys, or a species found by the Director, Division

of Biologics Standards, to be equally suitable, in overt good health, that have reacted negatively to tuberculin at the start of the prescribed quarantine period, shall be used as the source of kidney tissue for the manufacture of poliovirus vaccine.

(2) Monkeys that have been used previously for experimental purposes shall not be used as a source of kidney tissue in the manufacture of vaccine.

(3) Monkeys to be used as a source of kidney tissue in vaccine manufacture shall be maintained in quarantine for at least six weeks prior to use in cages closed on all sides with solid materials except the front, which shall be screened. Not more than two monkeys shall be housed in one cage, and cage mates shall not be interchanged.

(4) Excluding deaths from accidents or causes not due to infectious diseases, if the death rate of any group of monkeys being conditioned in accordance with subparagraph (3) of this paragraph exceeds five percent per month, the remaining monkeys may be used for poliovirus vaccine only if they survive a new quarantine period.

(5) Each animal at necropsy shall be examined under the direction of a qualified pathologist, physician, or veterinarian having experience with diseases of monkeys, for the presence of signs or symptoms of ill health, particularly for (i) evidence of tuberculosis, (ii) presence of herpes-like lesions, including eruptions or plaques on or around the lips, in the buccal cavity or on the gums and (iii) signs of conjunctivitis. If there are any such signs or other significant gross pathological lesions, the kidneys shall not be used in the manufacture of vaccine.

(b) *Personnel.* All possible steps shall be taken to insure that personnel involved in processing the vaccine are immune to poliovirus in order to minimize the possibility that they may become excretors of poliovirus.

(c) *Facilities.* The space set aside for work with live poliovirus vaccine shall not be used for any other purpose during the vaccine processing period. All areas used for live poliovirus vaccine processing shall be decontaminated prior to the initiation of such processing. Test procedures which potentially involve the presence of micro-organisms including viruses other than the vaccine strains, or the use of tissue culture cell lines other than primary cultures, shall not be conducted in live poliovirus vaccine manufacturing areas.

§ 73.113 Manufacture of poliovirus vaccine, live, oral.

(a) *Primary cell cultures.* Only primary monkey kidney tissue cultures may be used in the manufacture of poliovirus vaccine. Continuous line cells shall not be introduced or propagated in vaccine manufacturing areas.

(b) *Virus passages.* Virus in the final product shall represent no more than five tissue culture passages from the original strain, each of which shall have met the criteria of acceptability prescribed in § 73.110(b).

(c) *Identification of processed kidneys.* The kidneys from each monkey shall be processed and the viral fluid resulting therefrom shall be identified as a separate monovalent harvest and kept separately from other monovalent harvests until all samples for the tests prescribed in the following paragraph relating to that pair of kidneys shall have been withdrawn from the harvest.

(d) *Monkey kidney tissue production vessels prior to virus inoculation.* Prior to inoculation with the seed virus, the tissue culture growth in vessels representing each pair of kidneys shall be examined microscopically for evidence of cell degeneration at least three days after complete formation of the tissue sheet. If such evidence is observed, the tissue from that pair of kidneys shall not be used for poliovirus vaccine manufacture. To test the tissue found free of cell degeneration for further evidence of freedom from demonstrable viable microbial agents, the fluid shall be removed from the cell cultures immediately prior to virus inoculation and tested in each of four culture systems; (1) Macaca monkey kidney cells, (2) Cercopithecus monkey kidney cells, (3) primary rabbit kidney cells, and (4) human cells (from one of the systems described in § 73.114(a) (6)), in the following manner: Aliquots of fluid from each vessel shall be pooled and at least ten ml. of the pool inoculated into each system, with ratios of inoculum to medium being 1:1 to 1:3 and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum. The cultures shall be observed for at least 14 days. If these tests indicate the presence in the tissue culture preparation of any viable microbial agent the tissue cultures so implicated shall not be used for poliovirus vaccine manufacture.

(e) *Control vessels.* Before inoculation with seed virus, sufficient tissue culture vessels to represent at least 25 percent of the cell suspension from each pair of kidneys shall be set aside as controls. The control vessels shall be examined microscopically for cell degeneration for an additional 14 days. The cell fluids from such control vessels shall be tested, both at the time of virus harvest and at the end of the additional observation period, by the same method prescribed for testing of fluids in the preceding paragraph (d) of this section. In addition the cell sheet in each control vessel shall be examined for presence of hemadsorption viruses by the addition of guinea pig red blood cells.

(f) *Virus harvest; interpretation of test results.* At least 80 percent of the control vessels shall successfully complete the additional 14-day observation period without microscopic evidence of cell degeneration of the tissue sheets. If less than 80 percent of the control vessels fail to complete satisfactorily the observation period, no tissue from the kidneys implicated shall be used for poliovirus vaccine manufacture. If the test results of the control vessels indicate the presence of any extraneous agent at the time of virus harvest, the entire virus harvest from that tissue culture preparation shall not be used

for poliovirus vaccine manufacture. If any of the tests or observations described in paragraph (d) or (e) of this section demonstrate the presence in the tissue culture preparation of any microbial agent known to be capable of producing human disease, the virus grown in such tissue culture preparation shall not be used for poliovirus vaccine manufacture.

(g) *Kidney tissue production vessels after virus inoculation—temperature.* After virus inoculation, production vessels shall be maintained at a temperature not to exceed 35.0° C. during the course of virus propagation.

(h) *Kidney tissue virus harvests.* Virus harvested from vessels containing the kidney tissue from one monkey may constitute a monovalent virus pool and be tested separately, or viral harvests from more than one pair of kidneys may be combined, identified and tested as a monovalent pool. Each pool shall be mixed thoroughly and samples withdrawn for testing as prescribed in § 73.114(a). The samples shall be withdrawn immediately after harvesting and prior to further processing, except that samples of test materials frozen immediately after harvesting and maintained at -60° C. or below, may be tested upon thawing, provided no more than one freeze-thaw cycle is employed.

(i) *Filtration.* After harvesting and removal of samples for the safety tests described in § 73.114(a), the pool shall be passed through sterile filters having a sufficiently small porosity to assure bacteriologically sterile filtrates.

§ 73.114 Test for safety.

(a) *Tests prior to filtration.* Monovalent virus pools shall contain no demonstrable viable microbial agent other than the attenuated live polioviruses intended. The vaccine shall be tested for the absence of adventitious and other infectious agents including polioviruses of other types or strains, simian agents, Mycobacterium tuberculosis, pox viruses, lymphocytic choriomeningitis virus, Echo viruses, Coxsackie viruses, and B-virus. Testing of each monovalent pool shall include the following procedures:

(1) *Inoculation of rabbits.* A minimum of 100 ml. of each monovalent virus pool shall be tested by inoculation into at least ten healthy rabbits, each weighing 1500–2500 grams. Each rabbit shall be injected intradermally in multiple sites, with a total of 1.0 ml. and subcutaneously with 9.0 ml., of the viral pool, and the animals observed for at least three weeks. Each rabbit that dies after the first 24 hours of the test or is sacrificed because of illness shall be necropsied and the brain and organs removed and examined. The virus pool may be used for poliovirus vaccine only if at least 80 percent of the rabbits remain healthy and survive the entire period and if all the rabbits used in the test fail to show lesions of any kind at the sites of inoculation and fail to show evidence of B-virus or any other viral infection.

(2) *Inoculation of adult mice.* Each of at least 20 adult mice each weighing 15–20 grams shall be inoculated intraperitoneally with 0.5 ml. and intracerebrally with 0.03 ml. of each monovalent

virus pool to be tested. The mice shall be observed for 21 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and examined for evidence of viral infection by direct observation and subinoculation of appropriate tissue into at least 5 additional mice which shall be observed for 21 days. The monovalent virus pool may be used for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of lymphocytic choriomeningitis virus or other viral infection.

(3) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old, shall be inoculated intracerebrally with 0.01 ml. and intraperitoneally with 0.1 ml. of the monovalent virus pool to be tested. The mice shall be observed daily for at least 14 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include subinoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by the intracerebral and intraperitoneal routes and daily observed for 14 days. In addition, a blind passage shall be made of a single pool of the emulsified tissue (minus skin and viscera) of all mice surviving the original 14 day test. The virus pool under test is satisfactory for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of Coxsackie or other viral infection.

(4) *Inoculation of guinea pigs.* Each of at least five guinea pigs, each weighing 350–450 grams, shall be inoculated intracerebrally with 0.1 ml. and intraperitoneally with 5.0 ml. of the monovalent virus pool to be tested. The animals shall be observed for at least 42 days and daily rectal temperatures recorded for the last three weeks of the test. Each animal that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied. The tissues shall be examined both microscopically and culturally for evidence of tubercle bacilli, and by passage of tissue suspensions into at least three other guinea pigs by the intracerebral and intraperitoneal routes of inoculation for evidence of viral infection. If clinical symptoms suggest infection with lymphocytic choriomeningitis virus, serological tests shall be performed on blood samples of the test guinea pigs to confirm the clinical observations. Animals that die or are sacrificed during the first three weeks after inoculation with poliovirus shall be examined for infection with lymphocytic choriomeningitis virus. Animals that die in the final three weeks shall be examined both microscopically and culturally for M. Tuberculosis. The monovalent virus pool is satisfactory for poliovirus vaccine only if at least 80 percent of all animals remain healthy and survive the observation period and if all the animals used in the test fail to show evidence of infec-

tion with M. Tuberculosis, or any viral infection.

(5) *Inoculation of monkey kidney tissue cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, of each undiluted monovalent virus pool or in equal proportions from individual harvests or sub-pools, shall be tested for simian viruses in Macaca, and the same volume in Cercopithecus, monkey kidney tissue culture preparations, in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, after neutralization of the poliovirus by high titer type specific non-simian antisera. The immunizing antigens used for the preparation of antisera shall be grown in a human tissue culture cell line. The cultures shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all the tissue cultures fail to show evidence of the presence of simian viruses.

(6) *Inoculation of human cell cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, taken from either a single monovalent pool or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, for the presence of measles virus in either (i) primary human amnion cells, (ii) primary human kidney cells, or (iii) any other cell system of comparable susceptibility to unmodified measles virus. The test material shall be neutralized with poliovirus antiserum of non-simian derivation if the tissue culture cell system used is susceptible to poliovirus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of measles virus.

(7) *Inoculation of rabbit kidney tissue cultures.* At least 500 ml. of virus pool taken from either a single monovalent pool or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least three square centimeters per milliliter of test inoculum, in primary rabbit kidney tissue culture preparations for evidence of B-virus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of B-virus.

(b) *Tests after filtration.* The following tests relating to safety shall be performed after the filtration process, on each monovalent virus pool or on each multiple thereof (monovalent lot):

(1) *Neurovirulence in monkeys.* Each monovalent virus pool or monovalent lot shall be tested in comparison with the NIH Reference Attenuated Poliovirus for neurovirulence in Macaca monkeys by both the intrathalamic and intraspinal routes of injection. A preinjection

serum sample obtained from each monkey must be shown to contain no neutralizing antibody in a dilution of 1:4 when tested against no more than 1,000 TCID₅₀ of each of the three types of poliovirus. The neurovirulence tests are not valid unless the sample contains at least 10^{7.0} TCID₅₀ per ml. when titrated in comparison with the NIH Reference Poliovirus, Live, Attenuated of the appropriate type. All monkeys shall be observed for 17 to 21 days, under the supervision of a qualified pathologist, physician or veterinarian, and any evidence of physical abnormalities indicative of poliomyelitis or other viral infections shall be recorded.

(i) *Intrathalamic inoculation.* Each of at least ten Macaca monkeys shall be injected intrathalamically with 1.0 ml. of virus pool material containing at least 10^{7.0} TCID₅₀ per ml. and each of at least ten additional Macaca monkeys shall be injected intrathalamically with 1.0 ml. of a 10⁻¹ dilution thereof. Comparative evaluations shall be made with the virus pool under test and the NIH reference material. Only monkeys that show evidence of inoculation into the thalamus shall be considered as having been injected satisfactorily.

(ii) *Intraspinal inoculation.* Each of a group of at least five Macaca monkeys shall be injected intraspinally with 0.2 ml. of virus pool material containing at least 10^{7.0} TCID₅₀ per ml. and each monkey in four additional groups of at least five Macaca monkeys shall be injected intraspinally with 0.2 ml. of 10⁻¹, 10⁻², 10⁻³, and 10⁻⁴ dilutions thereof, respectively. Comparative evaluations shall be made with the virus pool under test and the NIH reference material. Only monkeys that show microscopic evidence of inoculation into the gray matter of the lumbar cord shall be considered as having been injected satisfactorily.

(iii) *Determination of neurovirulence.* At the conclusion of the observation period comparative histopathological examinations shall be made of the lumbar cord, cervical cord, lower medulla, upper medulla and mesencephalon of each monkey in the groups injected with virus under test and those injected with the NIH Reference Attenuated poliovirus, except that for animals dying during the test period, these examinations shall be made immediately after death. The animals shall be examined to ascertain whether the distribution and histological nature of the lesions are characteristic of poliovirus infection. A comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the NIH Reference Attenuated Poliovirus with respect to (a) the number of animals showing lesions characteristic of poliovirus infection, (b) the number of animals showing lesions other than those characteristic of poliovirus infection, (c) the severity of the lesions, (d) the degree of dissemination of the lesions, and (e) the rate of occurrence of paralysis not attributable to the mechanical injury resulting from inoculation trauma. The virus pool under test is satisfactory for poliovirus vaccine manufacture only if

at least 80 percent of the animals in each group survive the observation period and if a comparative analysis of the test results demonstrate that the neurovirulence of the test virus pool does not exceed that of the NIH Reference Attenuated Poliovirus.

(2) *Test for virus titer.* The concentration of living virus in each monovalent virus pool or lot shall be determined, using the NIH Reference Poliovirus Live, Attenuated of the same type as a control. The test shall be a 50 percent end-point titration calculation (TCID₅₀), performed with either groups of ten tubes at 1 log dilution steps or groups of five tubes of 0.5 log dilution steps, or a test of demonstrated equivalent sensitivity. Acceptable titrations of the reference virus shall not vary more than ±0.5 log from its labeled titer.

(3) *Tests for In-vitro Markers.* A test shall be performed on each monovalent virus pool or each monovalent lot resulting therefrom, using the rct/40 Marker and at least one of the other marker methods described below. The test results shall demonstrate that the virus under test and the seed virus have substantially the same marker characteristics.

(i) *rct/40 Marker.* Attenuated strains which grow readily at 40° C. (±0.5° C.) are classified as rct/40 positive (+) in contrast to the rct/40 negative (-) strains which show an increased growth of at least 100,000 fold at 36° C. over that obtained at 40° C. Comparative determinations shall be made in either tube or bottle cultures.

(ii) *d Marker.* Attenuated strains which grow readily at low concentrations of bicarbonate under agar are classified as d positive (+) in contrast to the d negative (-) strains which exhibit delayed growth under the same conditions. The cultures shall be grown in a 36° C. incubator either in stoppered bottles or in plates in an environment of 5 percent CO₂ in air.

(iii) *MS Markers.* Attenuated strains which grow more readily on monkey stable (MS) cells are classified as MS positive (+) in contrast to the MS negative (-) strains. Comparative determinations shall be made in either tube cultures or in bottle cultures under agar.

(4) *Test for sterility.* The final bulk vaccine of each monovalent virus pool, or each monovalent lot resulting therefrom, shall be tested for sterility in both fluid Thioglycollate and Sabouraud media by the procedure prescribed in § 73.73 with a sample of no less than 10 ml. for each test.

§ 73.115 Potency test.

The concentration of live virus expressed as TCID₅₀ of each type in the vaccine shall constitute the measure of its potency. The accuracy of the titration to determine the concentration of live virus in the lot under test shall be confirmed by performing a titration with the NIH Reference Poliovirus, Live, Attenuated of the appropriate type as a check on titration technique. The concentration of each type of live virus contained in the vaccine of the lot under test shall be between 200,000 and 500,000 TCID₅₀ per human dose.

§ 73.116 General requirements.

(a) *Repeat tests.* Tests may be repeated when it is demonstrated that the results were due to faulty test techniques.

(b) *Final container tests.* Tests shall be made on final containers for identity and safety in accordance with § 73.72. The final container sterility test need not be performed provided aseptic techniques are used in the filling process.

(c) *Consistency of manufacture.* No lot of vaccine shall be released unless each monovalent pool contained therein is one of a series of five consecutive pools of the same type, each pool having been manufactured by the same procedures, and each having met the criteria of neurovirulence for monkeys prescribed in § 73.114(b)(1), and of in-vitro markers as prescribed in § 73.114(b)(3).

(d) *Dose.* The individual human dose of vaccine shall contain from 200,000 to 500,000 TCID₅₀ of each type of virus that is in the final product.

(e) *Labeling.* Labeling shall comply with the requirements of §§ 73.50 to 73.55, inclusive. In addition the label or a package enclosure shall include the identification and source of the virus or viruses contained in the vaccine, the tissue medium on which the virus or viruses were propagated, stabilizers and preservatives if any, and the type and calculated maximum amount of antibiotics.

(f) *Dating.* (1) The expiration date in no event shall be more than two years after the date of manufacture as defined in § 73.82(a) provided the product is maintained in the frozen state, (2) the expiration date shall be no more than one year from the date of issue provided that the product is maintained in the frozen state, and (3) the expiration date shall be no more than seven days from the date of issue if issued as a liquid and provided it is maintained at a temperature no higher than 10° C.

(g) *Samples and reports.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) All protocols relating to the history of manufacture of each lot of vaccine, and the results of all tests performed.

(2) A one liter bulk sample of each final monovalent pool having a virus titer of no less than 10^{7.5} TCID₅₀ per milliliter, except that if the titer is greater, a correspondingly smaller volume may be submitted.

(3) A total of no less than a 200 milliliter sample of the vaccine in final labeled containers.

§ 73.117 Clinical trials to qualify for license.

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design, by oral administration of the product. Such clinical trials shall be conducted with five consecutive lots of poliovirus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. Type spe-

cific neutralizing antibody (from less than 1:4 before vaccine treatment, to 1:16 or greater after treatment) shall be induced in 80 percent or more of susceptibles when administered orally as a single dose or in excess of 90 percent of susceptibles when administered orally after a series of doses. A separate clinical trial shall have been conducted for each monovalent and each polyvalent vaccine for which license application is made.

§ 73.118 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Poliovirus Vaccine, Live, Oral, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: March 21, 1961.

[SEAL]

LUTHER L. TERRY,
Surgeon General.

Approved: March 22, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-2697; Filed, Mar. 24, 1961;
8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Quarterly Report Form QFR-I (Class I Carriers of Property)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March A.D. 1961.

The matter of quarterly reports of Class I motor carriers of property being under further consideration, and, the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.12 of the order of October 22, 1956, in the matter of quarterly reports from Class I common and contract motor carriers of property be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters, to read as shown below.

It is further ordered, That § 205.12 be, and it is hereby, modified and amended to read as follows:

§ 205.12 Quarterly reports of property revenues, expenses, and statistics.

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of property as defined in § 182.01-1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or more, from property motor carrier operations, are required to file quarterly reports in accordance with Motor Carrier Quarterly Report Form QFR-I (Property),¹ which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order and of Motor Carrier Quarterly Report Form QFR-I (Property) shall be served on all Class I common and contract motor carriers of property subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-2630; Filed, Mar. 24, 1961;
8:46 a.m.]

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Quarterly Report Form QFR-I-GF (Class I Common Carriers of General Freight)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March A.D. 1961.

The matter of quarterly reports of Class I common carriers of general freight being under further consideration, and, the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.12a, of the order of October 16, 1958, in the matter of Motor Carrier Quarterly Report Form (Class I Common Carriers of General Freight), be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1961, and subsequent quarters to read as shown below.

¹ Filed as part of the original document.

And it is further ordered, That § 205.12a be, and it is hereby, modified and amended to read as follows:

§ 205.12a Quarterly reports of revenues, expenses and statistics—Class I common carriers of general freight.

Commencing with reports for the quarter ended March 31, 1961, and for subsequent quarters thereafter, until further order, all Class I common carriers of general freight, included in Class I carriers, as defined in § 182.01-1 of this chapter, viz., carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or more, from property motor carrier operations, are required to file quarterly

reports in accordance with Motor Carrier Quarterly Report Form QFR-I-GF (General Freight)¹ which is attached to and made a part of this section. Such quarterly report shall be filed in triplicate in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order and of Motor Carrier Quar-

¹ Filed as part of the original document.

terly Report Form QFR-I-GF (General Freight) shall be served on all Class I common and contract motor carriers of general freight subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-2631; Filed, Mar. 24, 1961;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Administrative Rules and Regulations

Notice is hereby given that there is under consideration a proposal to revise the administrative rules and regulations (Subpart—Administrative Rules and Regulations; §§ 997.400–997.457) pertaining to operations under Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of Filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The proposed revision is based on a recommendation of the Filbert Control Board and other information.

Consideration will be given to written data, views and arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the **FEDERAL REGISTER**.

As proposed to be revised the subpart will read as hereinafter set forth. Sections 997.453 and 997.457 of the current rules and regulations are retained with minor modifications. §§ 997.400 and 997.432 are deleted and new sections are added.

The proposed revision reads as follows:

§ 997.432 Nominations.

Nominee petitions pursuant to § 997.32 (d) may be submitted only by independent growers in the particular district from which an independent grower position on the Board is to be filled and only such growers shall be eligible to sign a grower nominee petition or be nominated for such a member or alternate member position on the Board.

§ 997.446 Inspection documentation.

(a) The Board shall provide all inspection seals, tags, and stamps that are required to be affixed to filbert containers as provided in § 997.46(b).

(b) The required identification shall be affixed to the containers of certified filberts by the handler as soon as practicable after certification, as follows:

(1) If such filberts are packed in bags, a "free" or "restricted" seal, as appropriate, shall be fastened over the closure seam of each bag, except that a tag may be used temporarily as authorized in subparagraph (3) of this paragraph.

(2) If such filberts are packed in cartons, each carton shall be marked with a "free" or "restricted" stamp, as appropriate.

(3) Tags shall be used temporarily to identify a lot of certified filberts when held for further processing or packing. The tags shall be affixed to individual units of the lot (e.g., bags, tote boxes, bins, and pallet loads) or to the entire lot. The information on each tag shall identify the filberts covered thereby and shall show, among other things: the quantity, by weight of the filberts; handler's lot number; the date of inspection; whether merchantable or ungraded; whether "restricted"; and the number and type of containers in the lot.

§ 997.450 Identification of filberts withheld.

(a) Each handler required to withhold restricted filberts pursuant to § 997.50 or § 997.51 shall hold such filberts separate from all other filberts and shall maintain the identify of each lot so withheld.

(b) By notification to the Board that he will not handle during the current fiscal year certified merchantable filberts of a specified weight and identity, a handler may exercise the option provided in § 997.50(c) of having such filberts bear the restricted and assessment obligations of the current or a subsequent fiscal year.

(c) Pursuant to § 997.50(d), a handler may withdraw from withholding restricted filberts in excess of his restricted obligation upon advising the Board of the weight and lot identity of the filberts to be withdrawn. When the quantity of restricted filberts to be withdrawn from withholding consists of a part of a lot of ungraded filberts no part of such lot shall be withdrawn unless the remainder of such lot is reinspected and meets the requirements of § 997.51.

§ 997.452 Disposition of restricted filberts.

(a) *Shelling.* (1) Any person desiring to shell restricted filberts during a fiscal year may do so upon being designated by the Board as an authorized sheller for such year. Application for such designation shall be made in duplicate on FCB Form 3 and include, in addition to the conditions specified in § 997.52(a), the following: (i) The location of the applicant's shelling operation; (ii) the number of years he has operated a filbert shelling plant; and (iii) the daily (8-hour) shelling capacity of the plant. Designation of an authorized sheller shall be effected by the Board manager signing the application form and returning a signed copy of the form to the applicant. Each such designation shall continue in effect during the particular fiscal year so long as the authorized sheller is in compliance with the re-

quirements and conditions pursuant to § 997.52 applicable to authorized shellers.

(2) When an authorized sheller completes the shelling of a lot of restricted filberts, he shall submit a report thereon to the Board on FCB Form 4 showing: (i) The date shelling was completed; (ii) the inspection certificate or lot number; (iii) the quantity shelled; (iv) the weight of the kernels produced; and (v) the location where the restricted filberts were held immediately prior to shelling.

(b) *Exports.* Any handler who desires to act as agent of the Board in negotiating export sales of certified merchantable restricted filberts may do so upon the execution of an "Export Agreement" wherein the handler agrees, among other things, to negotiate such export sales at not less than such price as the Board may prescribe, and in conformity to and compliance with the other terms and conditions of the Export Agreement.

(c) *Other authorized outlets.* Under the direction or supervision of the Board, a handler may dispose of restricted filberts for charitable purposes and for promoting the consumption of filberts on behalf of the filbert industry in general. The report required under § 997.67 (b) following each such disposition shall be accompanied by a certification by the person receiving such filberts from the handler that they will be used for charitable or promotional purposes, as authorized.

§ 997.453 Disposition of small size filberts.

Any inshell filberts that are substandard only because they are small size, as the term "small size" is defined in the Oregon Grades and Standards for Walnuts and Filberts, may be disposed of in export in the same manner and under the same conditions and procedures pursuant to § 997.52(b) for sales in export of certified merchantable restricted filberts. Such small size filberts are not eligible for restricted credit.

§ 997.454 Sureties acceptable to the Board.

Bonds secured by cash, cashier's or certified checks, or by assets that are entirely separate and apart from the handler named in the bond may be accepted by the Board pursuant to § 997.54 (a). As a condition of accepting any surety, the Board may require such financial statements or other information relating to the ability of such surety to guarantee a handler's bond as it deems necessary.

§ 997.455 Exchange of certified merchantable filberts withheld.

Each handler desiring to exchange filberts pursuant to § 997.55 shall prior thereto file a written notification with the Board setting forth for the respective quantities of filberts involved in the ex-

change, the inspection certificate numbers, quantities, locations, and applicable lot numbers.

§ 997.456 Interhandler transfers.

Each interhandler transfer of filberts pursuant to § 997.56 (a) and (c) may be made upon notification to the Board in triplicate by the receiving handler on FCB form 9 signed by both the transferring handler and the receiving handler which shall include the following information: (a) Date of transfer; (b) names of the transferring and receiving handlers; (c) locations between which the filberts were transferred; (d) whether uncertified inshell or certified merchantable; (e) net weight of the filberts transferred, by size and variety; (f) the inspection certificate, or lot number covering the filberts; and (g) if certified merchantable, the name of the handler responsible for compliance with the applicable requirements pursuant to this part relating to such filberts.

§ 997.457 Quantity exemption.

Any handler up to, but not to exceed, a total of 250 pounds of inshell filberts during any fiscal year, may handle such filberts free from the inspection and certification, restricted obligation, assessment, and reporting requirements of this part.

§ 997.466 Reports of inshell filberts handled and withheld.

At the end of each month, each handler shall report to the Board on FCB form 1 the respective quantities of inshell filberts handled and withheld since the last report, except that such reports shall be submitted each Thursday for weekly shipments through the preceding Wednesday with respect to any such filberts handled and withheld during October, November and through the Wednesday subsequent to December 15. The quantities handled shall be reported by size and the respective quantities of merchantable and ungraded filberts withheld shall be reported separately.

§ 997.468 Report of filbert receipts, disposition, and inventory.

On or before January 15 and August 5 each handler shall (a) report to the Board on FCB form 7 his receipts and disposition of inshell filberts and production of filbert kernels during the respective preceding periods of August 1-December 31, and August 1-July 31, and (b) report to the Board on FCB form 6 his inventory of filberts as of December 31 and July 31, respectively, showing the quantities of inshell filberts separately in terms of certified merchantable, graded uncertified merchantable, restricted, ungraded and substandard. The certified merchantable filberts shall be reported by whether located within or outside the production area and whether the restricted obligation has been met.

§ 997.471 Records.

Each handler shall maintain complete and accurate records showing the receipt, shipment and sale of all filberts handled, used or otherwise disposed of and shall retain such records for the

two-year period prescribed in § 997.71. Handlers shall also maintain a current record of all filberts held in inventory.

Dated: March 21, 1961.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-2624; Filed, Mar. 24, 1961;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-NY-56]

CONTROLLED AIRSPACE

Alteration and Revocation of Control Area Extensions

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 amendments to Part 601, §§ 601.1377, 601.1164, 601.1141, and 601.1142 of the Regulations of the Administrator, the substance of which is stated below.

The Boston, Mass., control area extension (§ 601.1377) is presently designated as the airspace within a 25-mile radius of the Boston VOR, excluding the portion west of VOR Federal airways Nos. 3 and 16, and excluding the portion which overlaps Boston control area extensions § 601.1141 and § 601.1142.

The Federal Aviation Agency is considering the alteration of the Boston control area extension by expanding it to include the airspace within the following described area: Beginning at latitude 43°25'32" N., longitude 70°36'50" W.; thence southeast to latitude 43°21'30" N., longitude 70°19'20" W.; thence southwest to latitude 43°15'00" N., longitude 70°30'00" W.; thence south to latitude 42°44'20" N., longitude 70°37'00" W.; thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 42°35'00" N., longitude 70°34'45" W.; thence east to latitude 42°35'00" N., longitude 70°30'00" W.; thence south to latitude 42°06'50" N., longitude 70°30'00" W.; thence southeast to latitude 41°57'30" N., longitude 70°17'00" W.; thence northeast to latitude 42°08'50" N., longitude 70°03'20" W.; thence south to latitude 42°05'55" N., longitude 70°02'10" W.; thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 41°48'30" N., longitude 69°51'50" W.; thence southeast to latitude 41°41'40" N., longitude 69°45'20" W.; thence southwest to latitude 41°19'10" N., longitude 70°13'40" W.; thence west to latitude 41°13'40" N., longitude 70°43'00" W.; thence north to latitude 41°36'30" N., longitude 70°43'00" W.; thence west to latitude 41°42'20" N., longitude 71°19'10" W.; thence northwest to latitude 42°35'00" N., longitude 71°58'30" W.; thence northwest to latitude 42°46'40" N., longitude 72°09'15" W.; thence northeast to latitude 43°03'40" N., longitude 71°41'15" W.; thence northeast to latitude 43°13'11" N., longitude 71°34'33"

W.; thence northeast to the point of beginning, including the airspace within the Camp Edwards, Mass. (R-4101); North Eastham, Mass. (R-4106); South Wellfleet, Mass. (R-4107); Falmouth, Mass., Otis AFB (R-4103), Restricted Areas and excluding the portion which would coincide with the Isle of Shoals, N.H., Restricted Area (R-4901). This alteration of the Boston control area extension would provide control area for the protection of aircraft conducting Instrument Flight Rules arrival, departure, and holding procedures at Grenier AFB, Manchester, N.H.; Fort Devens AAF, Fitchburg, Mass.; Pease AFB, Portsmouth, N.H.; Hanscom Airport, Bedford, Mass.; Logan International Airport, Boston, Mass.; New Bedford, Mass., Airport; Martha's Vineyard, Mass., Airport; Otis AFB, Falmouth, Mass.; Hyannis, Mass., Airport; and NAS, South Weymouth, Mass. In addition, the altered control area extension would facilitate air traffic management and would accommodate the application of radar air traffic control procedures by the Boston Air Route Traffic Control Center and the Otis AFB, radar approach control facility.

The inclusion of control area within Restricted Areas (R-4101), (R-4106), and (R-4107) would facilitate their use for air traffic management purposes when they are not being utilized for their designated purpose.

Due to the immediate requirement by Air Traffic Management for additional controlled airspace for protecting Instrument Flight Rules air traffic within the Greater Boston Terminal area, it is considered inappropriate at this time to treat the proposals contained herein with respect to Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570). However, in the future, the Federal Aviation Agency will propose under separate airspace action the implementation of Amendment 60-21 to the controlled airspace proposed herein as the Boston control area extension.

Concurrently, it is proposed to revoke the following control area extensions as they would no longer be necessary after the designation of the Boston control area extension as proposed herein:

1. Lawrence, Mass., control area extension (§ 601.1090).
2. Falmouth, Mass., control area extension (§ 601.1295).
3. Nantucket, Mass., control area extension (§ 601.1296).
4. Hyannis, Mass., control area extension (§ 601.1371).
5. Portsmouth, N.H., control area extension (§ 601.1410).
6. Martha's Vineyard, Mass., control area extension (§ 601.1426).
7. Manchester, N.H., control area extension (§ 601.1375).

In addition, it is proposed to alter the eastern boundary of the Quonset Point, R.I., control area extension (§ 601.1164), which is presently described to coincide with the southwestern boundary of Falmouth, Mass., control area extension (§ 601.1295), by redescribing it as being bounded on the east by the proposed Boston control area extension (§ 601.1377). It is also proposed to alter the

Boston control area extension (§ 601.1141 and § 601.1142) by excluding from their descriptions the portions of these control area extensions which would coincide with the proposed Boston control area extension (§ 601.1377). This would eliminate a dual designation of control area.

If these actions are taken, the Boston, Mass., control area extension (§ 601.1377), would be designated as follows:

That airspace bounded by a line beginning at latitude 43°25'32" N., longitude 70°36'50" W.;

thence southeast to latitude 43°21'30" N., longitude 70°19'20" W.;

thence southwest to latitude 43°15'00" N., longitude 70°30'00" W.;

thence south to latitude 42°44'20" N., longitude 70°37'00" W.;

thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 42°35'00" N., longitude 70°34'45" W.;

thence east to latitude 42°35'00" N., longitude 70°30'00" W.;

thence south to latitude 42°06'50" N., longitude 70°30'00" W.;

thence southeast to latitude 41°57'30" N., longitude 70°17'00" W.;

thence northeast to latitude 42°08'50" N., longitude 70°03'20" W.;

thence south to latitude 42°05'55" N., longitude 70°02'10" W.;

thence southerly along a line 3 nautical miles from and parallel to the shoreline to latitude 41°48'30" N., longitude 69°51'50" W.;

thence southeast to latitude 41°41'40" N., longitude 69°45'20" W.;

thence southwest to latitude 41°19'10" N., longitude 70°13'40" W.;

thence west to latitude 41°13'40" N., longitude 70°43'00" W.;

thence north to latitude 41°36'30" N., longitude 70°43'00" W.;

thence west to

Latitude 41°42'20" N., longitude 71°19'10" W.;

thence northwest to latitude 42°35'00" N., longitude 71°58'30" W.;

thence northwest to latitude 42°46'40" N., longitude 72°09'15" W.;

thence northeast to latitude 43°03'40" N., longitude 71°41'15" W.;

thence northeast to latitude 43°13'11" N., longitude 71°34'33" W.;

thence northeast to the point of beginning

excluding the portion of this control area extension which would coincide with the Isle of Shoals, N.H., Restricted Area (R-4901). The portion of this control area extension which would coincide with the Camp Edwards, Mass. (R-4101); North Eastham, Mass. (R-4106); South Wellfleet, Mass. (R-4107); and the Falmouth, Mass., Otis AFB (R-4103), Restricted Areas shall be used only after obtaining prior approval from the appropriate authority.

The Lawrence, Mass., Falmouth, Mass., Nantucket, Mass., Hyannis, Mass., Portsmouth, N.H., Martha's Vineyard, Mass., and Manchester, N.H., control area extensions would be revoked.

The Quonset Point, R.I., control area extension eastern boundary would be altered to coincide with the proposed Boston, Mass., control area extension (§ 601.1377) boundary.

The Boston, Mass., control area extensions (§ 601.1141) and (§ 601.1142) would be altered to exclude the portions which would coincide with the proposed Boston, Mass., control area extension (§ 601.1377).

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 Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management 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 Division Chief.

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

Issued in Washington, D.C., on March 21, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-2619; Filed, Mar. 24, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-A]

MEAT THERMOMETERS FROM JAPAN

Determination of No Sales at Less Than Fair Value

MARCH 20, 1961.

A complaint was received that meat thermometers from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that meat thermometers from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. In determining whether there had been sales at less than fair value, a comparison was made between the purchase price and the constructed value of the merchandise. Constructed value was used for the comparison since the merchandise is not sold for home consumption in Japan and third country sales did not form an adequate basis due to the minor quantity involved in such sales. Purchase price was based on the ex-factory price of the manufacturers for thermometers sold for exportation to the United States.

The comparison disclosed that the purchase price was not less than the constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

A. GILMORE FLUES,

Acting Secretary of the Treasury.

[F.R. Doc. 61-2651; Filed, Mar. 24, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number J-012144 for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for the planned expansion of the Tongass Avenue Administrative Site at Ketchikan, Alaska, and for the replacement of lands released on the opposite side of this site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

tions, 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 2511, Juneau, Alaska.

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:

Beginning at the Northeast corner of the Tongass Avenue Administrative site; Thence S. 65°56' E., 85 feet to a point; Thence S. 24°04' W., 183.82 feet to a point on the north boundary of the Tongass Avenue right-of-way;

Thence in a westerly direction along the north boundary of the Tongass Avenue right-of-way a distance of 85.05 feet to the southeast corner of the Administrative site;

Thence N. 24°04' E. 180.9 feet along the Administrative site boundary to the point of beginning, and containing 0.35 of an acre more or less.

R. PAUL RIGTRUP,

Acting Operations Supervisor.

[F.R. Doc. 61-2626; Filed, Mar. 24, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12240; Order No. E-16534]

MOHAWK AIRLINES, INC.

No Refund Rule for "No Shows" During Periods of Peak Traffic; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1961.

By tariff filed to become effective March 23, 1961,¹ Mohawk Airlines, Inc., has proposed to eliminate refunds on tickets to passengers who fail to use their reservations on certain dates² unless (1) the reservation is cancelled prior to scheduled departure time, or prior to actual departure time if the passenger has been notified that the flight will not depart on schedule; or (2) the reservation is not used because of the late arrival of an incoming connecting flight; or (3) the carrier cancels the reservation or refuses to transport the passenger under existing tariff rules. The proposal also states that upon surrender of a ticket upon which no refund will be paid, the carrier will issue another ticket for transportation between the same points

¹ C.A.B. No. 43, Agent C. C. Squire.

² March 23-April 5, 1961; May 12-May 14, 1961; November 20-November 26, 1961; and December 20, 1961-January 2, 1962.

for which transportation originally was to have been provided.³

The forfeiture of the total purchase price of the ticket appears to be an unreasonable "no show" penalty to passengers using the regular services of the carrier during the assumed peak periods designated in the tariff. The tariff provision for issuing another ticket for subsequent travel will operate as a mitigating circumstance only as to persons who will have occasion to utilize such subsequent transportation. Although the Board is sympathetic to attempts to alleviate the problems stemming from the "no-show" passengers during periods of peak traffic, the imposition of a 100 percent forfeiture may be unduly harsh and unjust to passengers subject to that rule. Therefore, we find that Rule 78(A)(4) and the exception to Rule 78(C)(1) may be unjust and unreasonable, unjustly discriminatory, or unduly preferential or unduly prejudicial and we will institute an investigation of such rules. In view of the severity of the 100 percent forfeiture, and the lack of a showing that a penalty of such severity is necessary and reasonably related to the problems it is designed to meet we have also concluded that this tariff should be suspended.

Under the peculiar circumstances here involved, where Mohawk seeks to alleviate the "no-show" problem during certain relatively brief periods of peak traffic and where the carrier's average length of haul is comparatively short with fares in concomitantly small amounts, the Board would not consider a no-show penalty of 50 percent of the tariff fare or \$5, whichever is greater, to be unjust or unreasonable.

The Board finds that its action herein is necessary and appropriate to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule 78(A)(4) on 14th Revised Page 59 and in exception to Rule 78(C)(1) on 12th Revised Page 60 of Agent C. C. Squire's C.A.B. No. 43 are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unlawful to determine and prescribe the lawful provisions.

2. Pending investigation, hearing, and decision by the Board, the provisions in Rule 78(A)(4) on 14th Revised Page 59 and in exception to Rule 78(C)(1) on 12th Revised Page 60 of Agent C. C. Squire's C.A.B. No. 43 are suspended and their use deferred to and including June 20, 1961, unless otherwise ordered by the

³ Rule 78(A)(4) and the exception to Rule 78(C)(1).

Board and that no changes be made therein during the period of suspension except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Mohawk Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 61-2639; Filed, Mar. 24, 1961;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RIVERBANK LIVESTOCK AUCTION YARD ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Riverbank Livestock Auction Yard, Riverbank, Calif.
Capital Stockyard, Vidalia, Ga.
Malne Stockyards, Burnham, Maine.
Warwick Auction Market, Warwick, N.Y.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the **FEDERAL REGISTER**.

Done at Washington, D.C., this 22d day of March 1961.

H. L. JONES,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-2654; Filed, Mar. 24, 1961;
8:48 a.m.]

SUTTON LIVESTOCK COMMISSION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the live-

stock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ARKANSAS

Original name of stockyard, locations, and date of posting Current name of stockyard and date of change in name

Sutton Livestock Commission, Hope, Dec. 18, 1958. Brown Bros. Livestock Commission, Feb. 15, 1961.

CALIFORNIA

Los Banos Livestock Commission Co., Los Banos, Dec. 1, 1959. Los Banos Livestock Market, Jan. 26, 1961.

IOWA

Ogden Sale Barn, Ogden, May 18, 1959---- Ogden Sales Co., Feb. 7, 1961.

KANSAS

Anderson County Sales Co., Garnett, May 26, 1959. Anderson County Sales Co., July 1, 1960.

Franklin County Sale Co., Ottawa, May 23, 1959. Franklin County Sale Co., Feb. 20, 1961.

LOUISIANA

Voiron's Stockyard, Thibodaux, Mar. 3, 1959. South Louisiana Livestock Cooperative, Inc., Sept. 15, 1960.

MINNESOTA

Geneva Livestock Sales, Geneva, Dec. 29, 1959. Geneva Livestock Sales, Inc., Jan. 6, 1961.

NEVADA

Elko Livestock Sales, Elko, Jan. 1, 1960---- Elko Livestock Sales, Inc., Jan. 1, 1961.
Midwest Livestock Commission Co., Fallon, July 8, 1960. Midwest Livestock Commission Co., Inc., Feb. 20, 1961.

OKLAHOMA

Southern Oklahoma Livestock Exchange, Ardmore, Nov. 15, 1949. Southern Oklahoma Livestock Exchange, Inc., Jan. 16, 1961.

SOUTH CAROLINA

Hemingway Livestock, Hemingway, Dec. 5, 1960. Hemingway Livestock Market, Feb. 1, 1961.

TEXAS

The Heart of Texas Commission Co., Brady, Apr. 3, 1957. Heart O'Texas Commission Co., Inc., Feb. 20, 1961.
Llano Sales Co., Llano, Feb. 12, 1959----- Llano Livestock Auction Co., July 26, 1960.

Done at Washington, D.C., this 22d day of March 1961.

H. L. JONES,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-2655; Filed, Mar. 24, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-7]

PROPOSED CONSTRUCTION OF TELEVISION TOWER

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Central Kansas Television Company, Inc., Station KCKT-TV, Great Bend, Kansas, proposes to construct a television antenna structure to be located near Ellsworth, Kansas, at latitude 38°37'53" north, longitude 98°18'37" west. The overall height of the structure would be 3146 feet above mean sea level (1301 feet above ground). The present Station KCKT-TV antenna structure at a

height of 2875 feet above mean sea level (1001 feet above ground level) is located at latitude 38°25'54" north, longitude 98°46'24" west. Upon approval of the proposed structure the sponsor agrees to reduce the present tower to an overall height of not above 2274 feet mean sea level (400 feet above ground level) for future use as a microwave radio antenna structure.

No aeronautical objections were received as a result of the circularization. However, in the FAA Washington informal airspace meeting at which the aeronautical study of this proposal was considered, the Aircraft Owners and Pilots Association, although not stating any particular basis for objecting to the proposed structure as to its specific effect upon aeronautical operations, did interpose objection to the proposal in conformance with the Association's policy of objecting to any structure which would exceed 1000 feet above ground level.

The aeronautical study by the Agency disclosed that the proposed structure would not be located within any airport areas nor would it penetrate any surfaces of the Agency or the "Joint Industry/Government Tall Structures Committee Final Report" criteria. Furthermore, the structure would not be located within any controlled airspace and would have no adverse effect on any Instrument Flight Rules minimum en route altitudes or procedures. The study further shows that, even though the top of the structure would extend more than 1,000 feet above ground, it would have no substantial adverse effect upon Visual Flight Rules aeronautical operations; that the Agency's records reflect no substantial volume of VFR flight activity in proximity to the proposed structure site.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable rules and standards and provided further that the present Station KCKT-TV antenna structure now extending to a height of 2875 feet above mean sea level (1001 feet above ground level) at latitude 38°25'54" north, longitude 98°46'24" west, will be reduced to an overall height not to exceed 2274 feet above mean sea level (400 feet above ground level) within 90 days after broadcast programming is commenced from the proposed tower.

This finding will be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on March 21, 1961.

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

[F.R. Doc. 61-2615; Filed, Mar. 24, 1961;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JERROLD R. BUCHER

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.

Dated: March 16, 1961.

This statement is made as of March 16, 1961.

JERROLD R. BUCHER.

[F.R. Doc. 61-2622; Filed, Mar. 24, 1961;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13536; FCC 61M-473]

PHILIP D. BOOTHROYD

Order Scheduling Prehearing Conference

In the matter of Philip D. Boothroyd, RD #1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of Radiotelephone First Class Operator License No. P1-2-7801.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 21st day of March 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., March 30, 1961.

Released: March 22, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2657; Filed, Mar. 24, 1961;
8:49 a.m.]

[Docket No. 13410; FCC 61M-466]

IDAHO MICROWAVE, INC.

Order Continuing Hearing Conference

In re applications of Idaho Microwave, Inc., Docket No. 13410; for construction permit for New Fixed Radio Station at Kimport Peak, Idaho (KPL 24), File No. 2672-C1-P-58; for construction permit for New Fixed Radio Station at Rock Creek, Idaho (KPL 25), File No. 2673-C1-P-58; for construction permit for New Fixed Radio Station at Jerome, Idaho (KPL 26), File No. 2674-C1-P-58.

Upon oral request by counsel for the applicant in the above-entitled matter and with the consent of all the other parties: *It is ordered*, This 20th day of March 1961, that the prehearing conference now scheduled for March 22, 1961, be and it hereby is continued until 10:00 a.m., March 30, 1961, in the Commission's offices in Washington, D.C.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2658; Filed, Mar. 24, 1961;
8:49 a.m.]

[Docket No. 13948; FCC 61M-470]

HARFORD COUNTY BROADCASTING
CO. (WAMD)

Order Continuing Hearing

In re application of John L. Allen, tr/as Harford County Broadcasting Company (WAMD), Aberdeen, Maryland,

Docket No. 13948, File No. BP-12529; for construction permit.

Pursuant to the agreements reached at the prehearing conference held March 17, 1961, the evidentiary hearing now scheduled to begin on Monday, April 17, 1961, is continued to Thursday, May 4, 1961.

It is so ordered, This the 20th day of March 1961.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2659; Filed, Mar. 24, 1961;
8:49 a.m.]

[Docket No. 13925; FCC 61M-467]

LEO JOSEPH THERIOT

Order Changing Place of Hearing

In the matter of revocation of license of Leo Joseph Theriot for Standard Broadcast Station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

The Chief Hearing Examiner having under consideration a motion filed March 17, 1961, by Leo Joseph Theriot, respondent herein, for a field hearing in the above-entitled proceeding;

It appearing that the motion is supported by a showing of good and sufficient cause, and that the Commission's Broadcast Bureau consents to the granting thereof and to a waiver of the provisions of § 1.43 of the rules to permit immediate consideration of the matter;

It appearing further that all of the witnesses who will be called by the respondent, as well as the Commission's principal witnesses, are located in the vicinity of New Orleans, Louisiana, and, therefore, it is appropriate and in keeping with Commission policy to authorize the field hearing sought;

It is ordered, This 21st day of March 1961, that the motion is granted and that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to New Orleans, Louisiana.

Released: March 21, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-2660; Filed, Mar. 24, 1961;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-214, CP61-215]

EL PASO NATURAL GAS CO. AND
UNITED GAS PIPE LINE CO.

Notice of Applications and Date of Hearing

MARCH 20, 1961.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas, and United Gas Pipe Line Company (United), a Dela-

NOTICES

ware corporation with its principal place of business at 1525 Fairfield Ave., Shreveport, Louisiana, filed applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

El Paso in Docket No. CP61-214 seeks permission and approval to abandon a portable measuring and regulating station, a main line tap, and the natural gas service rendered thereby.

The facilities which El Paso proposes to abandon were utilized for the temporary sale and delivery of natural gas to Utah Gas Service Company (Utah) for resale to Pacific Natural Gas Exploration Company for use in the drilling of a well. The application states that drilling operations have ceased and that the gas service rendered to Utah is no longer required.

United in Docket No. CP61-215 seeks permission and approval to remove and abandon a 1-inch tap and gas measurement and appurtenant facilities located near Milepost 1.3 on its 2-inch Taylorsville line in Jones County, Mississippi. The application states that the facilities to be removed have been used by United to render direct industrial gas service to a pumping station of Interstate Oil Pipeline Company pursuant to authorization heretofore issued in Docket No. G-16158.

The application indicates that the consumption of gas at this location does not warrant the continued sale.

These matters should be heard on a consolidated record and 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 April 25, 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 applications: *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 Applicants 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 April 10, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concur-

rence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2620; Filed, Mar. 24, 1961;
8:45 a.m.]

[Docket Nos. CI60-582, CI60-583]

TARPON OIL CORP. ET AL.

Notice of Postponement of Hearing

MARCH 20, 1961.

The Tarpon Oil Corporation, Docket No. CI60-582; and the Shallow Oil Company, Inc., Operator, et al., Docket No. CI60-583.

Take notice that the hearing in the above-docketed proceedings now scheduled to commence on March 29, 1961, is hereby postponed to March 30, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2621; Filed, Mar. 24, 1961;
8:45 a.m.]

[Docket No. E-6986]

CONNECTICUT LIGHT AND POWER CO. AND HOUSATONIC PUBLIC SERVICE CO.

Notice of Application

MARCH 22, 1961.

Take notice that on March 17, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by The Connecticut Light and Power Company (Connecticut Light), a corporation organized under the laws of the State of Connecticut and doing business in that State with its principal business office at Berlin, Connecticut, and The Housatonic Public Service Company (Housatonic), a corporation organized under the laws of the State of Connecticut and doing business in that State with its principal business office at Derby, Connecticut, seeking an order authorizing the merger of Housatonic with and into Connecticut Light, Connecticut Light to be the surviving corporation, and the sale, immediately prior to the merger, by Housatonic to The United Illuminating Company (United) of the electric business of Housatonic in the Towns of Ansonia, Derby, and Shelton, State of Connecticut, and its franchises, plant equipment, properties, and assets associated therewith. According to the application both Connecticut Light and Housatonic supply gas and electric service and the utility systems of both companies are located wholly within the State of Connecticut. No contracts for the purchase, sale, or interchange of electric energy remaining after the consummation of the proposed transactions would be affected. The con-

sideration for the proposed merger would be the conversion of each outstanding share of preferred stock of Housatonic into three-quarters of a share of the common stock of the surviving corporation and the conversion of each outstanding share of common stock of Housatonic into one and four-tenths shares of common stock of the surviving corporation. The consideration for the sale to United would be \$7,996,379 plus a calculated amount based upon the cost of certain of the properties involved, the amounts of unbilled revenues and accounts receivable, and certain adjustments, all as set forth in the agreement relative to the sale which is a part of the application. According to the application, after the proposed merger and sale the facilities involved would be used for the same purposes for which they are now being used; and further, the proposed merger and sale would promote greater stability, efficiency, and potential and would result in economies and improved service to customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of April 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2632; Filed, Mar. 24, 1961;
8:46 a.m.]

[Docket Nos. RI61-404—RI61-407]

KERR-McGEE OIL INDUSTRIES, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates⁵

MARCH 21, 1961.

Kerr-McGee Oil Industries, Inc.,¹ Docket No. RI61-404; Edwin L. Cox,² Docket No. RI61-405; N. Bruce Calder and Curtis E. Calder, Jr. d/b/a Horizon Oil & Gas Co., (Operator), et al.,³ Docket No. RI61-406; Amerada Petroleum Corp.,⁴ Docket No. RI61-407.

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

¹ Kerr-McGee Building, Oklahoma City 2, Okla.

² 2100 Adolphus Tower, c/o Kilgore & Kilgore, attorneys, Dallas 2, Tex.

³ Republic National Bank Building, Dallas 1, Tex.

⁴ P.O. Box 2040, Tulsa 2, Okla.

⁵ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date ¹ unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-404...	Kerr-McGee Oil Industries, Inc.	46	6	Natural Gas Pipeline Co. of America (Camrick SE. Field, Texas County, Okla.).	\$521	2-20-61	3-23-61	8-23-61	16.8	17.0	RI60-170
RI61-405...	Edwin L. Cox.....	8	5	Natural Gas Pipeline of America (Texas County, Okla.).	281	2-21-61	3-24-61	8-24-61	16.8	17.0	RI60-191
RI61-406...	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al.	11 12	2 1	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.).	121 730	2-21-61	3-24-61	8-24-61	16.8	17.0	RI60-201
RI61-407...	Amerada Petroleum Corp.	46	2	Natural Gas Pipeline Co. of America (Bloomington County and Victoria County, Tex.) (R.R. Dist. No. 2).	41,924	2-23-61	4-1-61	9-1-61	13.0	15.3333	

¹ The proposed effective dates are the first days after the required thirty days notice or, if later, the date requested by respondent.

Kerr-McGee Oil Industries, Inc., Edwin L. Cox, and N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., propose four periodic rate increases which are proposed to become effective on March 21, 1961.

Amerada Petroleum Corporation has submitted a proposed redetermined rate increase with a proposed effective date of April 1, 1961.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

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

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

No. 57—5

practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 16, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2633; Filed, Mar. 24, 1961; 8:47 a.m.]

[Docket Nos. RI61-357 etc.]

TEXAS PACIFIC COAL AND OIL CO. ET AL.

Correction

MARCH 15, 1961.

Texas Pacific Coal and Oil Company, Docket Nos. RI61-357, RI60-453 and RI60-469; Texas Pacific Coal and Oil Company (Operator), et al., Docket Nos. RI61-358, RI60-470.

In the Order Denying Motion To Substitute Proposed Renegotiated Rates for Rates Now Subject to Section 4(e) Proceedings, Accepting Renegotiated Rates for Filing, Providing for Hearing and Suspending the Renegotiated Rates, and Allowing Said Rates To Become Effective Subject to Refund, issued February 23, 1961 and published in the FEDERAL REGISTER on March 3, 1961 (F.R. Doc. 61-1858; 26 F.R. 1888): The three proceedings set out in paragraph (1) of the finding clause should be Docket Nos. RI60-453, RI60-469 and RI60-470 instead of Docket Nos. "RI61-453, RI61-469 and RI61-470".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-2634; Filed, Mar. 24, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of prac-

tice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36978: *Crude sulphur—Tioga, N. Dak., to Minnesota and Wisconsin points.* Filed by E. W. Bergstrom, Alternate Agent (No. 4), for interested rail carriers. Rates on crude sulphur (brimstone), in carloads, from Tioga, N. Dak., to points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 240 to Agent V. P. Browns tariff I.C.C. 2.

FSA No. 36979: *KCS and L&A joint motor-rail rates.* Filed by Middlewest Motor Freight Bureau, Agent (No. 310), for interested carriers. Rates on commodities on which all-motor rates apply, between points in middlewest, central states and southwestern territories, on the one hand, and points in Alberta, British Columbia, Manitoba and Saskatchewan, Canada, on the other; and between points in southwestern territory, on the one hand, and points in middlewest and central states territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 36980: *Substituted service—C&NW for Brady Motorfrate, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 306), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

FSA No. 36981: *Substituted service—C&NW for Buckingham Freight Lines, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 307), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Des Moines, Iowa and Casper, Wyo., and between St. Paul, Minn., and Sioux Falls, S. Dak., on traffic originating at or destined to such

points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary,

[F.R. Doc. 61-2628; Filed, Mar. 24, 1961;
8:46 a.m.]

[Notice 470]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63657. By order of March 21, 1961, the Transfer Board approved the transfer to Czyhold Trucking Lines, Inc., Dayton, Wash., of Certificates Nos. MC 49727, MC 49727 Sub 1, MC 49727 Sub 2, MC 49727 Sub 4, and MC 49727 Sub 5, issued July 22, 1942, April 11, 1942, July 6, 1948, December 7, 1949, and December 7, 1949, respectively, to Fred H. Czyhold, Dayton, Wash., authorizing the transportation of: Feed and farm products, and empty farm products containers, between Waitsburg and Dixie, Wash., and points in Columbia County, Wash., on the one hand, and, on the other, points in Columbia and Walla Walla Counties, Wash., and Umatilla County, Ore.; Household goods, between Waitsburg and Dixie, Wash., and points in Columbia County, Wash., on the one hand, and, on the other, points in Oregon; wool and livestock, from points in Columbia and Garfield Counties, Wash., to Portland, Ore.; livestock, between points in Nez Perce, Clearwater, Lewis, and Latah Counties, Idaho, on the one hand, and, on the other, points in Walla

Walla, Franklin, Benton, Yakima, and Spokane Counties, Wash., and Multnomah County, Ore., and between points in Garfield, Whitman, Spokane, Columbia, Walla Walla, Franklin, Benton, Kittitas and Yakima Counties, Wash., on the one hand, and, on the other, points in Nez Perce, Clearwater, Lewis, Idaho, Latah and Benewah Counties, Idaho; hay, grain, peas, livestock, tractors, farm machinery, farm machinery parts, and farm products, between points in Columbia and Garfield Counties, Wash., on the one hand, and, on the other, points in Wallowa County, Ore.; Machinery, forest products, lumber, box shooks, and wood fuel, between points in Garfield County, Wash., on the one hand, and, on the other, points in Nez Perce, Clearwater, Lewis, and Idaho Counties, Idaho; machinery, between points in Walla Walla and Columbia Counties, Wash.; lumber, lumber products, and presto-logs, from points in Nez Perce County, Idaho, to points in Columbia County, Wash.; lumber, from points in Nez Perce and Clearwater Counties, Idaho, to points in Walla Walla, Yakima, Benton, and Franklin Counties, Wash.; presto-logs, from points in Nez Perce County, Idaho, to points in Walla Walla County, Wash.; and cement, from points in Clearwater County, Idaho, to points in Columbia County, Wash. Harley W. Allen, 101 First Natl. Bank Building, Walla Walla, Wash., attorney for applicants.

No. MC-FC 63821. By order of March 20, 1961, the Transfer Board approved the transfer to Herbert William Heesch, doing business as Heesch Truck Line, Rosholt, S. Dak., of Certificate in No. MC 2331, issued December 11, 1940, to Thoralf Dahl, doing business as Dahl's Truck, Rosholt, S. Dak., authorizing the transportation of: livestock, agricultural commodities, and general commodities, with the usual exceptions including household goods and commodities in bulk, from, to or between specified points in South Dakota, North Dakota, and Minnesota.

No. MC-FC 63824. By order of March 20, 1961, the Transfer Board approved the transfer to Senn Trucking Company, A Corporation, Newberry, S.C., of Certificates Nos. MC 114552 Sub 3, MC 114552 Sub 9, and MC 114552 Sub 10, issued December 4, 1958, September 25, 1959, and September 20, 1960, respectively, to A. D. Senn, doing business as Senn Trucking Company, Silverstreet, S.C., authorizing the transportation of: Lumber (except plywood and veneer), between points in South Carolina, on the one hand, and, on the other, points in

North Carolina, between points in South Carolina and points in specified North Carolina counties, on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, as excepted, between points in McDuffie County, Ga., on the one hand, and, on the other, points in South Carolina, from points in South Carolina and specified North Carolina counties, to points in Connecticut and Michigan, from points in McDuffie County, Ga., to points in North Carolina, Connecticut, Florida, New Jersey, Pennsylvania, New York, Tennessee, and Virginia, from points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, to points in specified North Carolina counties, and between points in Georgia on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, as specified; and fertilizer and fertilizer materials, from Charleston and Roebuck, S.C., to points in Georgia and North Carolina, from Chester, S.C., to points in Union, Gaston, Mecklenburg, Cleveland, and Rutherford Counties, N.C., from Savannah, Ga., to points in North Carolina and South Carolina, and from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina. Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., attorney for applicants.

No. MC-FC 63884. By order of March 20, 1961, the Transfer Board approved the transfer to Robert L. Crawford, doing business as Horace F. Tranter, Moving and Hauling, Newtown, Pa., of Certificate No. MC 30575, issued August 25, 1958, to Charles A. Crawford, doing business as Horace F. Tranter, Moving and Hauling, Newtown, Pa., authorizing the transportation of: Fresh fruits and vegetables, household goods, and horses, between Newtown, Pa., and points in Pennsylvania within 10 miles thereof, on the one hand, and, on the other, points in New Jersey, and those in the New York, N.Y., Commercial Zone. Sidney T. Yates, 3 South State Street, Newtown, Pa., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-2629; Filed, Mar. 24, 1961;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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

3 CFR	Page	7 CFR—Continued	Page	14 CFR	Page
PROCLAMATIONS:					
Feb. 1, 1936	1751	873	2384	241	2034, 2150
2416	2125, 2467	909	1948	507	1754, 1854, 1907, 1982, 2081, 2114, 2115, 2247, 2285, 2343, 2457, 2525
2761A	1751	914	1895, 2111, 2278, 2385, 2558	514	2115
2764	1751	922	2278, 2558	600	1754, 1755, 1855, 2034, 2081, 2082, 2219-2221, 2247, 2344, 2457, 2458, 2549
2769	1751	933	2111, 2112	601	1790, 1855, 1908, 2034, 2081-2083, 2219-2222, 2388, 2457, 2458, 2526, 2549
3105	1751	943	2332	602	2223, 2550
3108	1751	949	2332	608	1755, 1855, 1909, 2169, 2221, 2223, 2285, 2458
3140	1751	952	2333	609	1791, 1797, 1804, 2035, 2224, 2458
3390	1751	953	1896, 1949, 2112, 2279, 2559	610	2388
3394	1751	955	2113		
3395	1947	965	1815		
3396	2033	966	2334		
3397	2033	989	2385		
3398	2105	998	2335		
3399	2501	1031	1853, 1896, 2279, 2335, 2336, 2559		
		1033	2169, 2456, 2560		
EXECUTIVE ORDERS:		1101	1822		
May 4, 1907	1832	1103	1897		
1032	2467				
1919½	1831	PROPOSED RULES:			
2242	1832	52	2085, 2088		
2446	2125	55	1835		
4391	2467	723	2483		
6957	2186	725	2483		
7128	2186	727	2483		
7448	1831	730	1837		
8102	1831	903	2314		
8116	2125	906	2152		
10479	1977	913	1763		
10482	1977	932	2469		
10557	1977	936	2412		
10590	1977	941	2314		
10722	1977	943	1998		
10728	2383	947	2152		
10733	1977	949	1918		
10802	2547	952	1918		
10893	1789	953	2481		
10919	2331	966	1998		
10924	1789	967	2091		
10925	1977	986	2152		
10926	2331	989	2001		
10927	2383	994	2315		
10928	2547	997	2570		
		998	1918		
		1016	2044		
		1018	1920		
		1021	2153		
		1027	2317		
		1033	1920, 2053, 2483		
		1065	2154		
5 CFR					
4	1948				
6	1811, 1853, 1895, 2081, 2110, 2219, 2277, 2384, 2522, 2548				
20	1811				
24	1895				
28	1948				
29	2548				
301	2277				
325	2277				
PROPOSED RULES:					
88	2127				
6 CFR					
306	2167				
342	2167				
421	1981, 1982, 2106				
474	2384				
7 CFR					
7	2451				
51	2217				
301	2110, 2522				
718	2552				
719	1753				
725	2277				
728	2456				
729	2523, 2557				
842	2524				
849	2525				
		8 CFR			
		237	2113		
		9 CFR			
		51	2548		
		71	1753		
		76	1753		
		131	2386		
		132	1898		
		PROPOSED RULES:			
		16	1763		
		131	2319		
		12 CFR			
		217	2219		
		218	2456		
		545	1980		
		PROPOSED RULES:			
		204	1956		
		13 CFR			
		107	1854, 2145, 2247		
		108	1822		
		121	1983		
				15 CFR	
				206	2040
				371	2310, 2311
				373	2311
				16 CFR	
				13	2248, 2344, 2345
				17 CFR	
				230	1755
				239	1756
				240	2465
				249	1756, 2465
				250	2465
				259	2465
				270	2465
				274	2465
				18 CFR	
				154	1983
				19 CFR	
				1	1910, 2346, 2550
				8	1855
				9	2551
				10	2346
				11	2346, 2551
				12	2552
				PROPOSED RULES:	
				8	2126
				14	2126
				21 CFR	
				120	1757, 1825, 1949, 2034, 2150
				121	1757, 1826, 1949, 1984, 2118, 2120, 2150, 2311, 2312, 2403, 2457
				146a	2121
				146c	2121
				146d	2404
				281	2230
				PROPOSED RULES:	
				15	2054
				25	2126
				51	2254
				120	1956, 2155, 2412, 2413
				121	1763, 1838, 1839, 1860, 2155, 2255, 2256, 2413, 2414
				146a	2127
				146b	2127
				146c	2127
				146d	2127
				146e	2127

24 CFR	Page
200	1758, 2248, 2526
222	2083
25 CFR	
176	1910
221	1758, 1954
PROPOSED RULES:	
221	1996
26 CFR	
1	1985, 2151, 2170, 2404
179	2407
301	2171
PROPOSED RULES:	
231	1916
253	2411
290	2411
296	2191
29 CFR	
PROPOSED RULES:	
602	2194
603	2194
657	2194
30 CFR	
10-13	1950
14	1759, 1951
14a	1951
16-26	1951-1953
31-32	1953, 1954
34	1954
31 CFR	
PROPOSED RULES:	
270	2254
32 CFR	
150	2561
264	1993
561	2230
590	2173
592	2173
593	2173
595	2173
598	2173
599	2173
601	2173
602	2173
605	2173
606	2173
736	2083
836	2116
846	1826
861	1827
1001	2347
1002	2354
1003	2360
1005	2363
1006	2364
1007	2365
1453	1993
32A CFR	
OIA (Ch. X):	
OI Reg. 1	2121
33 CFR	
124	2312
203	2250
207	2186
211	2117
36 CFR	
7	2124, 2526
213	2467

36 CFR—Continued	Page
PROPOSED RULES:	
3	2233, 2469
21	2152
38 CFR	
1	2336
2	1856
3	1762, 2231
6	1856, 1993
8	1856
13	1856
17	2336
21	1856, 2336
39 CFR	
4	1856, 2250
14	2250
17	1856
25	2250
35	1856
43	1856
45	1856
47	2250
61	1856
94	2287
96	2299
101	2337
111	2337
112	1856, 2337
114	2337
121	2337
122	2337
132	1856, 2337
133	2337
137	2337
142	2337
151	2337
161	2337
162	2337
168	1856
PROPOSED RULES:	
115	2411
41 CFR	
3-75	1790
42 CFR	
73	2039, 2564
PROPOSED RULES:	
73	2002
43 CFR	
PROPOSED RULES:	
161	2280
195	1996
PUBLIC LAND ORDERS:	
71	2084
284	2084
423	2084
725	1913
855	1832
957	2084
1483	1912
1504	2284
1579	1912
1634	2084
1671	1832
2171	2084
2225	1832
2271	1762
2272	1831
2273	1832
2274	1832
2275	1832
2276	1832

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
2277	1832
2278	1910
2279	1911
2280	1911
2281	1912
2282	1912
2283	1912
2284	1913
2285	1914
2286	1913
2287	1913
2288	2084
2289	2084
2290	2084
2291	2125
2292	2125
2293	2125
2294	2186
2295	2250
2296	2280
2297	2280
2298	2280
2299	2281
2300	2281
2301	2282
2302	2283
2303	2284
2304	2284
2305	2285
2306	2467
45 CFR	
50	2231
46 CFR	
171	2232
173	2232
292	1790
308	1993
47 CFR	
1	1858
3	1955
7	1994, 2187
8	1994, 2187
10	1833
11	1833, 2187
16	1833
18	2187
PROPOSED RULES:	
1	1839, 2528
3	2415, 2528
7	2195, 2253, 2484
8	2195, 2253, 2484
10	2002
11	2254
14	2195, 2484
51	2415
49 CFR	
1	1762
10	2468
73	2502
77	2502
78	2503
193	1914, 2286
205	2468, 2568
PROPOSED RULES:	
122	2132
50 CFR	
32	1994, 2337
33	1834
	1915, 2042, 2190, 2250, 2286, 2467





