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Subchapter A—Civil Air Regulations

[Supp. 34]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

INTERPRETATION OF "MANUFACTURER"; APPROVAL OF PRODUCTS

This supplement presents CAA interpretation of the term "manufacturer" as applied to persons signing the statement of conformity under the Technical Standard Order system, and presents CAA policies for the approval of aeronautical products as a part of the airplane.

Insert new §§ 3.18-3 and 3.18-4 to read:

§ 3.18-3 *Manufacturer (CAA interpretation which applies to § 3.18 (b)).* (a) For the purpose of accepting a statement of conformance for a Technical Standard Order product, the word "manufacturer" is interpreted to mean a person who fabricates, or both fabricates and assembles, a product by cutting, drilling, bolting, riveting, glueing, soldering, sewing, or other fabrication and assembly techniques.

(b) A person is not regarded as the manufacturer solely by his engaging in the following activities:

(1) Distributing a completed product fabricated or fabricated and assembled by another person.

(2) Cleaning and reassembling products, repairing products, or replacing components or parts in products.

§ 3.18-4 *Approval of products under the type certificate or modification procedures (CAA policies which apply to § 3.18).* A material, part, process, or appliance (hereinafter called "product" may be approved as a part of the airplane type design under a type certificate or a supplemental type certificate in accordance with the procedures provided in this section.

EXPLANATORY NOTE: Products previously approved by the CAA by means of letters of approval, Repair and Alteration Form ACA-337, or listing on CAA Product and Process Specifications will continue to be eligible for installation in aircraft unless the eligibility is restricted by applicable regulations or airworthiness directives issued under § 1.24 of this subchapter.

(a) *Policies controlling where there is an applicable Technical Standard Order.* If a Technical Standard Order covering the product is in effect, the applicant for approval should submit type design data showing that the product meets the performance standards of the Technical Standard Order. Deviations from such performance standards may be allowed to the extent that the applicant for the type certificate or the supplemental type certificate substantiates that certain provisions of the Technical Standard Order are not required for the product as installed in the airplane.

(b) *Policies controlling in the absence of an applicable Standard Technical Order.* Where no TSO covering the product exists, the applicant for approval should submit type design data showing compliance with all the requirements of this part which are applicable to the product. Any deviation from standards prescribed in this part may be allowed only in accordance with § 3.10.

(c) *Methods of identifying products approved under this section.* (1) Products approved as a part of the airplane type design under a type certificate should be identified by an airplane part number on the approved drawing list.

(2) Products approved as a part of the airplane type design under a supplemental type certificate should be identified by a part or drawing number on such certificate.

(3) Each TSO product that is approved as a part of the airplane should have the TSO identification removed and be identified as set forth in subparagraph (1) or (2) of this paragraph, whichever is applicable.

This supplement shall become effective January 31, 1959.

(Secs. 3.18-3 and 3.18-4 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret

(Continued on p. 10325)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 22, 1958.

[F. R. Doc. 58-10641; Filed, Dec. 24, 1958; 8:48 a. m.]

[Supplement 41]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

INTERPRETATION "MANUFACTURER"; APPROVAL OF PRODUCTS; TESTS FOR ELECTRICAL EQUIPMENT

This supplement presents CAA interpretation of the term "manufacturer" as applied to persons signing the statement of conformity under the Technical Standard Order system, and presents CAA policies for the approval of aeronautical products as a part of the airplane.

Insert new §§ 4b.18-3, 4b.18-4, and 4b.625-1 to read:

§ 4b.18-3 *Manufacturer (CAA interpretation which applies to § 4b.18 (b)).* (a) For the purpose of accepting a statement of conformance for a Technical Standard Order product, the word "manufacturer" is interpreted to mean a person who fabricates, or both fabricates and assembles, a product by cutting, drilling, bolting, riveting, gluing, soldering, sewing, or other fabrication and assembly techniques.

(b) A person is not regarded as the manufacturer solely by his engaging in the following activities:

(1) Distributing a completed product fabricated or fabricated and assembled by another person.

(2) Cleaning and reassembling products, repairing products, or replacing components or parts in products.

§ 4b.18-4 *Approval of products under the type certificate or modification procedures (CAA Policies which apply to § 4b.18 (b)).* A material, part, process, or appliance (hereinafter called "product") may be approved as a part of the airplane type design under a type certificate or a supplemental type certificate in accordance with the procedures provided in this section.

EXPLANATORY NOTE: Products previously approved by the CAA by means of letters of approval, Repair and Alteration Form ACA-337, or listing on CAA Product and Process Specifications will continue to be eligible for installation in aircraft unless the eligibility is restricted by applicable regulations or airworthiness directives issued under § 1.24 of this subchapter.

(a) *Policies controlling where there is an applicable Technical Standard Order.* If a Technical Standard Order covering the product is in effect, the applicant for approval should submit type design data showing that the product meets the performance standards of the Technical Standard Order. Deviations from such performance standards may be allowed to the extent that the applicant for the type certificate or the supplemental type certificate substantiates that certain provisions of the Technical Standard Order are not required for the product as installed in the airplane.

(b) *Policies controlling in the absence of an applicable Standard Technical Order.* Where no TSO covering the product exists, the applicant for approval should submit type design data showing compliance with all the requirements of this part which are applicable to the product. Any deviation from standards prescribed in this part may be allowed only in accordance with § 4b.10.

(c) *Methods of identifying products approved under this section.* (1) Products approved as a part of the airplane type design under a type certificate should be identified by an airplane part number on the approved drawing list.

(2) Products approved as a part of the airplane type design under a supplemental type certificate should be identified by a part or drawing number on such certificate.

(3) Each TSO product that is approved as a part of the airplane should have the TSO identification removed and be identified as set forth in subparagraph (1) or (2) of this paragraph, whichever is applicable.

§ 4b.625-1 *Environmental tests for electrical equipment*[1] *(CAA policies which apply to § 4b.625 (a)).* The ability of electrical equipment to provide continuous safe service under foreseeable environmental conditions may be demonstrated by means of environmental tests, design analyses, or reference to previous comparable service experience on other aircraft. For environmental testing, the test procedures contained in Appendix (I)[2] are acceptable, subject to the following objective criteria:

(a) The extremes of climatic and environmental conditions given in Appendix (I)[2] may be reduced in specific aircraft applications when it can be shown that these extremes would not be reached in normal service. Conversely, these extremes should be extended when individual applications indicate the need, such as may occur when electrical equipment is exposed to high intensity acoustic noise generated by turbo-jet engines.

(b) In all cases the ability of the equipment to safely withstand exposure to temperature extremes, temperature shock, humidity, altitude, vibration, flight and normal landing impact shocks, and acceleration should be demonstrated. Tests for each of these conditions are set forth in Appendix (I).[2] Tests in environments such as sand and dust, fungus and saltspray may be limited to equipment likely to be exposed to these conditions.

(c) Electrical equipment altitude testing should be conducted at an altitude 15 percent above the maximum altitude to which the equipment would be exposed in normal service. However, testing of certain equipment installed in pressurized areas should be under conditions of altitude and time which will assure that, in case of rapid decompression:

(1) Equipment necessary for the execution of an emergency descent would remain operative for the probable period required for such descent.

(2) Other equipment is not rendered permanently inoperative if the operation

[1] This policy applies to all electrical generation, distribution, and utilization equipment required by or utilized in complying with the applicable Civil Air Regulations, except those items covered by Technical Standard Orders containing environmental test procedures.

[2] Not filed with Federal Register Division.

of the equipment is necessary to maintain controlled flight or effect a safe landing.

(3) No equipment will constitute a hazard due to arcing, fire, or smoke. However, altitude testing for hazard from arcing, fire, or smoke is not required where any hazard is satisfactorily minimized independently of altitude by design and installation features.

(Secs. 4b.18-3, 4b.18-4 and 4b.625-1 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective January 31, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 22, 1958.

[F. R. Doc. 58-10642; Filed, Dec. 24, 1958; 8:48 a. m.]

[Supplement 17]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

INTERPRETATION "MANUFACTURER" APPROVAL OF PRODUCTS

This supplement presents CAA interpretation of the term "manufacturer" as applied to persons signing the statement of conformity under the Technical Standard Order system, and presents CAA policies for the approval of aeronautical products as a part of the airplane.

Insert new §§ 6.18-2 and 6.18-3 to read:

§ 6.18-2 *Manufacturer (CAA interpretation which applies to § 6.18 (b)).* (a) For the purpose of accepting a statement of conformance for a Technical Standard Order product, the word "manufacturer" is interpreted to mean a person who fabricates, or both fabricates and assembles, a product by cutting, drilling, bolting, riveting, glueing, soldering, sewing, or other fabrication and assembly techniques.

(b) A person is not regarded as the manufacturer solely by his engaging in the following activities:

(1) Distributing a completed product fabricated or fabricated and assembled by another person.

(2) Cleaning and reassembling products, repairing products, or replacing components or parts in products.

§ 6.18-3 *Approval of products under the type certificate or modification procedures (CAA Policies which apply to 618).* A material, part, process, or appliance (hereinafter called "product") may be approved as a part of the airplane type design under a type certificate or a supplemental type certificate in accordance with the procedures provided in this section.

EXPLANATORY NOTE: Products previously approved by the CAA by means of letters of approval, Repair and Alteration Form ACA-337, or listing on CAA Product and Process Specifications will continue to be eligible for installation in aircraft unless the eligibility is restricted by applicable regulations or airworthiness directives issued under § 1.24 of this subchapter.

(a) *Policies controlling where there is an applicable Technical Standard Order.* If a Technical Standard Order covering the product is in effect, the applicant for approval should submit type design data showing that the product meets the performance standards of the Technical Standard Order. Deviations from such performance standards may be allowed to the extent that the applicant for the type certificate or the supplemental type certificate substantiates that certain provisions of the Technical Standard Order are not required for the product as installed in the airplane.

(b) *Policies controlling in the absence of an applicable Standard Technical Order.* Where no TSO covering the product exists, the applicant for approval should submit type design data showing compliance with all the requirements of this part which are applicable to the product. Any deviation from standards prescribed in this part may be allowed only in accordance with § 6.10.

(c) *Methods of identifying products approved under this section.* (1) Products approved as a part of the airplane type design under a type certificate should be identified by an airplane part number on the approved drawing list.

(2) Products approved as a part of the airplane type design under a supplemental type certificate should be identified by a part or drawing number on such certificate.

(3) Each TSO product that is approved as a part of the airplane should have the TSO identification removed and be identified as set forth in subparagraph (1) or (2) of this paragraph, whichever is applicable.

This supplement shall become effective January 31, 1959.

(Secs. 6.18-2 and 6.18-3 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 22, 1958.

[F. R. Doc. 58-10643; Filed, Dec. 24, 1958; 8:48 a. m.]

Subchapter B—Economic Regulations

[Reg. ER-241]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

PRESERVATION OF RECORDS UNTIL FINAL BOARD AUDIT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 22d day of December 1958.

Section 249.11 (a) of Part 249 of the Board's Economic Regulations requires that certain classes of records be preserved by each certificated air carrier pending notification by the Board's Office of Carrier Accounts and Statistics that an audit has been completed for the period to which such records relate.

Since the adoption of this requirement the Board's audit program has been revised and permits the completion of audits within the retention period fixed for specific records. Where timely completion of an audit is not possible, procedures may be applied which will obviate the need for preserving records beyond the fixed retention period. Under the circumstances, the continuation of this requirement is not deemed necessary to the administration of the regulation and its elimination will facilitate records preservation planning by the affected carriers. Accordingly, the mandatory preservation of records until final audit by the Board is being eliminated by this amendment.

Henceforth, certificated air carriers may, at their discretion, dispose of their records after expiration of the prescribed fixed retention period for each category thereof, except insofar as preservation of such records is otherwise necessary to satisfy the requirements of other provisions of the regulation, including any necessary transfer to other categories when the nature of the records change.

Since this amendment relaxes the existing regulation, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

Accordingly, Part 249 of the Economic Regulations is amended, effective January 1, 1959 as follows:

1. By deleting the second sentence of § 249.11 (a) reading as follows: "*Provided, however,* That records which are included in a category identified by an asterisk (*) in the "Schedule of Records" shall be retained until receipt of a notification from the Board's Office of Carrier Accounts and Statistics to the effect that a final audit has been completed for the period to which such records relate."

2. By deleting the final five words of the third sentence of § 249.11 (a) reading as follows: "pending receipt of such notification."

3. By deleting the asterisk (*) wherever it appears in the "Schedule of Records" set forth in § 249.11 (f).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-10677; Filed, Dec. 24, 1958; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 99]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 29 OCTOBER 1958. LFR DECOMMISSIONED.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, SBRAZ; Ident., MIA; Procedure No. 1, Amdt. 13; Eff. Date, 2 Aug. 58; Sup. Amdt. No. 12; Dated, 4 June 55

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CHS LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-1¼
CHS VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Holly Hill Int	LOM (Final)	Direct	1200	S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn, W side NW crs, 328° Outbnd, 148° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 148°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on crs 148° within 15 miles or, when directed by ATC, turn left, climb to 1200′ and return to LOM.
CAUTION: Tower 1049′ MSL 10 mi SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun. Elev., 45′; Fac. Class, LOM; Ident., CH; Procedure No. 1, Amdt. 2; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 1; Dated, 20 Sep. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lubbock VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
Lubbock LFR	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Roundup FM	LOM	Direct	4500	S-dn-17	400-1	400-1	400-1
Int R-018 LBB and brg 169° to LOM	LOM	Direct	4500	A-dn	800-2	800-2	800-2
Int E crs LBB LFR and brg 349° to LOM	LOM	Direct	4500				
Int R-114 LBB and brg 349° to LOM	LOM	Direct	4500				

Procedure Turn E side N crs, 349° Outbnd, 169° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 4000′.
Distance to approach end of rny at LOM, 4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 5100′ on crs 169° within 20 miles, or when directed by ATC, turn left, climb to 4500′ on E crs of LBB LFR within 20 miles.
CAUTION: 4067′ MSL tower 7.5 miles S of airport on missed approach.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class, LOM; Ident., LB; Procedure No. 1, Amdt. 5; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 4 (ADF portion of Comb. ILS-ADF); Dated, 28 Dec. 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MIA VORTAC	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY VORTAC	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
MIA RBn	LOM	Direct	1300	S-dn-9R and L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100′ within 10 mi.
Minimum altitude over LOM on final approach crs, 600′.
Crs and distance, facility to airport, Rwy 9R: 086°—3.8 mi; Rwy 9L: 073°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1400′ on crs of 086° within 20 mi or, when directed by ATC, turn right to 195°, climb to 1400′ and proceed to Perrine LFR via a course of 250°.

City, Miami; State, Fla.; Airport Name, International; Elev. 9′; Fac. Class, LOM; Ident., MI; Procedure No. 1, Admt. 7; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 6; Dated, 20 Sept. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PIH VOR PIH LFR Falls Int	LOM LOM LOM	Direct Direct Direct	7000 7000 7000	T-dn C-dn S-dn-21 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2

Procedure turn N side of crs, 027° Outbnd, 207° Inbnd, 7000′ within 10 miles. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 5800′.
Crs and distance, facility to airport 207°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles, climb to 6500′ on W crs of PIH LFR (236°) or, when directed by ATC, turn right, climb to 7500′ on N crs PIH LFR (326°) within 20 mi.
CAUTION: High terrain SE through SW of airport.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4448′; Fac. Class, LOM; Ident., PI; Procedure No. 1, Amdt. 4; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 3 (ADF portion of Comb. ILS-ADF); Dated, 14 Dec. 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFEC. 19 NOVEMBER 1958.

City, Anderson; State, S. C.; Airport Name, Anderson; Elev., 783′; Fac. Class, BVOR; Ident., RYN; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Jan. 56

Int SE crs MAU, UPP R-360	UPP VOR	Direct	5000	T-dn* C-d C-n* A-dn*%	500-1 500-1 700-2 1000-3	500-1 500-1 700-2 1000-3	500-1 500-2 700-3 1000-3

*Air carrier night operation authorized if ceiling is reported unobstructed, overhead sky.
% Authorized as an alternate only when local weather reports are available.
Procedure turn N side of crs, 250° Outbnd, 070° Inbnd, 3000′ within 10 mi. (nonstandard due to terrain).
Minimum Altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 003—**1.5 mi.
**Point of commencing missed approach beyond airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles of UPP VOR on R-003, climb to 3000′, reverse course climbing to 4000′ over UPP VOR.
CAUTION: High terrain SE; Loran tower 334′ MSL 1.6 mi. SW of airport.

City, Hawi; State, Hawaii; Airport Name, Upolu Point; Elev., 96′; Fac. Class, BVOR; Ident., UPP; Procedure No. 1, Amdt. 4; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 3; Dated, 3 Nov. 56

				T-dn C-d C-n S-d-4 S-n-4 A-dn	300-1 400-1 400-2 400-1 400-2 800-2	300-1 500-1 500-2 400-1 400-2 800-2	200-½ 500-1½ 500-2 400-1 400-2 800-2

Procedure turn West side of crs, 214° Outbnd, 034° Inbnd, 2000′ within 10 miles. NA beyond 10 mi. due to confliction with Rockford Control Zone.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 034—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2100′ on R-034 within 20 miles.
CAUTION: Radio Tower 1100′ MSL 2.7 miles N of airport.
NOTES: No control zone established. VHF communications with Rockford radio not available below 1400 MSL. No tower.

City, Janesville; State, Wis.; Airport Name, Rock County; Elev., 80′; Fac. Class, VORW; Ident., JVL; Procedure No. 1, Amdt. 2; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 1; Dated, 25 Feb. 56

TPH LFR	TPH VOR	Direct	8500	T-d T-n C-d C-n A-d A-n	1000-1 1000-2 1000-2 1000-3 1000-2 1000-3	1000-1 1000-2 1000-2 1000-3 1000-2 1000-3	1000-1 1000-2 1000-2 1000-3 1000-2 1000-3

Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 8000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 294°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, make right climbing turn, return to VOR station on R-325, climb to 9500′ in a standard holding pattern on R-088 (088° outbnd, 268° inbnd).

City, Tonopah; State, Nev.; Airport Name, Municipal; Elev., 3426′; Fac. Class, VORW; Ident., TPH; Procedure No. 1, Orig.; Eff. Date, 3 Jan. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Robles Int	TUS LFR/Z (Final)	Direct	5000	T-dn	303-1	300-1	200-½
TUS LFR/Z	Mission FM (Final)	Direct	4200	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 5000′ within 10 mi W of LFR/Z.
Minimum altitude over TUS LFR/Z on final approach crs, 5000′; over *Mission FM, 4200′.
Crs and distance, TUS LFR/Z to airport, 080°—10.7 mi; Mission FM to airport, 080°—3.6 mi.
*If Mission FM not received, descent below 4200′ NA and minima becomes 1600-2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi of Mission FM, proceed to VOR, climbing to 6000′ on R-303 within 20 mi.
CAUTION: 2850′ terrain 1.8 mi SW of airport.

City, Tucson; State, Ariz.; Airport Name, Municipal; Elev., 2630′; Fac. Class, BVOR; Ident., TUS; Procedure No. 1, Amdt. 2; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 1; Dated, 7 Jan. 56

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Pleasantville Int*	NBB TVOR	Direct	#500	T-dn	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-4#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Pleasantville Int: Atlantic City VOR R-215 and 120° ADF brg. to NBB LFR.
#Maintain 600′ until after passing Pleasantville Int*. If aircraft not equipped to identify Pleasantville Int*, ceiling minimum of 500′ is applicable for landing.
Procedure turn East side of crs, 215° Outbnd, 035° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility, on final approach crs, #500′.
Crs and distance, facility to airport, 038°—0.35 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on R-035, make right turn and return to VOR at 1500′.

City, Atlantic City; State, N. J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 79′; Fac. Class, TVOR; Ident., NBB; Procedure No. Ter VOR-4, Amdt. Orig.; Eff. Date, 3 Jan. 59

Oceanville Int*	NBB TVOR (Final)	Direct	500	T-dn#	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

*Oceanville Int: Atlantic City VOR R-126 and 220° ADF brng to NBB LFR.
#Maintain 900′ until after passing Oceanville Int*. If aircraft not equipped to identify Oceanville Int*, ceiling minimum of 800′ is applicable for landing.
Procedure turn North side of crs, 126° Outbnd, 306° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, #500′.
Crs and distance, breakoff point to approach end of runway, 308°—0.49 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on R-306 within 10 miles, make a left turn and return to the VOR.

City, Atlantic City; State, N. J.; Airport Name, National Aviation Facilities Experimental Center; Elev., 70′; Fac. Class, TVOR; Ident., NBB; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 3 Jan. 59

TPA-LFR	PIE-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 1300′ within 10 mi.
Minimum altitude over Harbor FM on final approach crs, 700′; over VOR, *400′.
*If Harbor FM not received on final, descent below 700′ NA.
Crs and distance, breakoff point to app end rny 17, 170—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing PIE-VOR turn right, climb to 1500′ on R-270 within 20 mi or, when directed by ATC, turn right, climb to 1500′ on R-225 within 20 mi.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater Int'l; Elev., 10′; Fac. Class, BVOR; Ident., PIE; Procedure No. Ter VOR-17, Amdt. 2; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 1; Dated, 17 March 56

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 29 OCTOBER 1958.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1283'; Fac. Class, BVOR-DME; Ident., OKC; Procedure No. VOR-DME-12, Amdt. 2; Eff. Date, 28 July 56; Sup. Amdt. No. 1; Dated, 12 Nov. 55

PROCEDURE CANCELLED, EFFECTIVE 29 OCTOBER 1958.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1283'; Fac. Class, BVOR-DME; Ident., OKC; Procedure No. VOR-DME-3, Amdt. 2; Eff. Date, 28 July 56, Sup. Amdt. No. 1; Dated, 12 Nov. 55

PROCEDURE CANCELLED, EFFECTIVE 29 OCTOBER 1958.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1283'; Fac. Class, BVOR-DME; Ident., OKC; Procedure No. VOR-DME-17, Amdt. 2; Eff. Date 28 July 56; Sup. Amdt. No. 1; Dated, 12 Nov. 55

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Charleston LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Charleston VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Holly Hill Int	LOM (Final)	Direct	1200	S-dn-15#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

#400-¾ required when glide slope not utilized.
Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200' within 10 mi.
Minimum altitude at G. S. interception inbnd final, 1200'.
Altitude of G. S. and distance to approach end of rny at OM, 1180'—3.7 mi; at MM, 256'—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to CHS LOM.
CAUTION: Tower 1049' msl 10 mi SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class, ILS; Ident., ICHS; Procedure No. ILS-15, Amdt. 2; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 1; Dated, 20 Sep. 58

Joliet VOR	EDZ-RBn	Direct	2000	T-dn	300-1	300-1	200-½
Big Run	EDZ-RBn	Direct	2000	C-d	400-1	500-1	500-1½
API VOR	EDZ-RBn	Direct	2300	C-n	400-1½	500-1½	500-1½
Downers Grove	EDZ-RBn	Direct	2300	S-dn-31L and R	400-1	400-1	400-1
MDW LFR	EDZ-RBn	Direct	2000	A-dn	800-2	800-2	800-2
Lake Shore Int (LF)	EDZ-RBn	Direct	2500				
Crib Int (LF)	EDZ-RBn	Direct	2000				
CGT VOR	EDZ-RBn	Direct	2000				
CGT VOR	EDZ-RBn (Final)	Direct	1500				
Radar Vectors 060° clockwise to 185° from EDZ-RBn.	EDZ-RBn	Within 20 mi	2000				
Radar Vectors 185° clockwise to 060°	EDZ-RBn	Within 20 mi	2500				

Procedure turn East side of crs, 132° Outbnd, 312° Inbnd, 2000' within 10 mi.
No glide slope.
Minimum altitude over EDZ-RBn, 1500'.
Crs and distance, EDZ-RBn to airport, 312°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, make immediate left turn, climb to 2300 feet, proceed to Peotone VOR inbound on R-355, hold south.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618'; Fac. Class, ILS; Ident., I-MIX; Procedure No. ILS-31L-R, Amdt. 1; Eff. Date, 3 Jan. 59; Sup. Amdt. No. Orig.; Dated, 29 May 58

Lubbock VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
Lubbock LFR	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Roundup FM	LOM	Direct	4500	S-dn-17	300¾	300-¾	300-¾
Int R-018 and N crs ILS	LOM	Direct	4500	A-dn	600-2	600-2	600-2
Int E crs LBB LFR and N crs ILS	LOM	Direct	4500				
Int R-114 LBB and N crs ILS	LOM	Direct	4500				

Procedure turn E side N crs, 349° Outbnd, 169° Inbnd, 4500' within 10 mi. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4500'.
Altitude of G. S. and distance to approach end of rny at OM 4500—4.1, at MM 3490—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5100' on S crs ILS (169) within 20 miles or, when directed by ATC, turn left, climb to 4500' on E crs LBB LFR within 20 miles, or climb to 4500' on R-110 LBB within 20 mi.
CAUTION: 4067' MSL tower 7.5 miles S of airport on missed approach.
NOTES: Narrow localizer course—4 degrees. No approach lights.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256'; Fac. Class, ILS-ILBB; Ident., LOM-LB; Procedure No. ILS-17, Amdt. 5; Eff. Date, 3 Jan. 59; Sup. Amdt. No 4 (ILS portion of comb. ILS-ADF); Dated, 28 Dec. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lubbock VOR	Broadway Int	Direct	5100	T-dn	300-1	300-1	200-½
Lubbock LFR	Broadway Int	Direct	5100	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side S crs, 169° Outbnd, 349° Inbnd, 5100′ within 10 mi. Beyond 10 mi NA.

No Glide Slope, minimum altitude Broadway Int 4600′, distance to appr end of rny at Broadway Int 4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 4500′ on N crs ILS or when directed by ATC, climb to 4500′ on E crs LFR or R-110 LBB within 25 miles.

NOTE: Narrow localizer course—4 degrees.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class, ILS; Ident., ILBB; Procedure No. ILS-35, Amdt. 3; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 2; Dated, 28 Dec. 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
Miami VORTAC	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY VORTAC	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Miami RBn	LOM	Direct	1300	S-dn-9R	200-½	200-½	200-½
				S-dn-9L*	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

*Crs and distance, LOM to Rwy 9L, 073°—4.1 mi.

Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100′ within 10 mi (nonstandard due to traffic). Minimum altitude at G. S. int inbnd, 1100′.

Altitude of glide slope and distance to approach end of runway at OM: 1070′—3.9; at MM; 205—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 1400′ on E crs ILS or, when directed by ATC, turn left, climb to 2000′, proceed to Dania Int V-3, thence to the MIA VOR via R-088.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, ILS; Ident., I-MIA; Procedure No. ILS-9, Amdt. 7; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 6; Dated, 20 Sept. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
Bayshore Int	Flagler Int#	Direct	1400	T-dn	300-1	300-1	200-½
Biscayne VOR	Flagler Int#	Direct	1400	C-dn	400-1	500-1	500-1½
				S-dn-27L and R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Flagler Int: Int E crs ILS and R-345 BSY VOR.

Procedure turn S* side E crs, 086° Outbnd, 266° Inbdn, 1400′ within 10 mi East of Bayshore Int. Beyond 10 mi. NA.

*Nonstandard due to ATC.

No glide slope.

Minimum altitude over Flagler Int, 1400′.

Crs and distance, Flagler Int to airport, 266°—3.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 1100′ on W crs ILS within 20 mi. or, when directed by ATC, turn right, climb to 1300′ and proceed to the MIA VOR via R-137.

NOTE: Procedure authorized only when directed by ATC.

MAJOR CHANGE: Deletes the transition from the Miami LFR.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, ILS; Ident., I-MIA; Procedure No. ILS-27, Amdt. 1; Eff. Date, 3 Jan. 59; Sup. Amdt. No., Orig.; Dated, 4 Oct. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
New Alexandria RBn or Int	Hudson Int	Direct	3000	T-dn	300-1	300-1	200-½
Butler RBn	River RBn	Direct	3000	C-dn	500-1	500-1	500-1½
McKeesport RBn	ILS crs (Final)	320-11	3000	S-dn-28*	200-½	200-½	200-½
Pittsburgh LFR	River RBn	Direct	3000	A-dn	600-2	600-2	600-2
Pittsburgh VOR	River RBn	Direct	3000				
Cecil RBn	River RBn	Direct	3000				
Clinton RBn	River RBn	Direct	3000				
Hudson Int	River RBn (Final)	Direct	3000				
Radar Terminal Area Transition Altitudes	Radar Site	All sectors within:					
		10 mi	#2500				
		10-40 mi	**3000				

#Radar control must provide 1000′ clearance when within three miles or 500′ clearance when 3-5 miles of antenna towers reaching 2049′ MSL in area 9 to 15 miles East of airport.

*400-¾ required with glide slope inoperative.

**Or MEA when lower.

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of River RBn. NA beyond 10 mi.

Minimum altitude at G. S. int inbnd, 3000′.

Altitude of G. S. and distance to appr end of rnwy at OM, 3000′—5.6 mi; at MM, 1390′—0.6 mi.

If visible contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on West crs of ILS to Clinton RBn.

NOTES: Center line modified type B approach lighting. Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class, ILS; Ident., 1-GPB; Procedure No. ILS-28, Amdt. 3; Eff. Date, 10 Dec. 58; Sup. Amdt. No. 2; Dated, 13 Dec. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
PIH VOR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
PIH LFR	LOM	Direct	7000	C-dn	500-1	600-1	600-1½
Falls Int	LOM	Direct	7000	S-dn-21	*300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

*400-¾ required when glide slope not used.

Procedure turn N side of NE crs, 027° Outbnd, 207° Inbnd, 7000′ within 10 mi. NA beyond 10 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 6500′ on W crs PIH LFR or R-234 PIH within 20 mi. or, when directed by ATC, turn right and climb to 7500′ on N crs of PIH LFR (326°) or on R-335 within 20 mi.

Minimum altitude at glide slope int inbnd, 7000′.

Altitude of glide slope and distance to approach end of runway at OM: 5610′—3.7; at MM: 4660′—0.6.

CAUTION: High terrain SE through SW of airport.

City, Pocatello; State, Idaho; Airport Name, Municipal; Elev., 4448′; Fac. Class, ILS; Ident., I-PIH; Procedure No. ILS-21, Amdt. 4; Eff. Date, 3 Jan. 59; Sup. Amdt. No. 3 (ILS portion of Comb. ILS-ADF); Dated, 14 Dec. 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 10, 1958.

[F. R. Doc. 58-10344; Filed, Dec. 23, 1958; 8:55 a. m.]

[Amdt. 100]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Surf Int	SAN-LFR	Direct	2500	T-dn	300-1	300-1	#200-½
Jamul RBN	SAN-LFR	Direct	3000	C-dn	800-2	800-2	800-2
Coronado FM-RBN	SAN-LFR	Direct	1500	A-dn	800-2	800-2	800-2
La Jolla FM and Int	SAN-LFR (Final)	Direct	1200				
Lemon Grove Int	SAN-LFR	Direct	2500				

#300-1 required for take-off on all runways except 27.

Procedure turn W side N crs, 325° Outbnd, 145° Inbnd, 2500′ within 10 miles*.

*After procedure turn maintain 2500′ until past La Jolla FM/Int inbnd. If FM/Int not received, request clearance to descend to 1500′ at completion of procedure turn to cross LFR at a minimum of 1500′.

Minimum Altitude over facility on final approach crs, 1200*.

Crs and distance, facility to airport, 135°—2.1 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, climb to 3000′ on SE crs within 15 miles of SAN LFR (Mexican Border).

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15′; Fac. Class, SBRAZ; Ident., SAN; Procedure No. 1, Amdt. 12; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 11; Dated, 1 June 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Salinas VOR	NSU-RBn	Direct	4000	T-dn	300-1	300-1	300-½
Saratoga Int	NSU-RBn	Direct	5000	C-d	900-2	900-2	900-2
Davenport Int	NSU-RBn	Direct	4000	C-n	900-3	900-3	900-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 1800′ within 10 mi.

Minimum Altitude over facility on final approach crs, 1200′.

Crs and distance, facility to airport, 094—1.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi, turn left, climb to 1800′ on crs of 310° within 10 mi of NSU-RBn.

CAUTION: Circling minimums do not provide standard clearance over terrain South of airport. All maneuvering for circling approaches must be accomplished North of East-West Runway.

NOTE: No reductions in visibility minimums authorized. "Z" Marker on request only.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class, MHZ; Ident., NSU; Procedure No. 1, Amdt. 14; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 13; Dated, 13 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	*200-½
				C-dn	800-1	800-1	800-1½
				A-dn	1000-2	1000-2	1000-2

*300-1 required on Runway 30.

Procedure turn East side of crs, 188° Outbnd, 008° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Crs and distance, breakoff point to appr end of Rnwy-1, 012°—1.23 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mile after passing Glens Falls VOR, make an immediate right climbing turn to 3000' on the GFL-VOR R-188 within 10 miles.

MAJOR CHANGES: Deletes transitions.

City, Glen Falls; State, N. Y.; Airport Name, Warren County; Elev., 328'; Fac. Class, VOR; Ident., GFL; Procedure No. 1, Amdt. 1; Eff. Date, 20 Dec. 58; Sup. Amdt. No. Orig.; Dated, 20 Dec. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Surf Int	SDA-VOR	Direct	2500	T-dn	300-1	300-1	#200-½
Jamul RBN	SDA-VOR	Direct	3600	C-dn	800-2	800-2	800-2
Coronado FM-RBN	SDA-VOR	Direct	1500	A-dn	800-2	800-2	800-2
La Jolla FM and Int	SDA-VOR (Final)	Direct	1200				
Lemon Grove Int	SDA-VOR	Direct	2500				

#300-1 required for take-off on all runways except 27.

Procedure turn W side crs, 325° Outbnd, 145° Inbnd, 2500' within 10 miles*.

Minimum altitude over facility on final approach crs, 1200'*.

*After procedure turn maintain 2500' until past La Jolla FM/Int inbnd. If FM/Int not received, request clearance to descend to 1500' at completion of procedure turn to cross SDA VOR at a minimum of 1500'.

Crs and distance, facility to airport, 127°—2.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 3000' on R-138 within 15 miles of SDA VOR (Mexican Border).

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class, BVOR; Ident., SDA; Procedure No. 1, Amdt. 3; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 2; Dated, 1 Jun. 57

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SJP RBn	VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 094° Outbnd, 274° Inbnd, 1000' within 10 mi.

Minimum altitude over facility on final approach crs, 600'.

Crs and distance, facility to airport, 274°—0.3 mi.

CAUTION: Flight over City of San Juan is prohibited. 330' radio tower 1.9 mi South of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mi of VOR, turn right, climb to 2000' on R-358 within 20 mi or, when directed by ATC, turn right, climb to 1500' on R-094 within 20 mi.

City, San Juan; State, P. R.; Airport Name, San Juan International; Elev., 9'; Fac. Class, VOR; Ident., SJU; Procedure No. 1; Amdt. Orig.; Eff. Date, 27 Dec. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Little Elm Int	ADS TVOR	Direct	1800	T-dn	300-1	300-1	200-½
DAL VOR	ADS TVOR	Direct	1900	C-dn	400-1	500-1	500-1½
Trinity Fork Int	ADS TVOR	Direct	2000	S-dn-18	400-1	400-1	400-1
DeSoto Int	ADS TVOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transition altitude 2000' within 20 mi. Radar control must provide 1000' clearance within 3 mi or 500' clearance between 3-5 miles of radio towers 1108' m. s. l. 20 mi North; 1221' m. s. l. 10 mi WSW; and 2349' m. s. l. 17 mi SSW of airport.

Procedure turn E side crs, 357° Outbnd, 177° Inbnd, 2000' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 1200'*.

*Descent to 1100' authorized after passing ADS TVOR.

Minimum altitude over Highline Int# on final approach crs, 1100'.

#Int ADS VOR R-177 and DAL VOR R-265.

Crs and distance, Highline Int# to airport, 177°—2.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles, turn left, proceed direct to DAL VOR, climbing to 2000'.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485'; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. TerVOR-18, Amdt. 2; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 1; Dated, 8 Nov. 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 10, 1958.

[F. R. Doc. 58-10343; Filed, Dec. 23, 1958; 8:55 a. m.]

[Amdt. 101]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 17 JANUARY 1959, OR UPON DECOMMISSIONING OF SJU LFR.

City, San Juan; State, Puerto Rico; Airport Name, Isla Grande; Elev., 9′; Fac. Class, SBRAZ; Ident., SJU; Procedure No. 1, Amdt. 5; Eff. Date, 6 Oct. 56; Sup. Amdt. No. 4; Dated, 26 Mar. 51

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	800-1	800-1	800-1
				T-n	1000-1	1000-1	1000-1
				C-d	800-1½	800-1½	800-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Barrigada Radio Beacon (USAF).
Instrument approach to be conducted in accordance with current U. S. Navy procedure as published on Chart AL-2146-ADF-1.

City, Agana; State, Guam; Airport Name, NAS Agana; Elev., 280′; Fac. Class, HW; Ident., GUF; Procedure No. 1, Amdt. 1; Eff. Date, 27 Dec. 58; Sup. Amdt. No. Orig.; Dated, 27 Dec. 58

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	
				C-d	500-1	500-1½	
				C-n	500-1½	500-1½	
				S-dn-32	400-1	400-1	
				A-dn	800-2	800-2	

Procedure turn, E side of crs, 141° Outbnd, 321° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 321°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 3400′ on crs 321° within 10 miles. Make climbing left turn, return to Bradford MHW at 4000′.

City, Bradford; State, Pa.; Airport Name, McKean County; Elev., 2142′; Fac. Class MHW; Ident., BFD; Procedure No. 1, Amdt. 3; Eff. Date, 17 Jan. 59; Sup. Amdt. No. 2; Dated, 20 May 54

ADF Standard Instrument Approach Procedure—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CHS LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
CHS VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Holly Hill Int	LOM (Final)	Direct	1200	S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 148°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on crs 148° within 15 miles or, when directed by ATC, turn left, climb to 1200′ and return to LOM.
CAUTION: Tower 1049′ MSL 10 mi SE.

City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class, LOM; Ident., CH; Procedure No. 1, Amdt. 3; Eff. Date 3 Jan. 59; Sup. Amdt. No. 2; Dated, 3 Jan. 59

Fayetteville BVOR	FYV BMH	Direct	3000	T-dn	500-2	NA	NA
				C-dn	1000-2	NA	NA
				A-dn	1000-2 BCOB	NA	NA

Teardrop procedure turn**, 009° Outbnd, 171° Inbnd, 2800′ within 10 mi. Beyond 10 mi NA.
**Procedure turn nonstandard due to ATC.
Minimum altitude over facility on final approach crs, 2300′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi turn left, climb to 3000′ on crs of 351° within 20 mi or, when directed by ATC, turn left, proceed direct to FYV VOR, climbing to 3000′*.
*VOR receiver required for missed approach No. 2.

City, Fayetteville; State, Ark.; Airport Name, Municipal; Elev., 1251′; Fac. Class, BMH; Ident., FYV; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Jan. 59

PROCEDURE CANCELLED, EFFECTIVE 17 JAN. 59.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class, LMM; Ident., OL; Procedure No. 2, Amdt. 2 (ADF portion of Comb. ILS-ADF); Eff. Date, 24 Sept. 55; Sup. Amdt. No. 1; Dated, 23 July 55

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

VOR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Little Elm Int	ADS TVOR	Direct	1800	T-dn	300-1	300-1	200-½
DAL VOR	ADS TVOR	Direct	1900	C-dn	400-1	500-1	500-1½
Trinity Fork Int	ADS TVOR	Direct	2000	S-dn-18	400-1	400-1	400-1
DeSoto Int	ADS TVOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transition altitude 2000′ within 20 mi. Radar control must provide 1000′ clearance within 3 mi or 500′ clearance between 3-5 miles of radio towers 1108′ m. s. l. 20 mi. North; 1221′ m. s. l. 10 mi WSW; and 2349′ m. s. l. 17 mi SSW of airport.
Procedure turn E side crs, 358° Outbnd, 178° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1200′*.
*Descent to 1100′ authorized after passing ADS TVOR.
Minimum altitude over Highline Int# on final approach crs, 1100′.
#Int ADS VOR R-178° and DAL VOR R-265.
Crs and distance, Highline Int# to airport, 178°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles, turn left, proceed direct to DAL VOR, climbing to 2000′.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. TerVOR-18, Amdt. 3; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 2; Dated, 10 Jan. 59

Las Vegas LFR	LVS-VOR	Direct	9000	T-d	300-1	300-1	300-1
				C-d	700-1	700-1	700-1½
				A-d	800-2	800-2	800-2

Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 9000′ within 10 mi.
Minimum altitude over facility on final approach crs, 7600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 10,000′ on R-022 within 20 mi.
MAJOR CHANGE: Deletes note "Not authorized for air carrier use."

City, Las Vegas; State, N. Mex.; Airport Name, Las Vegas; Elev., 6866; Fac. Class, BVOR; Ident., LVS; Procedure No. TerVOR (R-022), Amdt. 1; Eff. Date, 3 Jan. 59; Sup. Amdt. No. Orig.; Dated, 1 Nov. 58

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Memphis LFR	Oakville Int	Direct	1500	T-dn	300-1	300-1	200-½
Memphis VOR via crs 353	Oakville Int	Direct	1500	C-dn	500-1	500-1	500-1½
Fisherville FM	Oakville Int	Direct	2000	S-dn-27	400-1	400-1	400-1
8 mi radar fix on E crs ILS	Oakville Int (Final)	Direct	1000	A-dn	800-2	800-2	800-2
Radar transitions	Radar Site	All directions within 25 mi.	2300				
When radar provides 3 mi separation from towers located 8 mi NNE of airport.			1800				
Sector S of ILS localizer within 15 mi			1500				

Procedure turn S side E crs, 087° Outbnd, 267° Inbnd, 1500′ within 10 miles.
No Glide Slope. Minimum altitude Oakville Int 1000′, distance to appr end of rny at Oakville Int 2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, climb to 1700 on W crs ILS within 20 miles.
AIR CARRIER NOTE: Take-off at less than 200-½ NA on Runway 14-32.
MAJOR CHANGE: Deletes line "Minimum altitude at G. S. int inbnd, 4500 ILS, * * *", which was erroneously inserted on panel procedure.

City, Memphis; State, Tenn.; Airport Name, Municipal; Elev., 291′; Fac. Class, ILS; Ident., I-MEM; Procedure No. ILS-27, Amdt. 3; Eff. Date, 17 Jan. 59; Sup. Amdt. No. 2; Dated, 15 Dec. 56

Harbor View Int	Holland Int (Final)	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25 ILS	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 069° Outbnd, 249° Inbnd, 2600′ within 10 miles of Holland Int.
No glide slope or markers. Descend to landing minimums after passing Holland Int. Minimum altitude over Holland Int, 2100′.
Brng and distance, Holland Int to Rnwy 25, 249°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 mi after passing Holland Int, climb straight ahead to 2000′ on 249° crs to Toledo LOM.
CAUTION: Building 865′ 1¼ mi S of middle marker.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class, ILS VOR-VWV; Ident., I-TOL; Procedure No. ILS-25, Amdt. 3; Eff. Date, 17 Jan. 59; Sup. Amdt. No. 2 (ILS portion of Comb. ILS-ADF); Dated, 24 Sept. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10637; Filed, Dec. 23, 1958; 8:56 a. m.]

[Amdt. 1]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by changing all before Newhall, Calif., radio range station to read: "From the Los Angeles, Calif., RBN via the INT of a 260° bearing from the Los Angeles RBN with the southwest course of the Camarillo, Calif., RR; Camarillo, Calif., RR, except that the portions of this civil airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Areas (R-100) and (R-551) and between the established altitudes of the Point Mugu Warning Area (W-289) shall not be used by aircraft during the times of designation of these restricted areas and during the time of use of the established warning area unless prior approval is obtained from the CAA Air Traffic Control; Newhall, Calif., RR;"

2. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by adding the following sentence: "The portions of this civil airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Area (R-551) are excluded during the restricted area's time of designation."

3. Section 600.216 *Red civil airway No. 16 (Tallahassee, Fla., to Raleigh, N. C.)* is amended by deleting the words which read: "excluding the portion above 19,000 feet which lies within the Tyndall AFB Restricted Area (R-336), between sunset and sunrise."

4. Section 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended by deleting the phrase which reads: "the portions above 19,000 feet MSL which lie beneath and, also, the portions which lie within the geographic limits of, and between the designated altitudes of, the Tyndall AFB Restricted Area (R-336) are excluded during this restricted area's time of designation."

5. Section 600.267 *Red civil airway No. 67 (Crestview, Fla., to Atlanta, Ga.)* is amended by deleting the phrase which reads: "excluding the portions above 19,000 feet MSL which lie within the Tyndall Restricted Area (R-336) between sunset and sunrise, and excluding the portion which overlaps Fort Benning Restricted Area (R-129)." and by substituting the following therefor: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Benning Restricted Area (R-129) during the restricted area's time of designation."

6. Section 600.603 is amended to read:

§ 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.).* From the Miami, Fla., RBN via the Fort Myers, Fla., RBN; Tampa, Fla., RR; the INT of the north course of the Tampa, Fla., RR and the southeast course of the Cross City, Fla., RR; Cross City, Fla., RR to the Tallahassee, Fla., RR. From the INT of the northwest course of the Tallahassee, Fla., RR and the southeast course of the Dothan, Ala., RR via the Dothan, Ala., RR; the INT of the northwest course of the Dothan, Ala., RR and the east course of the Maxwell AFB RR, Montgomery, Ala., to the Maxwell AFB RR, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Camp Rucker Restricted Area (R-156) during the restricted area's time of designation. From the INT of the south course of the Goshen, Ind., RR and the southwest course of the Fort Wayne, Ind., RR via the Goshen, Ind., RR; the INT of the north course of the Goshen RR and the southwest course of the Grand Rapids RR; Grand Rapids, Mich., RR; Traverse City, Mich., RR; Pellston, Mich., RBN to the Sault Ste. Marie, Mich., RR.

7. Section 600.687 is amended to read:

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., RBN via the Cincinnati, Ohio, RR; the INT of the Cincinnati RR northeast course and the Wright-Patterson AFB south course; Wright-Patterson AFB, Dayton, Ohio, RR; the INT of the Wright-Patterson AFB RR north course and the Columbus, Ohio, RR west course.

8. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 216° True radials;" to read: "Brunswick, Ga., VOR, including a west alternate via the INT of the Jacksonville VOR 349° and the Brunswick VOR 238° radials;" and by changing the portion which reads: "From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of INT of the Westminster omnirange 056° True and the West Chester omnirange 253° True radials; West Chester, Pa., VOR;" to read: "From the Riverdale, Md., RBN via the Westminster, Md., VOR; point of INT of the West Chester VOR 253° radial with the Lancaster, Pa., VOR direct radial to the Baltimore, Md., VOR; West Chester, Pa., VOR;"

9. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station;" to read: "Grand Island, Nebr., VOR, including a north alternate via the point of INT of the North Platte VOR 072° and the Wolbach, Nebr., VOR 266° radials; Omaha, Nebr., VOR;" and by changing the portion which reads: "Cordova, Ill., omnirange station, including a south alternate via the intersection of the Iowa City omnirange 093° True and the Cordova omnirange 230° True radials; Naperville, Ill., omnirange station;" to read: "Cordova, Ill., VOR; Naperville, Ill., VOR;"

10. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion which reads: "Montgomery, Ala., omnirange station; Birmingham, Ala., omnirange station, including a west alternate via the intersection of the Montgomery omnirange 326° True and the Birmingham omnirange 180° True radials; Muscle Shoals, Ala., omnirange station;" to read: "Montgomery, Ala., VOR; INT of the Montgomery VOR 308° and the Birmingham VOR 180° radials; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR;" and by deleting the portion which reads: "The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB Restricted Area (R-336) are excluded during this restricted area's time of designation."

11. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion between Denver, Colo., omnirange station and Omaha, Nebr., omnirange station to read: "Denver, Colo., VOR, including a north alternate; Akron, Colo., VOR, including a south alternate via the INT of the Denver VOR 101° and the Akron VOR 238° radials; Hayes Center, Nebr., VOR, including a north alternate via the INT of the Akron VOR direct radial to the North Platte, Nebr., VOR with the Hayes Center VOR 276° radial and also a south alternate via the INT of the Akron VOR 094° radial with the Hayes Center VOR direct radial to the Thurman, Colo., VOR; Grand Island, Nebr., VOR, including a north alternate via the INT of the Hayes Center VOR 059° radial with the Grand Island VOR direct radial to the North Platte VOR and also a south alternate; Omaha, Nebr., VOR;" and by changing the portion which reads: "Cordova, Ill., omnirange station, including a south alternate via the intersection of the Iowa City omnirange 093° True and the Cordova omnirange 230° True radials; Naperville, Ill., omnirange station;" to read: "Cordova, Ill., VOR; Naperville, Ill., VOR;".

12. Section 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* is amended by changing all before "Dyersburg, Tenn., VOR;" to read: "From the Memphis, Tenn., VOR via the point of INT of the Memphis VOR 345° and the Malden, Mo., VOR 185° radials; point of INT of the Malden, Mo., VOR 185° and the Dyersburg VOR 235° radials; Dyersburg, Tenn., VOR;".

13. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Zuni, N. Mex., omnirange station, including a north alternate via the intersection of the Winslow omnirange 076° and the Zuni omnirange 287° radials and also a south alternate;" to read: "Zuni, N. Mex., VOR, including a north alternate via the INT of the Winslow VOR 076° and the Zuni VOR 287° radials and also a south alternate via the INT of the Winslow VOR 109° and the Zuni VOR 252° radials;" and by changing the portion which reads; "Appleton, Ohio, omnirange station, including a south alternate via the intersection of the Dayton omnirange 099° and the Appleton omnirange 244° radials;" to read: "Appleton, Ohio, VOR, including a north alternate from the Dayton VOR to the Appleton VOR via the point of INT of the Dayton VOR 063° and the Sidney, Ohio, VOR 083° radials and also a south alternate via the INT of the Dayton VOR 099° and the Appleton VOR 244° radials;".

14. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Tulsa, Okla., omnirange station, including a north alternate via the intersection of the Oklahoma City omnirange 040° True and the Tulsa omnirange 260° True radials, and also a south alternate via the intersection of the Oklahoma City omnirange 107° True and the Tulsa omnirange 228° True radials;" to read: "Tulsa, Okla., VOR, including a north alternate via the INT of the Oklahoma City VOR 040° and the Tulsa VOR 262° radials, and also a south alternate via the INT of the Oklahoma City VOR 107° and the Tulsa VOR 228° radials;" and by changing the portion which reads: "Findlay, Ohio, omnirange station; Cleveland, Ohio, omnirange station;" to read: "Findlay, Ohio, VOR; Attica, Ohio, VOR; Cleveland, Ohio, VOR;".

15. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "intersection of the Ontario omnirange 091° True and the Blythe omnirange 290° True radials;" to read: "INT of the Ontario VOR 091° and the Blythe VOR 288° radials;".

16. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Villere Restricted Area (R-440) is excluded during its time of designation."

17. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing the portion which reads: "to the Jacksonville, Fla., omnirange station, including a north alternate from the Marianna omnirange station to the Jacksonville omnirange station via the point of intersection of the Marianna omnirange 092° and the Albany, Ga., omnirange 152° radials and the point of intersection of the Valdosta, Ga., omnirange 233° and the Cross City omnirange 333° radials. The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB Restricted Area (R-336) are excluded during this restricted area's time of designation." to read: "to the Jacksonville, Fla., VOR, including a north alternate from the Marianna VOR to the Jacksonville VOR via the point of INT of the Marianna VOR 092° and the Albany, Ga., VOR 152° radials, the point of INT of the Valdosta, Ga., VOR 233° and the Cross City, Fla., VOR 333° radials, the point of INT of the Gaines-

ville, Fla., VOR 354° and the Jacksonville VOR 272° radials and the point of INT of the Brunswick, Ga., VOR 238° with the Jacksonville VOR 289° radials."

18. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing all after "Eugene, Oreg., omnirange station, including an east alternate;" to read: "Eugene, Oreg., VOR, including an east alternate; Portland, Oreg., VOR, including an east alternate and also a west alternate from the Eugene VOR to the Portland VOR via the INT of the Eugene VOR 346° and the Newberg VOR 204° radials, and the Newberg, Oreg., VOR; INT of the Portland VOR 353° and the Seattle VOR 197° radials; Seattle, Wash., VOR, including a west alternate from the Portland VOR to the Seattle VOR via the INT of the Portland VOR 353° and the Olympia VOR 165° radials, the Olympia, Wash., VOR and the point of INT of the Olympia VOR 337° and the Seattle VOR 247° radials; INT of the Seattle VOR 359° and the Bellingham VOR 169° radials; Bellingham, Wash., VOR to the United States-Canadian Border via the Bellingham VOR 304° radial. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Fort Lewis Restricted Areas (R-503) and (R-504), the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R-546) and the Portland International Airport Restricted Area/Military Climb Corridor (R-535) are excluded during these restricted areas' designated times of use."

19. Section 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing all before "Agnew, Calif., omnirange station;" to read: "From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 257° and the Oxnard VOR 155° radials; Oxnard, Calif., VOR; Santa Barbara, Calif., VOR; Paso Robles, Calif., VOR, including a west alternate from the Santa Barbara VOR to the Paso Robles VOR via the Gaviota, Calif., VOR and the San Luis Obispo, Calif., VOR; INT of the Paso Robles VOR 336° and the Agnew VOR 141° radials; Agnew, Calif., VOR;" and by changing the next to the last sentence to read: "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Areas (R-100) and (R-551), the Yakima Restricted Area (R-247) and the San Luis Obispo Restricted Area (R-416) are excluded during their times of designation."

20. Section 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* is amended by changing all before "intersection of the Paso Robles omnirange 336° and the Salinas omnirange 134° radials;" to read: "From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 257° and the Oxnard VOR 155° radials; Oxnard, Calif., VOR; point of INT of the Oxnard VOR 303° and the Fillmore, Calif., VOR 265° radials; point of INT of the Fillmore VOR 265° and the Gaviota VOR 143° radials; Gaviota, Calif., VOR; San Luis Obispo, Calif., VOR; Paso Robles, Calif., VOR; INT of the Paso Robles VOR 336° and the Salinas VOR 134° radials;" and by changing the next to the last sentence to read: "The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Areas (R-100) and (R-551), the Fort Ord Restricted Area (R-284), the Camp Roberts Restricted Area (R-415), the Camp Cooke Restricted Area (R-531), the San Luis Obispo Restricted Area (R-416) and the Tacoma, Wash. (McChord AFB) Restricted Area/Military Climb Corridor (R-543) are excluded during these restricted areas' times of designation."

21. Section 600.6035 *VOR civil airway No. 35 (Key West, Fla., to Syracuse, N. Y.)* is amended by deleting the portion which reads: "The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB Restricted Area (R-336) are excluded during this restricted area's time of designation."

22. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.).* From the Iowa City, Iowa, VOR via the Moline, Ill., VOR; INT of the Moline VOR 081° and the Joliet VOR 265° radials; Joliet, Ill., VOR; Poetone, Ill., VOR; Fort Wayne, Ind., VOR; Findlay, Ohio, VOR; Appleton, Ohio, VOR; Zanesville, Ohio, VOR; Parkersburg, W. Va., VOR; to the Elkins, W. Va., VOR.

23. Section 600.6039 is amended to read:

§ 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine).* From the South Boston, Va., VOR via the Gordonsville, Va., VOR; Casanova, Va., VOR; Herndon, Va., VOR; Westminster, Md., VOR; Lancaster, Pa., VOR; Allentown, Pa., VOR; Stroudsburg, Pa., VOR; Poughkeepsie, N. Y., VOR; Westfield, Mass., VOR; Gardner, Mass., VOR; Concord, N. H., VOR; to the Kennebunk, Maine, VOR.

24. Section 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Green Bay, Wis.)* is amended by changing "Dayton VOR 342°" to read: "Dayton VOR 343°."

25. Section 600.6062 is amended to read:

§ 600.6062 *VOR civil airway No. 62 (Prescott, Ariz., to Abilene, Tex.).* From the Prescott, Ariz., VOR via the point of INT of the Prescott VOR 095° and the Zuni VOR 252° radials via the Zuni, N. Mex., VOR; INT of the Zuni VOR 066° and the Santa Fe VOR 268° radials; Santa Fe, N. Mex., VOR; Anton Chico, N. Mex., VOR; Texico, N. Mex., VOR; Lubbock, Tex., VOR; INT of the Lubbock VOR 101° and the Abilene VOR 327° radials; to the Abilene, Tex., VOR.

26. Section 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.)* is amended by changing all after "Burlington, Iowa, omnirange station;" to read: "Burlington, Iowa, VOR; INT of the Burlington VOR 005° and the Janesville VOR 239° radials; Janesville, Wis., VOR; to the Milwaukee, Wis., VOR."

27. Section 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.)* is amended by changing the portion which reads: "From the Findlay, Ohio, omnirange station via the Cleveland, Ohio, omnirange station;" to read: "From the Findlay, Ohio, VOR via the Attica, Ohio, VOR; Cleveland, Ohio, VOR;"

28. Section 600.6080 *VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.)* is revoked.

29. Section 600.6080 is added to read:

§ 600.6080 *VOR civil airway No. 80 (Akron, Colo., to North Platte, Nebr.).* From the Akron, Colo., VOR to the North Platte, Nebr., VOR.

30. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.).* From the Joliet, Ill., VOR via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; Waterville, Ohio, VOR; Attica, Ohio, VOR; Mansfield, Ohio, VOR; Navarre, Ohio, VOR; Wheeling, W. Va., VOR; Grantsville, Md., VOR; Front Royal, Va., VOR; INT of the Front Royal VOR 112° and the Washington TVOR 245° radials; to the Washington, D. C., TVOR.

31. Section 600.6093 *VOR civil airway No. 93 (Baltimore, Md., to Presque Isle, Maine)* is amended by changing all before "to the Allentown, Pa., omnirange station." to read: "That airspace over the United States territory from the Baltimore, Md., VOR via the Lancaster, Pa., VOR; to the Allentown, Pa., VOR."

32. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by deleting the portion which reads: "The portions of this airway above 19,000 feet above mean sea level which lie within the Tyndall AFB Restricted Area (R-336) and the Tyndall AFB Warning Area (W-337) are excluded daily between sunset and sunrise."

33. Section 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Buffalo, N. Y.)* is amended by changing all before: "Birmingham, Ala., omnirange station;" to read: "From the Crestview, Fla., VOR via the Montgomery, Ala., VOR; INT of the Montgomery VOR 028° and the Birmingham VOR 145° radials; Birmingham, Ala., VOR;".

34. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing all before "Tulsa, Okla., VOR;" to read: "From the Amarillo, Tex., VOR via the Sayre, Okla., VOR, including a north alternate; Kingfisher, Okla., VOR; INT of the Kingfisher VOR 071° and the Tulsa VOR 262° radials; Tulsa, Okla., VOR;".

35. Section 600.6141 is amended to read:

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Massena, N. Y.).* From the Nantucket, Mass., VOR via the INT of the Nantucket VOR 339° and the Boston VOR 133° radials; Boston, Mass., VOR; INT of the Boston VOR 014° and the Manchester VOR 117° radials; Manchester, N. H., VOR; Concord, N. H., VOR; Lebanon, N. H., VOR; Burlington, Vt., VOR; to the Massena, N. Y., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Burlington, Vt. (Ethan Allen AFB) Restricted Area/Military Climb Corridor (R-540) is excluded during its time of designation.

36. Section 600.6148 *VOR civil airway No. 148 (Denver, Colo., to Minneapolis, Minn.)* is amended by changing all after "Redwood Falls, Minn., VOR;" to read: "Redwood Falls, Minn., VOR, including a south alternate; to the Minneapolis, Minn., VOR." and by changing "Imperial, Nebr., VOR;" to read: "Hayes Center, Nebr., VOR;"

37. Section 600.6155 is amended to read:

§ 600.6155 *VOR civil airway No. 155 (Augusta, Ga., to Washington, D. C.).* From the Augusta, Ga., VOR via the Chesterfield, S. C., VOR; point of INT of the Raleigh VOR 220° and the Florence, S. C., VOR 008° radials; Raleigh, N. C., VOR; Lawrenceville, Va., VOR; INT of the Lawrenceville VOR 035° and the Flat Rock VOR 171° radials; Flat Rock, Va., VOR; Gordonsville, Va., VOR; to the Casanova, Va., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Pickett Restricted Area (R-44) is excluded during its time of designation.

38. Section 600.6162 is amended to read:

§ 600.6162 *VOR civil airway No. 162 (Harrisburg, Pa., to Allentown, Pa.).* From the Harrisburg, Pa., VOR via the point of INT of the Harrisburg, Pa., VOR 073° and the Tower City, Pa., VOR 128° radials; Allentown, Pa., VOR, including a south alternate from the Harrisburg VOR to the Allentown VOR via the point of INT of the Lancaster, Pa., VOR direct radial to the Allentown VOR with the Pottstown, Pa., VOR 275° radial.

39. Section 600.6165 is amended to read:

§ 600.6165 *VOR civil airway No. 165 (San Diego, Calif., to Long Beach, Calif.).* From the San Diego-Lindbergh, Calif., TVOR via the INT of the San Diego-Lindbergh TVOR 287° and the Oceanside VOR 177° radials; the Oceanside, Calif., VOR to the Long Beach, Calif., VOR.

40. Section 600.6166 is amended to read:

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).* From the Martinsburg, W. Va., VOR via the Westminster, Md., VOR; to the point of INT of the West Chester VOR 253° radial with the Lancaster, Pa., VOR direct radial to the Baltimore, Md., VOR. From the point of INT of the Philadelphia, Pa., International Airport ILS localizer 256° course and the West Chester, Pa., VOR 170° radial via the Philadelphia International Airport ILS localizer to the Colts Neck, N. J., VOR.

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41. Section 600.6167 is amended to read:

§ 600.6167 *VOR civil airway No. 167 (New York, N. Y., to Providence, R. I.).* From the point of INT of the Coyle, N. J., VOR 058° and the Idlewild VOR 195° radials via the Idlewild, N. Y., VOR; Hartford, Conn., VOR; INT of the Hartford VOR 076° and the Providence VOR 270° radials; to the Providence, R. I., VOR.

42. Section 600.6170 is amended to read:

§ 600.6170 *VOR civil airway No. 170 (Milwaukee, Wis., to Philadelphia, Pa.).* From the Milwuakee, Wis., VOR via the Pullman, Mich., VOR; to the Salem, Mich., VOR. From the Erie, Pa., VOR via the Bradford, Pa., VOR; Selinsgrove, Pa., VOR; Tower City, Pa., VOR; the point of INT of the Lancaster, Pa., VOR direct radial to the Allentown, Pa., VOR with the Pottstown, Pa., VOR 275° radial; to the West Chester, Pa., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Indiantown Gap Restricted Area (R-69) is excluded during this restricted area's time of designation.

43. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Denver, Colo., to Chicago, Ill.).* From the Denver, Colo., VOR via the point of INT of the Denver VOR 061° and the Hayes Center, Nebr., VOR 276° radials; point of INT of the Hayes Center VOR 276° and the North Platte VOR 245° radials; North Platte, Nebr., VOR; INT of the North Platte VOR 072° and the Wolbach, Nebr., VOR 266° radials; Wolbach, Nebr., VOR; Neola, Iowa, VOR, including a north alternate; Newton, Iowa, VOR, including a north alternate; Cedar Rapids, Iowa, VOR, including a south alternate via the INT of the Newton VOR 099° and the Cedar Rapids VOR 238° radials; Polo, Ill., VOR; to the Chicago, Ill., International (O'Hare) Airport TVOR.

44. Section 600.6201 is amended to read:

§ 600.6201 *VOR civil airway No. 201 (Los Angeles, Calif., to Palmdale, Calif.).* From the point of INT of the Los Angeles VOR 207° and the Long Beach, Calif., VOR 250° radials; via the Los Angeles, Calif., VOR; to the Palmdale, Calif., VOR.

45. Section 600.6208 *VOR civil airway No. 208 (Los Angeles, Calif., to Peach Springs, Ariz.)* is amended by changing all after "Thermal, Calif., VOR;" to read: "Thermal, Calif., VOR; Twenty-nine Palms, Calif., VOR; Needles, Calif., VOR; to the Peach Springs, Ariz., VOR."

46. Section 600.6219 *VOR civil airway No. 219 (Ogden, Utah, to Malad City, Idaho)* is revoked.

47. Section 600.6219 is added to read:

§ 600.6219 *VOR civil airway No. 219 (Hayes Center, Nebr., to Wolbach, Nebr.).* From the Hayes Center, Nebr., VOR via the INT of the Hayes Center VOR 059° and the Wolbach VOR 251° radials; to the Wolbach, Nebr., VOR.

48. Section 600.6220 is amended to read:

§ 600.6220 *VOR civil airway No. 220 (Kremmling, Colo., to Hayes Center, Nebr.).* From the Kremmling, Colo., VOR via the point of INT of the Kremmling VOR 081° and the Denver VOR 334° radials; Akron, Colo., VOR; to the Hayes Center, Nebr., VOR.

49. Section 600.6238 is amended to read:

§ 600.6238 *VOR civil airway No. 238 (Philipsburg, Pa., to Atlantic City, N. J.).* From the Philipsburg, Pa., VOR via the point of INT of the Philipsburg VOR direct radial to the Selinsgrove, Pa., VOR with the Williamsport, Pa., VOR 227° radial; Tower City, Pa., VOR; point of INT of the Lancaster, Pa., VOR direct radial to the Allentown, Pa., VOR with the Pottstown, Pa., VOR 275° radial; West Chester, Pa., VOR; point of INT of the West Chester VOR 120° radial and the Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J., VOR; to the point of INT of the Woodstown VOR 106° and the Coyle, N. J., VOR 203° radials. The portion of this airway which lies within the geographic limts of, and between the designated altitudes of, the Indiantown Gap Restricted Area (R-69) is excluded during this restricted area's time of designation.

50. Section 600.6241 *VOR civil airway No. 241 (Crestview, Fla., to Atlanta, Ga.)* is amended by deleting the portion which reads: "The portion of this airway above 19,000 feet above mean sea level which lies beneath and also the portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tyndall AFB Restricted Area (R-336) are excluded during this restricted area's time of designation."

51. Section 600.6246 is amended to read:

§ 600.6246 *VOR civil airway No. 246 (Sidney, Ohio, to Mansfield, Ohio).* From the Sidney, Ohio, VOR to the Mansfield, Ohio, VOR.

52. Section 600.6251 is amended to read:

§ 600.6251 *VOR civil airway No. 251 (Martinsburg, W. Va., to New York, N. Y.).* From the Martinsburg, W. Va., VOR via the Lancaster, Pa., VOR; Pottstown, Pa., VOR; point of INT of the Pottstown VOR 044° and the Allentown, Pa., VOR 105° radials.

53. Section 600.6254 is amended to read:

§ 600.6254 *VOR civil airway No. 254 (Reinholds, Pa., to Columbus, N. J.).* From the point of INT of the Lancaster, Pa., VOR direct radial to the Allentown, Pa., VOR with the Pottstown VOR 275° radial via the Pottstown, Pa., VOR; to the point of INT of the Pottstown VOR 104° and the Colts Neck, N. J., VOR 242° radials.

54. Section 600.6255 is amended to read:

§ 600.6255 *VOR civil airway No. 255 (Burlington, Iowa, to Janesville, Wis.)*. From the Burlington, Iowa, VOR via the Moline, Ill., VOR; Cordova, Ill., VOR; Rockford, Ill., VOR; to the Janesville, Wis., VOR.

55. Section 600.6256 is amended to read:

§ 600.6256 *VOR civil airway No. 256 (Reinholds, Pa., to Yardley, Pa.)* From the point of INT of the Lancaster, Pa., VOR direct radial to the Allentown, Pa., VOR with the Pottstown VOR 275° radial via the Pottstown, Pa., VOR; to the Yardley, Pa., VOR.

56. Section 600.6264 is amended to read:

§ 600.6264 *VOR civil airway No. 264 (Los Angeles, Calif., to Prescott, Ariz.)*. From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; INT of the Ontario VOR 091° and the Twentynine Palms VOR 244° radials; Twentynine Palms, Calif., VOR; Rice, Calif., VOR; to the Prescott, Ariz., VOR.

57. Section 600.6271 *VOR civil airway No. 271 (Bonneville, Utah, to Burley, Idaho)* is revoked.

58. Section 600.6277 is amended to read:

§ 600.6277 *VOR civil airway No. 277 (Sidney, Ohio, to Keeler, Mich.)*. From the Sidney, Ohio, VOR via the Fort Wayne, Ind., VORTAC; to the Keeler, Mich., VOR.

59. Section 600.6283 is amended to read:

§ 600.6283 *VOR civil airway No. 283 (Fresno, Calif., to Newberg, Oreg.)*. From the Fresno, Calif., VOR via the Reno, Nev., VOR; Lakeview, Oreg., VOR; Redmond, Oreg., VOR; to the Newberg, Oreg., VOR. The portion of this airway which lies within the geographic limits of, and between the established altitudes of, the Minden Caution Area (C-401) is excluded during its established time of use.

60. Section 600.6287 is amended to read:

§ 600.6287 *VOR civil airway No. 287 (North Bend, Oreg., to Portland, Oreg.)*. From the North Bend, Oreg., VOR via the Newberg, Oreg., VOR; INT of the Newberg VOR 069° radial with the Portland VOR direct radial to the Eugene, Oreg., VOR; to the Portland, Oreg., VOR.

61. Section 600.6432 is added to read:

§ 600.6432 *VOR civil airway No. 432 (Thermal, Calif., to Rice, Calif.)*. From the Thermal, Calif., VOR to the Rice, Calif., VOR.

62. Section 600.6433 *VOR civil airway No. 433 (Fresno, Calif., to Klamath Falls, Oreg.)* is revoked.

63. Section 600.6434 is added to read:

§ 600.6434 *VOR civil airway No. 434 (Ottumwa, Iowa, to Peoria, Ill.)*. From the Ottumwa, Iowa, VOR via the Moline, Ill., VOR; to the Peoria, Ill., VOR.

64. Section 600.6435 is added to read:

§ 600.6435 *VOR civil airway No. 435 (Sidney, Ohio, to Attica, Ohio)*. From the Sidney, Ohio, VOR to the Attica, Ohio, VOR.

65. Section 600.6610 *VOR civil airway No. 1510 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing "Imperial, Nebr., VOR;" to read: "Hayes Center, Nebr., VOR;" and by changing the portion which reads: "Iowa City, Iowa, VOR; point of INT of the Iowa City VOR 093° and the Cordova VOR 138° radials; Joliet, Ill., VOR;" to read: "Iowa City, Iowa, VOR; Moline, Ill., VOR; INT of the Moline VOR 081° and the Joliet, Ill., VOR 265° radials; Joliet, Ill., VOR;".

66. Section 600.6614 *VOR civil airway No. 1514 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Harrisburg, Pa., omnirange station; point of INT of the West Chester, Pa., omnirange 314° True and the Allentown, Pa., omnirange 228° True radials; Pottstown, Pa., omnirange station;" to read: "Harrisburg, Pa., VOR; point of INT of the Lancaster, Pa., VOR direct radial to the Allentown, Pa., VOR with the Pottstown VOR 275° radial; Pottstown, Pa., VOR;".

67. Section 600.6618 *VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion between Amarillo, Tex., omnirange station and Tulsa, Okla., omnirange station to read: "Amarillo, Tex., VOR; Sayre, Okla., VOR; Kingfisher, Okla., VOR; INT of the Kingfisher VOR 071° and the Tulsa VOR 262° radials; Tulsa, Okla., VOR;"

68. Section 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "intersection of the Ontario omnirange 091° True and the Blythe omnirange 290° True radials;" to read: "INT of the Ontario VOR 091° and the Blythe VOR 288° radials;".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 15, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator.
of Civil Aeronautics.

DECEMBER 12, 1958.

[F. R. Doc. 58-10656; Filed, Dec. 24, 1958; 8:51 a. m.]

[Amdt. 1]

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

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.687 is amended to read:

§ 601.687 *Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio)*. All of Blue civil airway No. 87.

2. Section 601.1107 is added to read:

§ 601.1107 *Control area extension (Columbus, Miss.)*. The airspace within a 45-mile radius centered on the Columbus AFB, Columbus, Miss.

3. Section 601.1125 is amended to read:

§ 601.1125 *Control area extension (Tallahassee, Fla.)*. The airspace bounded on the north by VOR civil airway No. 22-N, on the east by VOR civil airway No. 159-W, on the south and southwest by VOR civil airway No. 7-W.

4. Section 601.1135 is amended to read:

§ 601.1135 *Control area extension (Marianna, Fla.)*. Within 5 miles either side of the Marianna VOR 130° radial extending from the VOR to a point 20 miles southeast.

5. Section 601.1139 is amended to read:

§ 601.1139 *Control area extension (Fort Rucker, Ala.)*. Within a 35-mile radius of a point at latitude 31°14′55″, longitude 85°46′20″, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Camp Rucker Restricted Area (R-156) during the restricted area's time of designation.

6. Section 601.1151 is amended to read:

§ 601.1151 *Control area extension (Wilmington, N. C.)*. The airspace north of latitude 27°00′00″ N., within tangent lines drawn from the circumference of a circle 25 statute miles in radius centered at a point midway on a direct line between the Carolina Beach (Wilmington), N. C., RBN and the Nassau, British West Indies, RBN and circles 5 statute miles in radius centered on the Carolina Beach RBN and the Nassau, British West Indies, RBN, excluding the airspace below 2,000 feet MSL which lies outside the continental limits of the United States. The portions of this control area extension which lie within the geographic limits of the Mayport Warning Area (W-158-A) are excluded. The portion of this control area extension which lies within the Patrick AFB Warning Area (W-497-A) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

7. Section 601.1152 *Control area extension (Charleston, S. C.)* is amended by changing the portion which reads: "to a circle 15 miles in radius centered on the intersection of the southeast course of the Charleston, S. C., radio range and the western boundary of the ICAO Control Area," to read: "to a circle 17 miles in radius centered at the intersection of the southeast course of the Charleston,

S. C., RR and the western boundary of the New York Oceanic Control Area,".

8. Section 601.1153 is amended to read:

§ 601.1153 *Control area extension (Jacksonville, Fla.)*. The airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., RR to a circle 18 statute miles in radius centered at the intersection of the east course of the Jacksonville RR and the western boundary of the New York Oceanic Control Area excluding the portion below 2,000 feet MSL which lies outside the continental limits of the United States.

9. Section 601.1164 *Control area extension (Quonsett Point, R. I.)* is amended by changing the words which read: "excluding the portions which overlap restricted areas and caution areas." to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Block Island Sound Restricted Area (R-90) during the restricted area's time of designation."

10. Section 601.1180 is amended to read:

§ 601.1180 *Control area extension (San Antonio, Tex.)*. The airspace within a 60-mile radius of the San Antonio, Tex., RR including the airspace east of San Antonio bounded on the north by the Austin, Tex., control area extension (601.1002), on the northeast by VOR civil airway No. 180 and on the south by VOR civil airway No. 198.

11. Section 601.1219 is amended to read:

§ 601.1219 *Control area extension (Pensacola, Fla.)*. The airspace within a 25-mile radius of NAAS Saufley Field, Pensacola Fla., excluding the portions which lie within the geographic limits of the Pensacola Restricted Area (R-154) and the Pensacola Warning Area (W-155); the airspace southwest of Pensacola lying within an arc of 38 statute miles centered on NAAS Saufley, bounded on the west by a line extending through points at Latitude 30°06′00″, Longitude 87°49′00″ and Latitude 30°15′00″, Longitude 87°41′00″, bounded on the east by a line extending through points at Latitude 29°55′00″, Longitude 87°20′00″, and Latitude 30°19′00″, Longitude 87°13′00″ and on the northeast by the 25-mile radius control area extension.

12. Section 601.1221 is amended to read:

§ 601.1221 *Control area extension (Dothan, Ala.)*. Within 5 miles either side of the northeast course of the Dothan RR extending from the RR to a point 25 miles northeast.

13. Section 601.1311 is amended to read:

§ 601.1311 *Control area extension (Oscoda, Mich.)*. The airspace within a 30-mile radius of Wurtsmith AFB, Oscoda, Mich., including the airspace centered on the 266° radial of the Wurtsmith TVOR extending from a point 5 miles west of the airport to a point 32 miles west of the airport and having a width of 1 mile on the north side and 2.3 miles on the south side of the 266° radial at a point 5 miles west of the AFB and expanding to a width of 4.6 miles at the point 32 miles west of the AFB. The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, the Upper Lake Huron Restricted Areas (R-91) and (R-491) are excluded during these restricted areas' times of designation; the portions of this control area extension which lie within the Oscoda, Mich. (Wurtsmith AFB) Restricted Area/Military Climb Corridor (R-550) shall be used only after obtaining prior approval from the controlling agency.

14. Section 601.1360 *Control area extension (Abilene, Tex.)* is amended by changing the coordinates which read: "latitude 31°15′00″, longitude 99°52′00″." to read: "latitude 31°15′15″, longitude 99°52′45″."

15. Section 601.1427 is added to read:

§ 601.1427 *Control area extension (Miami, Fla.)*. The airspace beginning at the INT of the Biscayne, Fla., VOR 021° and the Vero Beach, Fla., VOR 143° radials and extending 5 miles either side of the Biscayne 021° radial to its INT with the Orlando, Fla., VOR 121° radial, thence extending 5 miles either side of the Orlando VOR 121° radial to its INT with the West Palm Beach, Fla., VOR 014° radial, excluding the portion below 2000 feet MSL which lies outside the continental limits of the United States. The portions of this control area extension which lie within the Patrick AFB Warning Areas (W-497-A) and (W-497-B) shall be used only after obtaining prior approval from CAA Air Traffic Control.

16. Section 601.2107 *Joliet, Ill., control zone* is amended by changing the words which read: "extending to a point 12 miles west of the VOR." to read: "extending from the 5-mile radius zone to a point 12 miles west of the VOR."

17. Section 601.2116 *Moline, Ill., control zone* is amended by adding the following portion to the present control zone: "and within 2 miles either side of a line extending from the center of the approach end of Runway 4 through the Moline VOR to a point 12 miles southwest of the Moline VOR."

18. Section 601.2141 is amended to read:

§ 601.2141 *Dothan, Ala., control zone*. Within a 5-mile radius of the Dothan Airport and within 2 miles either side of the southwest course of the Dothan RR extending from the RR to a point 10 miles southwest.

19. Section 601.2167 is amended to read:

§ 601.2167 *Tallahassee, Fla., control zone*. Within a 5-mile radius of Dale Mabry Field and within 2 miles either side of the Tallahassee RR northwest course extending from the RR to a point 10 miles northwest.

20. Section 601.2212 is amended to read:

§ 601.2212 *Sumpter, S. C., control zone*. Within a 5-mile radius of the Shaw AFB, Sumpter, S. C., and within 2 miles either side of a direct line extending from the AFB to the Shaw RBN.

21. Section 601.2223 *Charleston, W. Va., control zone* is amended by deleting the portion which reads: "and within 2 miles either side of the 061° True and 241° True radials of the Charleston omnirange extending from the 5-mile radius zone to a point 10 miles southwest of the omnirange station." and by adding the following in lieu thereof: "and within 2 miles either side of a direct line extending from the center of the Kanawha County Airport to the Charleston VOR."

22. Section 601.2301 *Waco, Tex., control zone* is amended by changing the name "West nondirectional radio beacon" to read: "Abbott RBN" and by changing "Prairie Hill nondirectional radio beacon." to read: "Prairie Hill RBN."

23. Section 601.2310 is amended to read:

§ 601.2310 *Oscoda, Mich., control zone*. Within a 10-mile radius of the Wurtsmith AFB, Oscoda, Mich., and within 5 miles either side of the Wurtsmith AFB ILS localizer course extending from the localizer to a point 10 miles southwest of the ILS outer marker compass locator, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Upper Lake Huron Restricted Areas (R-91) and (R-491) during these restricted areas' times of designation. The portions of this control zone which lie within the Oscoda, Mich. (Wurtsmith AFB) Restricted Area/Military Climb Corridor (R-550) shall be used only after obtaining prior approval from the controlling agency.

24. Section 601.2316 is amended to read:

§ 601.2316 *Marianna, Fla., control zone*. Within a 5-mile radius of the Graham Airbase, Marianna, Fla., and within 2 miles either side of the Marianna VOR 130° radial extending from the VOR to a point 10 miles southeast.

25. Section 601.2328 *Manchester, N. H., control zone* is amended by adding the following portion to the present control zone: "and within 2 miles either side of the 142° and 322° radials of the Manchester VOR extending from the 5-mile radius zone to a point 10 miles southwest of the VOR."

26. Section 601.2403 *Fort Rucker, Ala., control zone* is amended by changing the words which read: "excluding the portion which overlaps Restricted Area (R-156) and excluding the portion above 19,000 feet MSL between sunset and sunrise which lies beneath and which conflicts with Restricted Area (R-336)." to read: "excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Camp Rucker Restricted Area (R-156) during the restricted area's time of designation."

27. Section 601.4687 is amended to read:

§ 601.4687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio)*. No reporting point designation.

28. Section 601.5001 *Other reporting points* is amended by changing the following reporting point to read:

Carp Intersection: The intersection of a direct line between the Carolina Beach (Wilmington) N. C., RBN and the Nassau, British West Indies, RBN with the centerline of the east course of the Jacksonville, Fla., RR.

29. Section 601.6025 is amended to read:

§ 601.6025 *VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.)*. All of VOR civil airway No. 25 including a west alternate.

30. Section 601.6062 is amended to read:

§ 601.6062 *VOR civil airway No. 62 control areas (Prescott, Ariz., to Abilene, Tex.)*. All of VOR civil airway No. 62.

31. Section 601.6080 *VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.)* is revoked.

32. Section 601.6080 is added to read:

§ 601.6080 *VOR civil airway No. 80 control areas (Akron, Colo., to North Platte, Nebr.)*. All of VOR civil airway No. 80.

33. Section 601.6148 is amended to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Denver, Colo., to Minneapolis, Minn.)*. All of VOR civil airway No. 148 including a south alternate.

34. Section 601.6155 is amended to read:

§ 601.6155 *VOR civil airway No. 155 control areas (Augusta, Ga., to Raleigh, Ga.)*. All of VOR civil airway No. 155.

35. Section 601.6165 is amended to read:

§ 601.6165 *VOR civil airway No. 165 control areas (San Diego, Calif., to Long Beach, Calif.)*. All of VOR civil airway No. 165.

36. Section 601.6219 is added to read:

§ 601.6219 *VOR civil airway No. 219 control areas (Hayes Center, Nebr., to Wolbach, Nebr.)*. All of VOR civil airway No. 219.

37. Section 601.6201 is amended to read:

§ 601.6201 *VOR civil airway No. 201 control areas (Los Angeles, Calif., to Palmdale, Calif.)*. All of VOR civil airway No. 201.

38. Section 601.6219 *VOR civil airway No. 219 control areas (Ogden, Utah, to Malad City, Idaho)* is revoked.

39. Section 601.6246 is amended to read:

§ 601.6246 *VOR civil airway No. 246 control areas (Sidney, Ohio, to Mansfield, Ohio)*. All of VOR civil airway No. 246.

40. Section 601.6251 is amended to read:

§ 601.6251 *VOR civil airway No. 251 control areas (Martinsburg, W. Va., to New York, N. Y.)*. All of VOR civil airway No. 251.

41. Section 601.6271 *VOR civil airway No. 271 control areas (Bonneville, Utah, to Burley, Idaho)* is revoked.

42. Section 601.6277 is amended to read:

§ 601.6277 *VOR civil airway No. 277 control areas (Sidney, Ohio, to Keeler, Mich.)*. All of VOR civil airway No. 277.

43. Section 601.6283 is amended to read:

§ 601.6283 *VOR civil airway No. 283 control areas (Fresno, Calif., to Newberg, Oreg.)*. All of VOR civil airway No. 283.

44. Section 601.6287 is amended to read:

§ 601.6287 *VOR civil airway No. 287 control areas (North Bend, Oreg., to Portland, Oreg.)*. All of VOR civil airway No. 287.

45. Section 601.6432 is added to read:

§ 601.6432 *VOR civil airway No. 432 control areas (Thermal, Calif., to Rice, Calif.)*. All of VOR civil airway No. 432.

46. Section 601.6433 *VOR civil airway No. 433 control areas (Fresno, Calif., to Klamath Falls, Oreg.)* is revoked.

47. Section 601.6434 is added to read:

§ 601.6434 *VOR civil airway No. 434 control areas (Ottumwa, Iowa, to Peoria, Ill.)*. All of VOR civil airway No. 434.

48. Section 601.6435 is added to read:

§ 601.6435 *VOR civil airway No. 435 control areas (Sidney, Ohio, to Attica, Ohio)*. All of VOR civil airway No. 435.

49. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Gaviota, Calif., VOR.
Hayes Center, Nebr., VOR.
Moline, Ill., VOR.
San Luis Obispo, Calif., VOR.
Twentynine Palms, Calif., VOR.

by changing the following reporting points to read:

Annawan INT: The INT of the Moline, Ill., VOR 081° T and the Cordova, Ill., VOR 138° T radials.

Norris INT: The INT of the West Chester, Pa., VOR 253° T and the Lancaster, Pa., VOR 197° T radials.

Palm Springs INT: The INT of the Thermal, Calif., VOR 340° T and the Twentynine Palms, Calif., VOR 244° T radials.

and by revoking the following reporting points:

Imperial, Nebr., VOR.

Lancaster INT: The INT of the Harrisburg, Pa., VOR 107° T and the Allentown, Pa., VOR 228° T radials.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., January 15, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 12, 1958.

[F. R. Doc. 58-10657; Filed, Dec. 24, 1958; 8:51 a. m.]

[Amdt. 4]

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

MISCELLANEOUS AMENDMENTS

This revision is intended to make minor editorial changes; to specify in § 602.9, under Subpart A, that henceforth all points used in describing the L/MF, VOR/VORTAC and TACAN jet routes are automatically established as navigational aids; and to delete entirely Subpart B, which includes § 602.11, inasmuch as the alphabetical lists of facilities duplicate the points used in describing the jet routes. This amendment will not alter Part 602 substantively, but will affect only form. Because of this, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and this amendment shall become effective when published in the FEDERAL REGISTER.

Part 602 is amended as follows:

1. Subpart A reads as follows:

SUBPART A—INTRODUCTION

AUTHORITY: §§ 602.1 to 602.10 issued under sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

§ 602.1 *Basis and purpose.* The basis of this part is found in section 601 of the Civil Aeronautics Act of 1938, as amended, and in Part 60 of this title. The purpose of this part is to establish jet routes between navigational aids or intersections of their signals, along and between which aircraft may be operated within the continental control area at and above 27,000 feet MSL.

§ 602.2 *Explanation of terms.* As used in this part, terms shall be defined as follows:

(a) "Navigational aids" shall mean the navigational facilities established under § 602.9 within the continental control area at and above 27,000 feet MSL.

(b) "Intersection of signals" shall mean the intersection of two or more signals emanating from the navigational aids used to describe jet routes within the continental control area at and above 27,000 feet MSL.

(c) "Jet route" shall mean a direct course for the navigation of aircraft at and above 27,000 feet MSL within the continental control area between the respective navigational aids and intersections specified for such route. Jet routes are identified as follows:

(1) *L/MF jet routes.* (i) Even numbered routes;

(ii) Odd numbered routes.

(2) *VOR/VORTAC jet routes.* (i) Even numbered routes;

(ii) Odd numbered routes.

(3) *TACAN jet routes.* (i) Even numbered routes;

(ii) Odd numbered routes.

(d) "Mile" means "statute mile" unless otherwise specified in this part.

(e) "Continental control area" shall mean all of the airspace above the several states of the United States (including the District of Columbia), and the territorial waters thereof, at and above 24,000 feet MSL, exclusive of restricted and prohibited areas prescribed by Executive Order or in Part 608 of this chapter.

(f) "INT" shall mean intersection.

(g) "RBN" shall mean radio beacon.

(h) "VOR" shall mean omnirange station.

(i) "RR" shall mean low frequency or medium frequency radio range station.

(j) "VORTAC" shall mean a collocated VOR and TACAN.

(k) "TACAN" shall mean a military tactical air navigational aid.

(l) "CONSOLAN" shall mean low frequency long range navigational aid.

(m) "FM" shall mean fan marker.

(n) "ILS" shall mean instrument landing system.

(o) "TVOR" shall mean terminal omnirange station.

(p) "OM" shall mean instrument landing system outer marker.

(q) "MM" shall mean instrument landing system middle marker.

(r) As used in this part all bearings shall be true from the point of origin.

§ 602.3 *Direction of jet routes.* (a) Even numbers are normally assigned to jet routes established in a westerly to easterly direction between the initial and final points of such routes, even though portions of such routes may deviate from the westerly to easterly direction between any two or more established intermediate points.

(b) Odd numbers are normally assigned to jet routes established in a southerly to northerly direction between the initial and final points of such routes, even though portions of such routes may deviate from the southerly to northerly direction between any two or more established intermediate points.

§ 602.9 *Establishment of navigational aids.* All of the navigational facilities used in the jet route descriptions in Subparts C, D and E are hereby established as navigational aids.

§ 602.10 *Establishment of jet routes.* The direct courses between the navigational aids and intersections described in Subparts C, D and E are established as jet routes.

2. Subpart B is deleted in its entirety.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 22, 1958.

[F. R. Doc. 58-10653; Filed, Dec. 24, 1958; 8:50 a. m.]

[Amdt. 5]

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

ALTERATIONS

The jet route alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 602 is amended as follows:

1. Section 602.549 is amended to read:

§ 602.549 *VOR/VORTAC jet route No. 49 (Miami, Fla., to Presque Isle, Maine).* From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville VOR 167° radials; Gainesville, Fla., VOR; INT of the Gainesville VOR 354° and the Alma VOR 179° radials; Alma, Ga., VOR; Augusta, Ga., VOR; Spartanburg, S. C., VOR; Greensboro, N. C., VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; Philipsburg, Pa., VOR; Albany, N. Y., VOR; Bangor, Maine, VOR; to the Presque Isle, Maine, VOR.

2. Section 602.575 is amended to read:

§ 602.575 *VOR/VORTAC jet route No. 75 (Miami, Fla., to the United States-Canadian Border).* From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville VOR 167° radials; Gainesville, Fla., VOR; INT of the Gainesville VOR 354° and the Alma VOR 179° radials; Alma, Ga., VOR; Allendale, S. C., VOR; Columbia, S. C., VOR; Gordonsville, Va., VOR; Allentown, Pa., VOR; Idlewild, N. Y., VOR; Albany, N. Y., VOR; Plattsburgh, N. Y., VOR; to the point of INT of the Plattsburgh, N. Y., VOR 341° radial with the United States-Canadian Border.

3. Section 602.581 is added to read:

§ 602.581 *VOR/VORTAC jet route No. 81 (Miami, Fla., to Barracuda, Fla., INT).* From the Miami, Fla., VOR via the Orlando, Fla., VOR; to the point of INT of the Orlando VOR 071° and the West Palm Beach, Fla., VOR 014° radials.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. January 18, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10654; Filed, Dec. 24, 1958; 8:50 a. m.]

[Amdt. 6]

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

ALTERATIONS

The jet route and navigational aid alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 602 is amended as follows:

1. Section 602.558 is added to read:

§ 602.558 *VOR/VORTAC jet route No. 58 (Oakland, Calif., to Alamosa, Colo.).* From the Oakland, Calif., VOR via the Modesto, Calif., VOR; Tonopah, Nev., VOR; Pioche, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; to the Alamosa, Colo., VOR.

2. Section 602.560 is added to read:

§ 602.560 *VOR/VORTAC jet route No. 60 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., VOR; via the Hector, Calif., VOR; Las Vegas, Nev., VOR; INT of the Las Vegas VOR 044° and the Bryce Canyon VOR 247° radials; Bryce Canyon, Utah, VOR; Hanksville, Utah, VOR; Grand Junction, Colo., VOR; Denver, Colo., VOR; Wolbach, Nebr., VOR; Des Moines, Iowa, VOR; Joliet, Ill., VOR; Celeveland, Ohio, VOR; INT of the Cleveland VOR 079° and the Allentown VOR 288° radials; Allentown, Pa., VOR; to the Idlewild, N. Y., VOR.

3. Section 602.564 is added to read:

§ 602.564 *VOR/VORTAC jet route No. 64 (Los Angeles, Calif., to Chicago, Ill.).* From the Los Angeles, Calif., VOR via the Hector, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR; Alamosa, Colo., VOR; Hill City, Kans., VOR; Pawnee City, Nebr., VOR; Bradford, Ill., VOR; to the Joliet, Ill., VOR.

4. Section 602.578 is added to read:

§ 602.578 *VOR/VORTAC jet route No. 78 (Los Angeles, Calif., to New York, N. Y.).* From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 089° and the Rice VOR 258° radials; Rice, Calif., VOR; Prescott, Ariz., VOR; Albuquerque, N. Mex., VOR; Amarillo, Tex., VOR; INT of the Amarillo VOR 082° and the Tulsa VOR 257° radials; Tulsa, Okla., VOR; Farmington, Mo., VOR; Louisville, Ky., VOR; Charleston, W. Va., VOR; Philipsburg, Pa., VOR; Allentown, Pa., VOR; to the Idlewild, N. Y., VOR.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. January 25, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10655; Filed, Dec. 24, 1958; 8:50 a. m.]

[Amdt. 6]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

DESIGNATION OF ADDITIONAL AREAS AS AIR DEFENSE IDENTIFICATION ZONES

The Department of Defense has advised the Administrator that in the interest of the national security a requirement exists for a Perimeter ADIZ which will, in effect, surround the continental United States. Acting pursuant to the authority delegated to the Administrator by the Secretary of Commerce (16 F. R. 99) Part 620 is hereby amended to include the following areas as Air Defense Identification Zones. The northern boundary of the Atlantic (Coastal) ADIZ has also been modified slightly to make it conform to the Moncton Flight Information Region (FIR) and Moncton Domestic Canadian Air Defense Identification Zone (CADIZ) boundary.

Since a military function of the United States is involved, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 620.21 (f) is amended to read as follows:

§ 620.21 *Domestic ADIZ's.* * * *

(f) *Southern Border (Domestic) ADIZ.* A line extending from 32°16′ N., 117°08′ W.; 32°30′ N., 117°20′ W.; 32°32′03″ N., 117°07′25″ W.; eastward along the United States-Mexican Border to 25°58′ N., 97°07′ W.; 26°00′ N., 97°00′ W.; then along the 26 degree parallel to 26°00′ N., 96°35′ W.

2. In § 620.22, paragraph (b) is amended and a new paragraph (f) is added to read as follows:

§ 620.22 *Coastal ADIZ's.* * * *

(b) *Atlantic (Coastal) ADIZ.* The area bounded by a line 44°30′ N., 67°07′ W.; 44°30′ N., 67°00′ W.; 43°00′ N., 67°-00′ W.; 43°00′ N., 65°48′ W.; 39°80′ N., 63°45′ W.; 30°45′ N., 74°00′ W.; 27°30′ N., 78°50′ W.; 25°40′ N., 79°25′ W.; 24°00′ N., 79°25′ W.; 24°00′ N., 80°00′ W.; 24°49′ N., 80°00′ W.; 29°04′ N., 79°10′ W.; 28°45′ N., 80°00′ W.; 30°05′ N., 81°07′ W.; 30°50′ N., 80°54′ W.; 32°01′ N., 80°32′ W.; 35°10′ N., 75°10′ W.; 36°10′ N., 75°10′ W.; 37°00′ N., 75°30′ W.; 39°30′ N., 73°45′ W.; 40°15′ N., 73°15′ W.; 41°15′ N., 69°30′ W.; 42°-00′ N., 69°30′ W.; 42°40′ N., 70°10′ W.; 43°10′ N., 70°00′ W.; 44°19′ N., 67°53′ W.; 44°30′ N., 67°07′ W. (point of beginning).

* * * * *

(f) *Gulf of Mexico (Coastal) ADIZ.* The area bounded by a line 24°00′ N., 97°00′ W.; 26°00′ N., 96°35′ W.; 26°25′ N., 96°30′ W.; 28°05′ N., 96°30′ W.; 28°42′ N., 95°17′ W.; 29°26′ N., 94°00′ W.; 28°48′ N., 90°00′ W.; 30°00′ N., 88°55′ W.; 30°00′ N., 86°00′ W.; 29°20′ N., 85°00′ W.; 28°55′ N., 83°30′ W.; 25°45′ N., 82°07′ W.; 25°45′ N., 81°27′ W.; thence southeast along a line three nautical miles from the shore line to 25°10′ N., 81°12′ W.; 24°49′ N., 80°55′ W.; 24°49′ N., 80°00′ W.; 24°00′ N., 80°00′ W.; then along the 24 degree parallel to 24°00′ N., 97°00′ W. (point of beginning).

(Sec. 1203, 64 Stat. 825; 49 U. S. C. 703. Interpret or apply secs. 1201-1204, 64 Stat. 825; U. S. C. 701-704)

This amendment shall become effective February 1, 1959.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10640; Filed, Dec. 24, 1958; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 300—GENERAL PROCEDURAL PROVISIONS

PART 320—LOW-RENT HOUSING PROGRAM

PART 330—FEDERALLY OWNED WAR HOUSING PROPERTY

PART 340—WAR HOUSING PROGRAM; POLICY

PART 350—VETERANS' EMERGENCY HOUSING PROGRAM; POLICY

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter III, Public Housing Administration, is amended as follows:

1. Section 300.1 (a) (2) is amended by deleting therefrom the words "PHA, Longfellow Building," and inserting instead the words "Public Housing Administration".

2. Section 320.5 (b) is amended by adding the following sentence: "Information as to locations and areas of jurisdiction of Regional Offices may also be obtained upon written request addressed to the Public Housing Administration, Washington 25, D. C."

3. A new Part 330 "Federally Owned War Housing Property" is added as follows:

Sec.
330.1 Management and disposition.
330.2 Locations and areas of jurisdiction of PHA regional offices.

AUTHORITY: §§ 330.1 and 330.2 issued under sec. 8, 50 Stat. 891, as amended; 42 U. S. C. 1408.

§ 330.1 *Management and disposition.* Virtually all of the Federally owned war housing property has been disposed of by the Public Housing Commissioner in accordance with the provisions of Public Law 849, 76th Congress, as amended, and pursuant to delegation of authority from the Housing and Home Finance Administrator to the Public Housing Commissioner (15 F. R. 372; 18 F. R. 4612). Any such property remaining under the jurisdiction of the Public Housing Administration, and any such property reacquired by the United States or by the PHA for the United States, will be managed, pending disposition, either directly by the PHA or through local public housing authorities or private contract managers. Public announcement will be made of any proposed disposition, except disposition to governmental agencies or to special classes of persons or organizations authorized by law to acquire such property. Such announcement will state the place where detailed information may be obtained as to the specific sales plan, preference if any, sales price, and other terms and conditions. Inquiries concerning any such property, and requests for statements of policy, procedures, and forms issued for the use or guidance of the public, should be directed to the Regional Director of the PHA Regional Office having jurisdiction of the area involved.

§ 330.2 *Locations and areas of jurisdiction of PHA regional offices.* A list of PHA Regional Offices, their addresses, and areas of jurisdiction is published in the FEDERAL REGISTER under the heading "Housing and Home Finance Agency, Public Housing Administration, Description of Agency and Programs." Information as to locations and areas of jurisdiction of Regional Offices may also be obtained upon written request addressed to the Public Housing Administration, Washington 25, D. C.

4. Sections 340.1 through 340.6, which constitute Part 340 "War Housing Program; Policy," and §§ 350.1 through 350.3, which constitute Part 350 "Veterans' Emergency Housing Program; Policy," are hereby revoked.

Date approved: December 17, 1958.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 58-10634; Filed, Dec. 24, 1958; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter D—Miscellaneous Excise Taxes

[T. D. 6344]

PART 148—CERTAIN EXCISE TAX MATTERS UNDER EXCISE TAX TECHNICAL CHANGES ACT OF 1958

TEMPORARY RULES RELATING TO REGISTRATION AND EXEMPTION FOR NONPROFIT EDUCATIONAL ORGANIZATIONS

The following rules, prescribed under the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, approved September 2, 1958), relate to the registration requirements for certain tax-free sales of articles taxable under chapter 32 of the Internal Revenue Code of 1954, as amended, and the exemption from the retailers excise tax, manufacturers excise tax, and the excise tax on transportation and communications applicable with respect to nonprofit educational organizations.

The rules set forth herein are to remain in force and effect until superseded by regulations relating to the subject matters referred to herein conforming with the amendments affecting such matters made by the Excise Tax Technical Changes Act of 1958.

These rules are designed to inform interested taxpayers as to how, when, and where to perform certain acts required or permitted under section 4222 of the Internal Revenue Code of 1954, as added by section 119 (a) of the Excise Tax Technical Changes Act of 1958, section 4057 of the Code, as added by section 105 (a) of the Act, and section 4294 of the Code, as added by section 135 (a) of the Act, to assist them in the performance of such acts and in complying with the added or amended provisions of the Internal Revenue Code.

In order to prescribe temporary rules relating to the subject matters referred to above, the following regulations are hereby issued:

§ 148.1-3 *Temporary procedures for tax-free sales and purchases*—(a) *Purpose of this section.* The purpose of this section is to set forth temporary rules for compliance with the registration requirements of section 4222 of the Internal Revenue Code of 1954, as amended, whereby articles subject to tax under chapter 32 of such Code may be sold tax free on and after January 1, 1959.

(b) *Tax-free sales only if seller and purchaser are registered.* Except as provided in paragraphs (c) and (i) of this section, an article subject to tax under chapter 32 may on and after January 1, 1959, be sold tax free by the manufacturer for the following uses (but only if the seller, first purchaser, and second purchaser, as the case may be, have registered as required by this section)—

(1) For use by the purchaser for further manufacture;

(2) For resale by the purchaser to a second purchaser for use by such second purchaser in further manufacture;

(3) For export by the purchaser;

(4) For resale by the purchaser to a second purchaser for export by the second purchaser;

(5) For use by the purchaser as supplies for vessels or aircraft subject in the case of civil aircraft to the reciprocity requirements of section 4221 (e);

(6) To a State or local government for its exclusive use;

(7) To a nonprofit educational organization for its exclusive use;

(8) In the case of a tire, inner tube, or automobile radio or television receiving set, for use by the purchaser for sale on or in connection with the sale of another article manufactured or produced by such purchaser, provided such other manufactured article is to be sold by the manufacturer thereof for one of the purposes specified in subparagraphs (3) to (7), inclusive, of this paragraph;

(9) In the case of musical instruments, to a religious institution for exclusively religious purposes;

(10) In the case of automobile bodies, to a manufacturer or producer of automobile trucks or other automobiles to be sold by such manufacturer or producer;

(11) In the case of gasoline, to a producer of gasoline; or

(12) In the case of lubricating oil, to a manufacturer or producer of lubricating oil for resale by him.

(c) *Tires, tubes, and automobile radio or television receiving sets.* A tire, inner tube, or automobile radio or television receiving set may not be sold tax free under subparagraphs (1) and (2) of paragraph (b) of this section for use, or for resale for use, in further manufacture.

(d) *Definitions.* For purposes of this section—

(1) *Manufacturer.* The term "manufacturer" includes a producer or importer of an article.

(2) *Export.* The term "export" includes shipment to a possession of the United States; and the term "exported" includes shipped to a possession of the United States.

(3) *Supplies for vessels or aircraft.* The term "supplies for vessels or aircraft" means fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or vessels actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions. For purposes of the preceding sentence, the term "vessels" includes civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and the term "vessels of war of the United States or of any foreign nation" includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof.

(4) *State or local government.* The term "State or local government" means any State, Alaska, Hawaii, the District of Columbia, or any political subdivision of any of the foregoing.

(5) *Nonprofit educational organization.* For definition of the term "nonprofit educational organization" see § 148.1-4 (b).

(6) *Sold for use in further manufacture.* An article shall be treated as sold for use in further manufacture if—

(i) Such article (other than an article referred to in subdivision (ii)) is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article taxable under chapter 32 to be manufactured or produced by him; or

(ii) In the case of an automobile part or accessory taxable under section 4061 (b), a radio or television component taxable under section 4141, or a camera lens taxable under section 4171, such article is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, any other article (taxable or nontaxable) to be manufactured or produced by him.

(e) *Temporary registration*—(1) *Prior registration.* Any person who has been issued a certificate of registry before January 1, 1959, which is still in effect (i) authorizing him either to sell or purchase articles tax free for use in further manufacture of other articles, or for resale for such use, or (ii) as a producer or importer of gasoline or manufacture or producer of lubricating oil, may, on and after January 1, 1959, and until the temporary rules set forth in this section are superseded by subsequent regulations, use such registration for tax-free sales and purchases as provided by this section.

(2) *Other temporary registration.* Any person who is eligible to sell or purchase articles tax free as provided in paragraph (b) of this section and who does not have a prior certificate of registry as referred to in subparagraph (1) of this paragraph may, on and after January 1, 1959, and until the temporary rules set forth in this section are superseded by permanent regulations, make such tax-free sales or purchases in accordance with the following procedure. Such person shall prior to making a tax-free purchase or sale address a communication to the district director for the district in which is located his principal place of business (or if he has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington, D. C.) setting forth: (i) his name, or trade name if one is used, and address; (ii) the nature of the business (manufacturer, exporter, reseller for further manufacture, or nonprofit educational organization, etc.); and (iii) a general description of the types of tax-free sales or purchases intended to be made. In the case of a religious institution (other than a church) and a nonprofit educational organization, additional information shall be furnished showing that the institution or organization is exempt from income tax as an institution or organization described in section 501 (c) (3) of the Internal Revenue Code (or the corresponding provisions of prior revenue laws). Upon the filing of this information with the district director, the seller or purchaser, as the case may be, shall be considered to be temporarily registered for purposes of selling or purchasing articles tax free as indicated in paragraph (b) of this section.

(f) *Evidence of tax-free sale.* The purchaser shall note on the purchase order or other document furnished to the seller by the purchaser the exempt purpose for which the article or articles are being purchased and the registration number of the purchaser as provided in subparagraph (1) of paragraph (e) of this section, or if the purchaser has temporarily registered as provided in subparagraph (2) of paragraph (e) of this section, the date of such registration and the district director with whom registered.

(g) *Failure to register.* If either the seller or purchaser is not registered as provided in paragraph (e) of this section, tax-free sale for any of the purposes specified in paragraph (b) of this section may not be made, except as indicated in paragraph (i) of this section. Where tax is paid but the article is used or resold for use for an exempt purpose, a claim for refund may be filed on Form 843, or credit taken on a subsequent return, in accordance with the provisions of section 6402 (a) or 6416, as the case may be.

(h) *Duty of seller to ascertain use of registration or exemption certificate.* A manufacturer or reseller making a sale for a tax-free purpose as provided by this section must use reasonable diligence to satisfy himself that the tax-free sale is warranted by law. If the manufacturer has knowledge at the time of his sale that the article sold by him is not intended for use or resale as indicated by the purchaser, the manufacturer is liable for the tax and is not relieved of liability by reason of the registration of the purchaser or the furnishing of an exemption certificate or statement by the purchaser.

(i) *Exceptions to the requirement for registration*—(1) *State and local governments.* A State or local government purchasing articles direct from the manufacturer for its exclusive use may, but is not required to, register as provided in this section of the regulations. To establish the right to sell articles tax free to a State or local government which is not registered, the manufacturer must comply with the provisions of § 314.24 of Regulations 44 (26 CFR (1939) Part 314) and § 316.24 of Regulations 46 (26 CFR (1939) Part 316), as prescribed under and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, 19 F. R. 5167, August 17, 1954.

(2) *Sales or resales for export to foreign purchaser.* In the case of sales for export or for resale for export, where the first purchaser or the second purchaser is located in a foreign country or possession of the United States, such purchaser is not required to register as provided in paragraph (e) of this section. To establish the right to sell articles tax free for export to a purchaser who is not registered and who is located in a foreign country or a possession of the United States, the manufacturer must obtain from such purchaser the information required in § 314.25 of Regulations 44 (26 CFR (1939) Part 314) and § 316.25 of Regulations 46 (26 CFR (1939) Part 316). For requirements as to proof of exportation see section 4221 (b).

(3) *Sales of mechanical pencils, fountain pens, and ball point pens for export.* A manufacturer of mechanical pencils, fountain pens, and ball point pens and a purchaser of these articles may not register under the provisions of these regulations in order to sell or purchase these articles tax free for export or for resale for export. To establish the right to sell mechanical pencils, fountain pens, and ball point pens tax free for export or for resale by the purchaser to a second purchaser for export, the manufacturer must comply with the provisions of § 316.25 of Regulations 46 (26 CFR (1939) Part 316). For requirements as to proof of exportation see section 4221 (b).

(4) *United States.* The registration requirements of this section do not apply to purchases and sales by the United States. The United States or any of its agencies or instrumentalities may purchase and sell taxable articles for any of the exempt purposes specified in paragraph (b) of this section provided the purchase order or other document relating to such purchases clearly indicates that the articles are being purchased tax free as authorized by chapter 32 of the Code.

§ 148.1–4 *Tax-free sales or services to certain nonprofit educational organizations*—(a) *In general.* Sales to, or facilities or services furnished, a nonprofit educational organization, as defined in paragraph (b), are not subject to the tax imposed by:

(1) Chapter 31 of the Internal Revenue Code of 1954, relating to retailers excise taxes,

(2) Chapter 32 of the Internal Revenue Code of 1954, relating to manufacturers excise taxes,

(3) Section 4251 of the Internal Revenue Code of 1954, relating to the tax on communication services or facilities, or

(4) Section 4261 of the Internal Revenue Code of 1954, relating to the tax imposed upon the transportation of persons.

(b) *Definition of nonprofit educational organization.* The term "nonprofit educational organization" means an organization exempt from income tax under section 501 (a) of the Internal Revenue Code of 1954 whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term also includes a school operated as an activity of an organization described in section 501 (c) (3) which is exempt from income tax under section 501 (a), provided such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(c) *Retailers excise taxes*—(1) *Exemption.* Section 4057 of the Code provides an exemption from the retailers excise tax with respect to the sale after December 31, 1958, of any article, including liquid fuel referred to in section 4041 of the Code, to a nonprofit educational organization, as defined in paragraph (b), for its exclusive use. In addition section 4057 provides an exemption from the tax on the use of liquid fuel imposed by section 4041 with respect to the use after such date by a nonprofit educational organization of such liquid fuel. In the case of a school operated as an activity of an organization described in section 501 (c) (3), referred to in paragraph (b) of this section, the sale must be for the exclusive use of such school, or in the case of liquid fuel, such liquid fuel must be used by such school.

(2) *Evidence required to establish tax-free sales to a nonprofit educational organization; general rule.* (i) Except as provided in subparagraph (3) of this paragraph, to establish the right to exemption under section 4057 the retailer must obtain from the purchaser and retain in his possession a properly executed exemption certificate as set forth in paragraph (h) (1). Such certificate shall show that the organization has received a determination letter from a district director or a ruling from the Commissioner holding the organization to be exempt from income tax as an organization described in section 501 (c) (3) or that it has received such determination letter or ruling under the corresponding provisions of prior revenue laws. The exemption certificate must also show the date of such determination letter or ruling and that such determination letter or ruling is still in effect and has not been withdrawn or revoked. Unless exemption from income tax has been established by such a determination letter or ruling, the retailer does not have the right to make tax-free sales. The organization, in order to enable the retailer to establish his right to sell tax free, shall apply to the district director for the district in which its principal office is located for a determination of its status. Application for a determination should be made by filing Form 1023 with such district director. Copies of the form and instructions as to the appropriate procedure to be followed in filing it may be obtained from the appropriate district director.

(ii) The exemption certificate must also include a statement that the organization (or the school operated as an activity of an organization which has such a determination letter or ruling) normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(3) *Evidence required to establish tax-free sales to a school operated as an activity of a church, parish, or other religious body.* (i) In the case of sales to a school operated as an activity of a church, parish, or other religious body, to establish the right to exemption under section 4057, the retailer must obtain from the purchaser and retain in his possession a properly executed exemption certificate as set forth in paragraph (h) (2). Such certificate shall show that the purchaser is either—

(*a*) A school operated as an activity of a church, parish, or other religious body within the meaning of section 503 (b) (1); or

(*b*) A church, parish, or other religious body within the meaning of section 503 (b) (1) which operates a school as one of its activities,

and that the purchase is for the exclusive use of that school.

(ii) The exemption certificate must also include a statement that such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(4) *Frequency of certificates.* Where only occasional sales are made by a retailer to a nonprofit educational organization, as defined in paragraph (b) of this section a separate exemption certificate should be furnished for each order. However, where sales by the retailer to the educational organization are regularly or frequently made, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificate and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001 of the Code and the regulations thereunder.

(5) *Exemption certificate.* (i) For form of certificates for exemption from retailers excise taxes for use by a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (1) of this section.

(ii) For form of certificates for exemptions from retailers excise taxes for use by a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (2) of this section.

(6) *Prima facie evidence of exempt use.* In the absence of circumstances indicating a different use, the exemption certificate procured by the retailer from the purchasing nonprofit educational organization will be acceptable as prima facie evidence that the article is purchased for the exclusive use of such organization.

(7) *Exemption certificate not obtained prior to filing of retailer's excise tax return.* If the sale is otherwise exempt but the exemption certificate is not obtained prior to the time the retailer files a return covering taxes due for the period in which the sale was made, the retailer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a credit may be taken on a subsequent return or a claim for refund of the tax paid on such sale may be filed on Form 843, within the period of limitation prescribed by section 6511 (b) of the Code and § 301.6511 (b)-1.

(d) *Manufacturers excise taxes*—(1) *Exemption.* Section 4221 (a) (5) of the Code provides an exemption from the manufacturers excise tax with respect to the sale after December 31, 1958 of an article by the manufacturer, producer, or importer thereof to certain nonprofit educational organizations, as defined in paragraph (b) of this section, for their exclusive use. However, the exemption authorized by that section does not apply with respect to the sale of any article unless both the manufacturer, producer, or importer and the nonprofit educational organization are registered as provided in § 148.1-3 of these temporary rules. See such section of these temporary rules for the requirements relating to the tax-free sale of articles subject to the manufacturers excise tax to a nonprofit educational organization for its exclusive use.

(e) *Communication services or facilities furnished to nonprofit educational organizations*—(1) *Exemption.* Under the provisions of section 4294 (a) of the Code, amounts paid after December 31, 1958, for communication services or facilities furnished to a nonprofit educational organization, as defined in paragraph (b) of this section, are exempt from the tax imposed by section 4251, if such amounts are paid by such organization. In the case of a school operated as an activity of an organization described in section 501 (c) (3), which is exempt from income tax, the exemption from the communications tax only applies to the amount paid for services or facilities which are for the exclusive use of the school.

(2) *Exemption certificate for payments made by a nonprofit educational organization.* (i) A nonprofit educational organization shall establish its right to exemption by properly executing and furnishing to the person providing the service or facility an exemption certificate. No additional exemption certificates are required where payment for services or facilities furnished is made by such organization from its funds direct to such person.

(ii) For form of certificates for exemption from communications taxes for use by a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (3) of this section.

(iii) For form of certificates for exemption from communications taxes for use by a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (4) of this section.

(3) *Exemption certificate for payments made by a person other than a nonprofit educational organization.* (i) In all cases where payment is made for communication services or facilities furnished to a nonprofit educational organization by a person other than such nonprofit educational organization but for which he is reimbursed by such organization, the right to exemption shall be evidenced by properly executed exemption certificates. An agent of a telegraph, telephone, radio, or cable company should not accept an exemption certificate unless satisfied, on the basis of proper credentials or otherwise, that the person who signed it is the person whom he represents himself to be and that the exemption claimed is allowable under the law. A separate exemption certificate will be required for each message paid for as a separate item, but where periodic payments are made, a blanket certificate (for a period not to exceed one month) may be accepted as evidence of the right to exemption.

(ii) For form of certificates for exemption from communications taxes for use on behalf of a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (3) of this section.

(iii) For form of certificates for exemption from communications taxes for use on behalf of a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (4) of this section.

(f) *Exemption from tax on the transportation of persons*—(1) *In general.* Under the provisions of section 4294 (a), the tax imposed by section 4261 shall not apply to amounts paid after December 31, 1958 by a nonprofit educational organization, as defined in paragraph (b) of this section, for the transportation of persons or for seating or sleeping accommodations furnished to such organization. Amounts paid for transportation or facilities by an officer, employee, or student of such nonprofit educational organization who is traveling on a mileage or other allowance basis are exempt from tax where reimbursement is made to such officer, employee, or student by such nonprofit educational organization. In the case of a school operated as an activity of an organization described in section 501 (c) (3) which is exempt from income tax, the exemption from the tax on the transportation of persons only applies to amounts paid for such transportation of persons rendered for the exclusive benefit of such school.

(2) *Evidence of right to exemption.* (i) The right to exemption from the tax on the transportation of persons shall be established by the use of exemption certificates. A separate certificate must be furnished with respect to each amount paid for transportation or for seating or sleeping accommodations furnished in connection therewith. Where a nonprofit educational organization, as defined in paragraph (b) of this section, purchases transportation or facilities for a group of persons, as in the case of a college football team using transportation facilities to travel to the site of a game away from home, one certificate covering the total amount paid may be accepted by the carrier. Where such organization makes periodic payments for transportation or facilities furnished officers, employees, or students of such organization, one certificate covering the total amount paid at any one time may be accepted by the carrier. One exemption certificate covering a number of separate payments may not be accepted by the carrier. Each person claiming exemption from the tax must identify himself by presenting credentials in the form of papers, documents, or other evidence which will reasonably assure the agent of the carrier collecting a payment that he is the person covered by the exemption certificate furnished on behalf of the nonprofit educational organization. The exemption certificate must be submitted to the carrier at the time the payment for transportation or facilities is made.

(ii) For form of certificates for exemption from taxes on the transportation of persons for use by a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (5) of this section.

(iii) For form of certificates for exemption from taxes on the transportation of persons for use by a school operated as an activity of a church, parish, or other religious body, see paragraph (h) (6) of this section.

(g) *Retention of exemption certificates.* The exemption certificates required under paragraphs (c), (e), and (f) of this section shall be retained by the retailer, carrier, or comunications facility, together with the record of the goods sold, the services rendered, or the facilities furnished, and made available for inspection by internal revenue officers for a period of at least three years from the date the tax would have become due, if payable.

(h) *Forms of exemption certificates.* The following forms of exemption certificates will be acceptable for the purposes of this section and must be adhered to in substance:

(1) Form of certificate for exemption from retailers excise taxes for use by a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by a nonprofit educational organization purchasing articles subject to retailers excise tax for its exclusive use)

----------, 19--
(Date)

The undersigned hereby certifies that he is ---------- of ------------------------;
(Title) (Exempt organization)
that he is authorized to execute this certificate; and that the articles specified in the accompanying order or on the reverse side hereof are purchased by such organization exclusively for use in its educational activities.

It is understood that this exemption certificate is for use only by a nonprofit educational organization in the tax-free purchase for its exclusive use of articles subject to the retailers excise tax; or by an organization exempt from income tax described in section 501 (c) (3) of the Code in the tax-free purchase of any such article for the exclusive use of its school which qualifies for the exemption; and it is agreed that if any article purchased tax free under this exemption certificate is used otherwise, such fact will be reported to the retailer from whom the tax-free purchase was made.

The organization claiming exemption under this certificate has received a determination letter (or a ruling) from the Internal Revenue Service holding the organization to be exempt from income tax as an organization described in section 501 (c) (3) of the Internal Revenue Code (or has received a determination letter (or ruling) under the corresponding provisions of prior revenue laws). The date of such determination letter (or ruling) is ---------- and such determination letter (or ruling) has not been withdrawn or revoked.

The exempt organization, or the school operated as an activity of the exempt organization, normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

(2) Form of certificate for exemption from retailers excise taxes for use by a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by or for a school operated as an activity of a church, parish, or other religious body in purchasing articles subject to retailers excise tax for the exclusive use of the school)

----------, 19--
(Date)

The undersigned hereby certifies that he is ---------- of ------------------------;
(Title) (School, church, parish, etc.)
that he is authorized to execute this certificate; and that the articles specified in the accompanying order or on the reverse side hereof are purchased by such institution exclusively for use in its educational activities.

It is understood that this exemption certificate is for use only by a school operated as an activity of a church, parish, or other religious body in the tax-free purchase for its exclusive use of articles subject to the retailers excise tax; or by a church, parish, or other religious body in the tax-free purchase of any such article for the exclusive use of its school which qualifies for the exemption; and it is agreed that if any article purchased tax free under this exemption certificate is used otherwise, such fact will be reported to the retailer from whom the tax-free purchase was made.

The school operated as an activity of the church, parish, or other religious body normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

(3) Form of certificate for exemption from communications taxes for use by or on behalf of a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by or on behalf of a nonprofit educational organization exempt from communications tax)

----------, 19--
(Date)

The undersigned hereby certifies that he is --------------- of ------------------;
(Title or capacity) (Exempt organization)
that he is authorized to execute this certificate; and that the communication services or facilities furnished or to be furnished to the organization by ----------------------

----
(Telephone, telegraph company, etc.)
will be paid for from funds of the organization and are for the exclusive use of the organization in the educational activities which qualify it for exemption from tax under section 4294 of the Internal Revenue Code.

The organization claiming exemption under this certificate has received a determination letter (or a ruling) from the Internal Revenue Service holding the organization to be exempt from income tax as an organization described in section 501 (c) (3) of the Internal Revenue Code (or has received such determination letter (or ruling) under the corresponding provisions of prior revenue laws). The date of such determination letter (or ruling) is ---------- and such determination letter (or ruling) has not been withdrawn or revoked.

The exempt organization normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

(4) Form of certificate for exemption from communications taxes for use by or on behalf of a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by or on behalf of a school operated as an activity of a church, parish, or other religious body for exemption from communications tax)

----------, 19--
(Date)

The undersigned hereby certifies that he is ---------------, of ------------------;
(Title or capacity) (School, church, parish, etc.)
that he is authorized to execute this certificate; and that the communication services or facilities furnished or to be furnished to the institution by ----------------------
(Telephone, telegraph company, etc.)
will be paid for from the funds of the institution and are for the exclusive use of the school.

The school operated as an activity of the church, parish, or other religious body normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

(5) Form of certificate for exemption from taxes on the transportation of persons for use by or on behalf of a nonprofit educational organization other than a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by or on behalf of a nonprofit educational organization exempt from the tax on the transportation of persons)

----------, 19--
(Date)

Place of issue of ticket(s) ----------------
Ticket Form No.(s) ----- Ticket No.(s) -----

(To be filled in by agent of carrier issuing ticket)

For --
(Transportation-seat, berth, or stateroom)

Via --

From --

To --

The undersigned hereby certifies that he is ---------------- of ---------------------;
(Title or capacity) (Exempt organization)
that he is authorized to execute this certificate; and that the transportation furnished or to be furnished to the organization by

----
(Name of carrier)
will be paid for from funds of the organization and is for the exclusive use of the organization in the educational activities which qualify it for exemption from tax under section 4294 of the Internal Revenue Code.

The organization claiming exemption under this certificate has received a determination letter (or a ruling) from the Internal Revenue Service holding the organization to be exempt from income tax as an organization described in section 501 (c) (3) of the Internal Revenue Code (or has received such determination letter (or ruling) under the corresponding provisions of prior revenue laws). The date of such determination letter (or ruling) is ---------- and such determination letter (or ruling) has not been withdrawn or revoked.

The exempt organization normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

(6) Form of certificate for exemption from taxes on the transportation of persons for use by or on behalf of a school operated as an activity of a church, parish, or other religious body:

EXEMPTION CERTIFICATE

(For use by or on behalf of a school operated as an activity of a church, parish, or other religious body for exemption from tax on the transportation of persons)

-----------, 19--
(Date)

Place of issue of ticket(s) ----------------

Ticket Form No.(s) ----- Ticket No.(s) -----

(To be filled in by agent of carrier issuing ticket)

For --
(Transportation—seat, berth, or stateroom)

Via --

From --

To --

The undersigned hereby certifies that he is ---------------- of ---------------------;
(Title or capacity) (School, church parish, etc.)
that he is authorized to execute this certificate; and that the transportation furnished or to be furnished to the institution by

----
(Name of carrier)
will be paid for from the funds of the institution and is for the exclusive use of the school.

The school operated as an activity of the church, parish, or other religious body normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature of authorized individual)

(Address)

Because the provisions of law under which these temporary rules are prescribed become effective on January 1, 1959, and because it is essential that rules implementing these provisions of law be in effect on such date, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: December 22, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10680; Filed, Dec. 23, 1958; 12:30 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

LIMITATION OF TIME FOR PAYMENT

Part 202, Subchapter A, Chapter II, Subtitle B, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 176, Revised, dated December 21, 1945, as amended), is hereby amended effective December 31, 1958, by revising § 202.28 to read as follows:

§ 202.28 *Limitation of time for payment*—(a) *Checks drawn on the Treasurer of the United States.* All checks heretofore or hereafter drawn on the Treasurer of the United States, including those drawn by wholly owned and mixed-ownership Government corporations, are payable without limitation of time: *Provided,* That where on presentation of any check for payment the Treasurer of the United States is on notice of a doubtful question of law or fact the payment of such check will be deferred pending settlement by the General Accounting Office.

(b) *Checks drawn on depositaries.* After the expiration of one year following the close of the fiscal year (ending June 30) in which they are drawn, checks drawn by authorized officers of the United States on designated depositaries are not payable by those depositaries and should be transmitted by the owner or holder to the General Accounting Office, Washington 25, D. C., for settlement, accompanied by a request for payment over the signature and address of the owner or holder of such checks. This paragraph does not apply to checks drawn by wholly owned or mixed-ownership Government corporations on designated depositaries.

(Sec. 10, 56 Stat. 356, as amended; 12 U. S. C. 265. Interprets or applies sec. 1, 71 Stat. 464; 31 U. S. C. 132)

Dated: December 22, 1958.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10651; Filed, Dec. 24, 1958; 8:50 a. m.]

Subchapter B—Bureau of the Public Debt

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

MISCELLANEOUS AMENDMENTS

DECEMBER 19, 1958.

The following changes are hereby made:

1. Section 306.2 (i) is hereby amended and revised to read:

(i) The words "assigned in blank" refer to assignments of bonds by or on behalf of the owner, but without the space provided for the name of the assignee being filled in. The words "bonds so assigned as to become, in effect, payable to bearer," refer to bonds assigned in blank or to "bearer" or those on which the assignment form or forms have been signed by or on behalf of the owner, and the words "The Secretary of the Treasury for exchange for coupon bonds" (or substantially similar words), or in the case of Treasury Bonds, Investment Series B-1975-80, the words "The Secretary of the Treasury for exchange for the current Series EA or EO Treasury notes", have been inserted in the space provided for the name of the assignee, without inserting also the name of the person to whom the bearer securities are to be delivered.

2. Section 306.3 (a) is hereby amended and revised to read:

(a) *Registered securities.* Transferable registered bonds are payable, according to their terms, only to the designated payees or "registered assigns" (including assignees or successors in title), and are transferable by delivery pursuant to assignments duly executed by them or their duly authorized representatives. Nontransferable securities, which are issued only in registered form, are payable according to their terms to the registered owners or recognized successors in title, but are not transferable by assignment or otherwise, except to the extent and in the manner provided in the offering circulars or applicable regulations. The interest due on registered bonds to which these regulations apply, in whole or in part, is paid by checks drawn on the Treasurer of the United States to the order of the owners of record. Bearer bonds may be exchanged for registered bonds and holders may wish to take advantage of this privilege for their own protection, particularly where adequate facilities for safekeeping are not available. Relief may be granted on account of the loss, theft or destruction of transferable or nontransferable registered securities upon compliance with the applicable provisions of Subpart L of this part.

3. Section 306.11 (a) (2) is hereby amended and revised to read:

(2) *Natural guardians of minors.* A bond may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified. Either parent with whom the minor resides or, if he does not reside with either parent, the person who furnishes his chief support, will be recognized as his natural guardian for the purposes of this paragraph, for example:

John Jones as natural guardian of Henry Jones, a minor.

The person recognized as natural guardian will be considered as a fiduciary. Registration in the name of a minor himself (as distinguished from registration in the name of a legal or natural guardian) as owner or coowner is not authorized, except to the extent provided in § 306.57 (a) (3) or (c).

4. Section 306.11 (a) (7) is hereby amended and revised to read:

(7) *Private organizations (corporations, unincorporated associations and partnerships).* A bond may be registered in the name of any private corporation, unincorporated association or partnership. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement or other authority from which its powers are derived, as the case may be, must be included in the registration, and may be followed, if desired by a parenthetical reference to a particular book account or fund other than a trust fund, in accordance with the rules and examples given below:

(i) *A corporation.* The name of a business, fraternal, religious or other private corporation must be followed by the words "a corporation", unless the corporate status is shown in the name or the name is that of an organization which is required by Federal law to be incorporated such as National banks, Federal building and loan associations, or Federal credit unions, for example:

Smith Manufacturing Company, a corporation.
The Standard Manufacturing Corporation.
Jones and Brown, Inc.
First National Bank of ----------

5. Section 306.12 is hereby amended and revised to read:

§ 306.12 *Forms or registration for nontransferable securities.* The forms of registration set forth in § 306.11 are authorized upon authorized reissue of Treasury Bonds, Investment Series B-1975-80.

6. Section 306.15 is hereby amended and revised to read:

§ 306.15 *General.* Transferable registered bonds are eligible for transfer, denominational exchange and exchange for coupon bonds, except that Panama Canal bonds are eligible for transfer and denominational exchange only. Treasury Bonds, Investment Series B-1975-80, are eligible for transfer by way of authorized reissue and denominational exchange, and for exchange for the current series of $1\frac{1}{2}$ percent 5-year Treasury Notes. Coupon bonds and other bearer securities, other than Panama Canal bonds, are eligible for denominational exchange, except that Treasury bills may be exchanged only from higher to lower denominations. Coupon bonds of any loan or issue are eligible for exchange for registered bonds. The securities submitted for any transaction must be presented and surrendered to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. If the securities presented are in order for the transaction requested, they will be retired and new securities in an equal face amount in authorized denominations will be issued and delivered. Except as otherwise specifically provided, the new securities will be of the same loan and issue as those presented. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Securities presented for any transaction described in this section, except denominational exchange, must be received by the agency authorized to complete the transaction not less than one full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity, and any security so presented which is received too late to comply with this provision will be accepted for payment only or redemption-exchange if new securities are offered.

7. Section 306.16 is hereby amended and revised to read:

§ 306.16 *Transfers of registered securities.* Registered bonds which are eligible for transfer from one person to another and presented for that purpose must be properly assigned in accordance with Subpart F, except that no assignment will be required for transfer to a succeeding fiduciary or other legal successor, including a guardian or equivalent representative, representative or distributee of a decedent's estate or a trust estate, or a corporation with which another corporation has merged or consolidated, but satisfactory proof of successorship will be required. Assignments for transfer should be made to the transferee. Assignments in blank will also be accepted, but should be used with caution; see § 306.42. Specific signed instructions for the issuance and delivery of the new bonds must accompany the bonds presented. (Form PD 1644 may be used.) The new bonds will bear interest from the interest payment date next preceding the date of presentation, except as provided in § 306.37 (b).

8. Section 306.17 is hereby amended and revised to read:

§ 306.17 *Denominational exchanges of registered securities.* No assignment or endorsement will be required for the authorized exchange of registered Treasury bonds for like securities in the same names in other authorized denominations, as no change of ownership is involved. Specific signed instructions for the issuance and delivery of the new securities must accompany the securities presented. (Form PD 1827 may be used.)

9. Section 306.19 is hereby amended and revised to read:

§ 306.19 *Reissue of nontransferable securities.* Nontransferable securities governed by these regulations may be reissued only in the names of (a) successors in title, including, but not limited to, succeeding organizations, persons entitled upon the dissolution of an organization, and succeeding trustees or persons entitled upon termination of a trust, or (b) persons entitled upon the death of the owner as legal representatives or distributees of the estate, except that Treasury Bonds, Investment Series A-1965, may be reissued only as provided in Department Circular No. 815, and Treasury Bonds Investment Series B-1975-80, may also be reissued in the names of state supervisory authorities in pursuance of any pledge required of the owner under state law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be properly assigned for that purpose in accordance with Subpart F and must be accompanied by specific signed instructions for the issuance and delivery of the new bonds.

10. Delete Footnote "3" to § 306.25.

11. Section 306.28 (a) is hereby amended and revised to read:

(a) *General.* Treasury bonds of certain issues are redeemable at par and accrued interest upon the death of the owner, at the option of the representatives of, or persons entitled to, his estate, for the purpose of having the proceeds applied in payment of the Federal estate taxes on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds.[5] All bonds to be redeemed for this purpose must be presented and surrendered to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. They must be accompanied by Form PD 1782, fully completed and duly executed on Part I by the representatives of or persons entitled to the estate, and by proof of their appointment or entitlement. Proof of appointment or entitlement should comply with the provisions of Subpart H. Part II of the form should be executed by the appropriate persons as indicated thereon. Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve Bank or Branch or the Bureau of the Public Debt within one month preceding an interest payment date for redemption before that date a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full 6 months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the District Director of Internal Revenue designated in Form PD 1782, the representatives of the estate will be notified of the deposit, and the District Director will in due course forward a formal receipt for the payment.

12. Section 306.28 (c) is hereby amended and revised to read:

(c) *Restriction on amount redeemable; transactions after death of owner.* The face amount of the bond or bonds which may be accepted for redemption at par, plus any accrued interest thereon, may not exceed the amount of the tax. The entire proceeds of redemption of bonds at par, including any accured interest, must be applied in payment of the Federal estate tax, but if the bond or bonds available are in excess of the amount of the tax and are not in the lowest authorized denominations, they may be exchanged for bonds of lower denominations in accordance with § 306.17 or § 306.22, as applicable, in order that the maximum amount may be selected for redemption at par. In addition to such denominational exchange, other transactions in bonds owned by the decedent and constituting part of his estate which may be conducted after the death of the owner without affecting the eligibility of the bonds for redemption at par, if no change of ownership is involved, include (1) exchange of registered bonds for coupon bonds, (2) transfer to the names of the representatives of his estate, and (3) exchange of coupon bonds for bonds registered in the names of the representatives of the estate, but all such transactions must be explained on Form PD 1782 or in a supplemental statement.

13. Section 306.35 is hereby amended and revised to read as follows:

§ 306.35 *Computation of interest.* The interest on Treasury bonds, Treasury notes and Treasury certificates of indebtedness accrues and is payable on a quarterly, semiannual or annual basis. Quarterly, semiannual or annual interest periods of exactly 3, 6 or 12 months, as the case may be, are used as the basis for computing the amount of the interest accruals. The offering circular and the text of the securities will state on which of these bases the interest accruals on a specific issue are to be computed. If the period of accrual is an exact 3, 6 or 12 months, the interest accrual is an exact one-quarter, one-half or one full year's interest, without regard to the number of days in the period. If the period of accrual is less than an exact 3, 6 or 12 months, the accrued interest is computed by determining the daily rate of accrual on the basis of the exact number of days in the full interest period, and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, as the case may be, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period likewise does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof. (The appendix to this part as originally printed contained a complete explanation of the method of computing the interest on Treasury bonds, notes and certificates of indebtedness in any given situation, as well as tables for convenience in making such computations, and also outlined the method of computing the discount rate on Treasury bills.)[4]

14. Section 306.37 (b) is hereby amended and revised to read:

(b) *Closing of transfer books.* The transfer books of the Treasury Department are closed for one full month preceding interest payment dates for the purpose of preparing interest checks. If the date set for the closing of the transfer books falls on Saturday, Sunday or a legal holiday, the books will be closed at the close of business on the last business day preceding that date. Interest on outstanding registered bonds is paid on the interest payment date to the owners of record on the closing dates. Transactions in registered bonds of the loans involved, other than denominational exchanges (see § 306.17), may not be effected during the closed period except that exchanges of Treasury Bonds, Investment Series B–1975–80, for the current series of EA or EO 1½ percent 5-year Treasury notes, as provided in § 306.20, or optional redemption of bonds at par as provided in § 306.28, may be made at any time. If registered bonds forwarded for transfer or for exchange for coupon bonds or coupon bonds forwarded for exchange for registered bonds are actually received by the Bureau of the Public Debt after the day fixed for closing the books, the transfer or exchange thereof will not be made until the first business day following the date on which interest falls due, when the books are reopened for all purposes.

15. Section 306.41 is hereby amended and revised to read:

§ 306.41 *Assignment forms.* Unless otherwise authorized by the Treasury Department or a Federal Reserve Bank, all assignments must be made on the backs of the bonds. Where all the assignment forms on the back of a bond have been used or spoiled and further assignment is to be made, a similar form, including the witnessing officer's certificate, may be written, typed or stamped in any convenient space on the back of the bond. If there is not sufficient space for an additional form, in any particular case, instructions may be obtained from the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., or any Federal Reserve Bank or Branch.

[4] Copies may be obtained from the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C.

16. Section 306.43 (a) (5) is hereby amended and revised to read:

(5) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, all located in Springfield (Mass.), Baltimore, Columbia (S. C.), Louisville, New Orleans, St. Louis, St. Paul, Omaha, Wichita, Houston, Berkeley and Spokane, and the Central Bank for Cooperatives, Washington, D. C.

17. Section 306.43 (b) (1) is hereby amended and revised to read:

(1) Postmasters, acting postmasters, assistant postmasters, inspectors-in-charge, chief and assistant chief accountants, and superintendents of stations of any post office, but only for assignments of securities for redemption for the account of the assignor or for redemption-exchange for securities to be registered in his name.

18. Section 306.43 (b) (4) is hereby amended and revised to read:

(4) Officers of Federal Savings and Loan Associations or other organizations which are members of the Federal Home Loan Bank System who have been authorized generally to bind their respective organizations by their acts, under the corporate seal, for assignments by the organizations or any of their regular customers of bonds of any class for any authorized transaction.

If an assignment is witnessed, under the corporate seal of an organization designated in subparagraph (4) of this paragraph, by the chairman of the board, the president, any vice president, the secretary or assistant secretary, or the treasurer or assistant treasurer, it will be presumed he was acting within the scope of his authority.

19. Section 306.43 (c) (2) is hereby amended and revised to read:

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies chartered by or incorporated under the laws of the United States, or any state, Commonwealth or Territory of the United States.

20. Section 306.44 is hereby amended and revised to read:

§ 306.44 *Duties of witnessing officers and responsibility for their acts.* The assignor must appear before the witnessing officer, satisfactorily establish his identity, execute the assignment, and acknowledge it to be his free act and deed. The officer must complete the certification provided, by inserting the date, his signature, and his official title and address, and must impress or imprint the proper seal or stamp, if any. An officer of a corporation must use the corporate seal except as provided in § 306.43 (a) (7). A clerk or judge of court must use the seal of the court. The signature of any post office official, other than a postmaster, must be in the following form: "John Doe, Postmaster, by Richard Roe, Superintendent of Station." Any post office official must use the official stamp of his office. Any other witnessing officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Treasury Department. No officer of the United States, except a clerk of a United States court, is authorized to charge a fee for witnessing an assignment of a United States bond, and banking institutions generally impose no charge for the service. The witnessing officer, and, if he is an officer of a corporation, the corporation, will be held responsible for any loss which the United States may suffer as the result of his fault or negligence.

21. Section 306.48 is hereby amended and revised to read:

§ 306.48 *Voidance of assignments.* If an assignment to or for the account of another person has not been and is not to be completed by delivery of the security, the assignment may be voided by obtaining from that person a disclaimer of interest which should be executed in the presence of an officer authorized to witness assignments of bonds as provided in § 306.43. Unless otherwise authorized by the Treasury Department or a Federal Reserve Bank the disclaimer must be written, typed, or stamped on the back of the bond, in substantially the following form:

The undersigned as assignee of this bond hereby disclaims any interest therein.

(Signature)

I certify that the above-named person as described, whose identity is well known or proved to me, personally appeared before me the ------ day of ----------------------
(Month and year)
at ---------- and signed the above disclaimer of interest.
(Place)

[SEAL]

(Signature of witnessing officer)

(Official designation)

In the absence of a disclaimer, affidavits should be submitted explaining why a disclaimer could not be obtained, setting forth all other material facts and circumstances relating to the transaction, and stating specifically that the bond was not delivered to the person named as assignee and that he acquired no right, title, or interest in the bond. If an assignment to or for the account of another person was not properly witnessed or is otherwise imperfect, but has been completed by delivery, it cannot be considered void and must not be altered or erased. A new assignment must be executed in favor of the same assignee, unless the assignment can otherwise be perfected as directed by a Federal Reserve Bank or the Treasury Department.

22. Section 306.50 is hereby amended and revised to read:

§ 306.50 *Nontransferable securities.* The provisions of this subpart, with the exception of those of §§ 306.42 and 306.48, shall apply to Treasury Bonds, Investment Series B-1975-80, and Treasury Savings Notes, provided, that § 306.46 shall apply with respect to assignments of the bonds or requests for payment of the notes. In applying these provisions to Treasury Savings Notes appropriate substitutions in terms should be made, as follows: "Note(s)" or "Treasury Savings Note(s)" for "bond(s)" or "registered bond(s)"; "request(s) for payment" for "assignment(s)"; "requestor(s)" for "assignor(s)"; "certify" for "witness"; and "certifying officer" for "witnessing officer".

23. Section 306.55 is hereby amended and revised to read:

§ 306.55 *Signatures, minor errors, and change of name.* The registered owner's signature to an assignment should be in the form in which his or her name has been inscribed on the face of the bond, unless the name as so inscribed is incorrect or has been changed since the bond was issued. In case of a minor error in inscription (not sufficient to raise any doubt in the mind of the witnessing officer in regard to the identity of the owner), the signature to the assignment should be in the following form, for example, "John Smythe, erroneously inscribed John Smith." In case of a more serious error in inscription, the procedure prescribed in § 306.13 should be followed. In case of a change in name, the signature to the assignment should show both names and the manner in which the change was made, for example "John Young, formerly John Jung (changed by court order)." Satisfactory proof of change of name will be required, but for reissue in the new name no assignment will be necessary. However, if the change resulted from marriage, no proof of the change is required to support an assignment if the signature is written, for example "Mrs. Mary J. Brown, before marriage Miss Mary Jones," and an authorized officer duly witnesses the assignment, thereby certifying that he is satisfied the assignor is the registered owner.

24. Section 306.57 (a) (3) is hereby amended and revised to read:

(3) For redemption for reinvestment in other transferable bonds to be registered in the minor's name in the form "Miss Mary Smith, a minor", if the total face amount of bonds so registered exceeds $500 or if such amount does not exceed $500 but the minor is not of sufficient age and competency to sign his name and understand the nature of the transaction.

25. Section 306.57 (c) is hereby amended and revised to read:

(c) *Assignments by minors.* Bonds registered, before the effective date of these regulations, in the name of a minor for whose estate no guardian or similar representative has been appointed by a proper court or is otherwise legally qualified, may be assigned by the minor at maturity or call for redemption or redemption-exchange for new bonds to be registered in his name in the form "Henry Smith, a minor", if the total face amount of matured or called bonds so registered does not exceed $500, and if the minor, in the opinion of the witnessing officer, is of sufficient age and competency to sign his name to the assignments and understand the nature of the transaction. Payment will be made by check drawn to the order of the minor.

26. Section 306.59 is hereby amended and revised to read:

§ 306.59 *Attorneys in fact.* Assignments by attorneys in fact for individual owners or coowners will be recognized if supported by adequate powers of attorney. The use of Form PD 1001 or 1002 is suggested but any form sufficient in substance may be used. Every power must be executed in the presence of an officer authorized to witness assignments of the bonds for the desired transactions. A power may be either general or specific, depending on whether the owner desires to authorize execution of assignments of all his bonds assignable under these regulations or to limit the authority to bonds of designated issues or to certain designated bonds. The original power must be filed with the Treasury Department, except that a photocopy certified by an officer of a Federal Reserve Bank or Branch, or by an officer of a bank or trust company under its corporate seal, will be accepted, if the seal on the original power is legible on the copy or is copied by the certifying officer. An assignment by a substituted attorney in fact must be supported by an appropriate power of substitution, which must be supported in turn by an appropriate authorizing power of attorney. The use of Form PD 1005, 1006, 1007 or 1008 (the particular form depending on whether the power is to be general or specific and whether an individual or a corporation is to be named as attorney in fact) is suggested but any form sufficient in substance may be used. An assignment by an attorney in fact or a substituted attorney in fact for the apparent benefit of either will be accepted only if expressly authorized in both the power of attorney and power of substitution. A power of attorney or of substitution will be recognized until, but not after (unless the power is coupled with an interest) the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., receives proof of revocation or proof of the grantor's death or incompetency, except that a pending transaction will be temporarily suspended on receipt of a request from the grantor of the power, by wire or otherwise, and except further that the Secretary of the Treasury may require evidence in any case that a power is still in full force at the time the Department is requested to act under it. If there are two or more joint attorneys in fact or substitutes all must unite in the assignment unless the power authorizes less than all to act or the bond has matured or been called, in which case less than all may assign for redemption for the account of the bond owner or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the name of the owner. An attorney in fact should execute an assignment with the signature written in the form "A, by B, attorney in fact".

27. Section 306.60 is hereby amended and revised to read:

§ 306.60 *Nontransferable securities.* The provisions of this subpart, except those of §§ 306.56 (a), 306.57 (a) (1) and 306.58 (c) relating to transfers, shall apply to Treasury Bonds, Investment Series B-1975-80, provided, that the term "exchange" as used in §§ 306.56 (a), 306.57 (a) (1) and 306.58 (c) (1) shall be deemed to refer to the exchange of these bonds for the current series of 1½ percent 5-year Treasury notes. The provisions of this subpart with respect to assignments of bonds except those of § 306.56 and those of §§ 306.57 (a) (1) and 306.58 (c) (1) relating to transfers or exchanges shall apply to requests for payment of Treasury Savings Notes.

28. Section 306.70 is hereby amended and revised to read:

§ 306.70 *Nontransferable securities.* The provisions of this subpart except those of § 306.66 (b) relating to transfer shall apply to Treasury Bonds, Investment Series B-1975-80, provided, that the term "exchange" shall be deemed to refer to the exchange of these bonds for the current series of 1½ percent 5-year Treasury notes. The provisions of this subpart with respect to assignments of bonds shall apply to requests for payment of Treasury Savings Notes, provided, that the term "redemption", as used in § 306.66 (a), shall be deemed to refer to payment of Treasury Savings Notes.

29. Section 306.82 is hereby amended and revised to read:

§ 306.82 *Nontransferable securities.* The provisions of this subpart with respect to assignments are applicable to assignments of Treasury Bonds, Investment Series B-1975-80, and to requests for payment of Treasury Savings Notes.

30. Section 306.88 is hereby amended and revised to read:

§ 306.88 *Political entities and public corporations.* Bonds registered in the name of a state, county, or other political entity, or in the name of an incorporated city, town, village, school district or other public corporation or body, may be assigned for any authorized transaction by a duly authorized officer or officers in accordance with the provisions of §§ 306.85 and 306.86, so far as applicable, except as otherwise provided herein. If evidence of authority derived from a municipal ordinance, charter of a public corporation, or special act of a state legislature is required, a copy of the pertinent provision must be certified to the Department by the proper public officer under official seal. If evidence of authority derived from a state constitution or from a public law is required, the pertinent provision must be cited. If a certificate of incumbency is required, it must be executed by the proper public officer under official seal.

31. Section 306.89 is hereby amended and revised to read:

§ 306.89 *Public officers.* Bonds registered in the title of a public officer who is the official custodian of public funds, for example, "Treasurer, State of North Carolina," may be assigned by the designated officer except that no assignment will be necessary for reissue in the title of the successor upon submission of evidence of succession by operation of law. No evidence will be required in support of an assignment for redemption for the officer's official account or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in his official title or in the name of the political entity or public corporation for which he is acting. Any other assignment must be supported by satisfactory evidence that the assignor is the incumbent of the designated office, except that an assignment for his individual benefit will not be recognized. The evidence must be in the form of a certificate of incumbency executed by the proper public officer under official seal.

32. Section 306.90 is hereby amended and revised to read:

§ 306.90 *Partnerships.* An assignment of a bond registered in the name of a partnership must be executed by a general partner in the form, for example:

Smith and Jones, a partnership
By (signed) John Jones, a general partner.

An assignment for the benefit of one of the partners individually must be executed by another partner. Upon the death of a partner and the resulting dissolution of the partnership, assignment by all the surviving partners and by the persons entitled to assign in behalf of the decedent's estate will be required, unless the laws of the particular jurisdiction authorize the surviving partners to assign without regard to the decedent's estate. The assignment should be supported by an affidavit duly executed by a surviving partner identifying all the persons who had been partners immediately prior to the dissolution. Upon voluntary dissolution of a partnership, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

33. Section 306.91 is hereby amended and revised to read:

§ 306.91 *Nontransferable securities.* The provisions of this subpart shall apply to Treasury Bonds, Investment Series B-1975-80, and to requests for payment of Treasury Savings Notes.

34. Section 306.95 (a) is hereby amended and revised to read:

(a) *General.* The Treasury Department assumes no responsibility for the protection of the interest of any person in securities not in his possession, and neither the Department nor any of its agencies will accept notice of any claim or of pending judicial proceedings by any such person, except as specifically provided in these regulations. (See Subpart L for information in regard to the conditions under which caveats may be entered against transactions in securities of certain classes and relief granted on account of the loss, theft or destruction thereof.) These limitations are based on the fact that the ready marketability of the securities, especially bearer securities, depends in part upon the promptness and freedom with which transactions therein may be effected.

35. Section 306.100 is hereby amended and revised to read:

§ 306.100 *Nontransferable securities.* The provisions of this subpart, with the exception of those of §§ 306.95, 306.96 and 306.98, shall apply to Treasury Bonds, Investment Series B-1975-80, provided, that the reference in § 306.97 (2) to assignment by a sheriff, marshal or other court officer, a trustee in bankruptcy or a receiver or similar officer, other than for redemption, shall be deemed to refer to assignment of the bonds for exchange for 1½ percent 5-year Treasury Notes of EA or EO series, and that the reference in § 306.99 relating to transfer of title and to an implied warranty of a presenter is not applicable. The provisions of this subpart, with the exception of those of §§ 306.95, 306.96 and 306.98, shall apply to Treasury Savings Notes, provided, that reference to assignment in § 306.97 shall be deemed to refer to a request for payment.

36. Section 306.117 is hereby amended and revised to read:

§ 306.117 *Nontransferables.* The provisions of this subpart apply to all nontransferable securities, other than United States Savings Bonds, subject only to the limitations imposed by the terms of the particular issues.

37. Delete "Appendix—Computation of Interest on Treasury Bonds, Treasury Notes, and Treasury Certificates of Indebtedness, and Computation of Discount on Treasury Bills."

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P. L. 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to these amendments.

(R. S. 161, 3706, 40 Stat. 288, as amended, 290, as amended, 1309, as amended, 48 Stat. 343, as amended, 50 Stat. 481, as amended; 5 U. S. C. 22, 31 U. S. C. 739, 752, 752a, 753, 754a, 738a)

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10629; Filed, Dec. 24, 1958; 8:46 a. m.]

Subchapter C—Office of the Treasurer of the United States

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

CHECKS PAYABLE WITHOUT LIMITATION OF TIME

Part 360, Subchapter C, Chapter II, Subtitle B, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 21, Revised, dated September 5, 1946, as amended), is hereby amended by revising § 360.9 to read as follows:

§ 360.9 *Checks payable without limitation of time.* All checks heretofore or hereafter drawn on the Treasurer of the United States, including those drawn by wholly owned and mixed-ownership Government corporations, are payable without limitation of time: *Provided,* That where on presentation of any check for payment the Treasurer of the United States is on notice of a doubtful question of law or fact the payment of such check will be deferred pending settlement by the General Accounting Office.

(R. S. 161, as amended; 5 U. S. C. 22. Interprets or applies sec. 1, 71 Stat. 132)

Dated: December 22, 1958.

[SEAL] JULIAN B. BAIRD,
Secretary of the Treasury.

[F. R. Doc. 58-10652; Filed, Dec. 24, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SHELLED WALNUTS (JUGLANS REGIA)[1]

On October 24, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 8209) regarding a proposed revision of United States Standards for Shelled Walnuts (Juglans regia).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Walnuts (Juglans regia) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

The proposed United States Standards for Shelled Walnuts (Juglans regia) which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following change: In Table III, add a final parenthesis in the last column following "3 percent".

The United States Standards for Shelled Walnuts (Juglans regia) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled English Walnuts (Juglans regia) which have been in effect since March 14, 1954 (§§ 51.2275 to 51.2296).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Dated: December 22, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

AUTHORITY: §§ 51.2275 to 51.2296 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

GENERAL

§ 51.2275 *Application.* The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2276 *Color chart.* The walnut color chart[2] to which reference is made in §§ 51.2281 and 51.2282 has been prepared by the United States Department of Agriculture as a part of these standards.

GRADES

§ 51.2277 *U. S. No. 1.* "U. S. No. 1" consists of portions of walnut kernels which are well dried, clean, free from shell, foreign material, insect injury, decay, rancidity, and free from damage caused by shriveling, mold, discoloration of the meat or other means. (See § 51.2280.)

(a) Color shall be specified in connection with this grade in terms of one of the color classifications. (See §§ 51.2276, 51.2281 and 51.2282.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2284 and 51.2285.)

§ 51.2278 *U. S. Commercial.* "U. S. Commercial" consists of portions of walnut kernels which meet the requirements of U. S. No. 1 grade, except for increased tolerances. (See § 51.2280.)

(a) Color of walnuts in this grade shall be not darker than "amber" classification, and color need not be specified. However, color may be specified in connection with the grade in terms of one of the color classifications. (See §§ 51.2276, 51.2281 and 51.2282.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2284 and 51.2285.)

UNCLASSIFIED

§ 51.2279 *Unclassified.* "Unclassified" consists of portions of walnut kernels which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES FOR GRADE DEFECTS

§ 51.2280 *Tolerances for grade defects.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations, other than for color and size, incident to proper grading and handling, tolerances shall be permitted for the respective grades as indicated in Table I:

TABLE I

Grade	Tolerances for grade defects			
	Total defects	Serious damage	Very serious damage	Shell and foreign material
	Percent	*Percent*	*Percent*	*Percent*
U. S. No. 1	5	2 (included in 5 percent total defects).	1 (included in 2 percent serious damage).	0.05 (included in 1 percent very serious damage).
U. S. Commercial	8	4 (included in 8 percent total defects).	2 (included in 4 percent serious damage).	0.05 (included in 2 percent very serious damage).

COLOR REQUIREMENTS

§ 51.2281 *Color classifications.* The following classifications are provided to describe the color of any lot: "Extra Light", "Light", "Light Amber" or "Amber". The portions of kernels in the lot shall not be darker than the darkest color permitted in the specified classification as shown on the color chart.

§ 51.2282 *Tolerances for color.* (a) All percentages shall be calculated on the basis of weight.

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

(b) In order to allow for variations incident to proper grading and handling, tolerances shall be permitted for the respective color classifications as indicated in Table II:

TABLE II

Color classification	Tolerances for color			
	Darker than extra light [1]	Darker than light [1]	Darker than light amber [1]	Darker than amber [1]
Extra light	15 percent	2 percent (included in 15 percent darker than extra light).		
Light		15 percent	2 percent (included in 15 percent darker than light).	
Light amber			15 percent	2 percent (included in 15 percent darker than light amber).
Amber				10 percent.

[1] See illustration of this term on color chart.

§ 51.2283 *Off color.* The term "off color" is not a color classification, but shall be applied to any lot which fails to meet the requirements of the "Amber" classification.

SIZE REQUIREMENTS

§ 51.2284 *Size classification.* The following classifications are provided to describe the size of any lot: "Halves", "Pieces and Halves", "Pieces" or "Small Pieces". The size of portions of kernels in the lot shall conform to the requirements of the specified classification as defined below:

(a) *Halves.* Lot consists of 85 percent or more, by weight, half kernels, and the remainder three-fourths half kernels. (See § 51.2285.)

(b) *Pieces and halves.* Lot consists of 20 percent or more, by weight, half kernels, and the remainder portions of kernels that cannot pass through a sieve with 24/64 inch round openings. When a lot exceeds this minimum requirement, the actual percentage of halves may be specified. (See § 51.2285.)

(c) *Pieces.* Lot consists of portions of kernels that cannot pass through a sieve with 24/64 inch round openings. (See § 51.2285.)

(d) *Small pieces.* Lot consists of portions of kernels that pass through a sieve with 24/64 inch round openings, but that cannot pass through a sieve with 8/64 inch round openings. When desired, the actual size ranges within such size ranges may be specified. (See § 51.2285.)

§ 51.2285 *Tolerances for size.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper sizing and handling, tolerances shall be permitted for the respective size classifications as indicated in Table III:

TABLE III

Size classification	Tolerances for size				
	Smaller than three-fourths halves	Will not pass through 24/64 inch round hole	Pass through 24/64 inch round hole	Pass through 16/64 inch round hole	Pass through 8/64 inch round hole
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Halves	5			1 (included in 5 percent).	
Pieces and halves [1]			18	3 (included in 18 percent).	1 (included in 3 percent).
Pieces			25	5 (included in 25 percent).	1 (included in 5 percent).
Small pieces [2]		10			2.

[1] No part of any tolerance shall be used to reduce the percentage of halves required or specified in a lot of "pieces and halves".

[2] The tolerances of 10 percent and 2 percent for "small pieces" classification shall apply, respectively, to any smaller maximum or any larger minimum sizes specified.

APPLICATION OF TOLERANCES

§ 51.2286 *Application of tolerances.* The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2287 *Well dried.* "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.2288 *Clean.* "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust, dirt or other foreign material.

§ 51.2289 *Shell.* "Shell" means the outer shell and/or the woody partition from between the halves of the kernel, and any fragments of either.

§ 51.2290 *Insect injury.* "Insect injury" means that the insect, web, frass or other evidence of insects is present on the portion of kernel.

§ 51.2291 *Rancidity.* "Rancidity" means that the portion of kernel is noticeably rancid to the taste. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness (the stage at which the flavor is flat but not objectionable).

§ 51.2292 *Damage.* "Damage" means any defect, other than color, which materially affects the appearance, or the edible or shipping quality of the individual portion of kernel, or of the lot as a whole. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Shriveling when more than one-eighth of the portion of kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance, except that kernels which are thin in cross-section but which are otherwise normally developed shall not be considered as damaged;

(b) Mold when plainly visible;

(c) Discoloration of the meat when more than one-eighth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance;

(d) Not well dried; and,

(e) Not clean.

§ 51.2293 *Serious damage.* "Serious damage" means any defect, other than color, which seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Shriveling when more than one-fourth of the kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance;

(b) Mold when plainly visible on more than one-eighth of the surface of the kernel in the aggregate; and,

(c) Discoloration of the meat when more than one-fourth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance.

§ 51.2294 *Very serious damage.* "Very serious damage" means any defect, other than color, which very seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(a) Shriveling when more than 50 percent of the portion of kernel is severely shriveled;

(b) Mold when plainly visible on more than one-fourth of the surface of the portion of kernel in the aggregate;

(c) Discoloration of the meat when more than one-half the volume of the portion of kernel is severely discolored;

(d) Insect injury;

(e) Rancidity or decay; and,

(f) Shell, or any foreign material.

§ 51.2295 *Half kernel.* "Half kernel" means the separated half of a kernel with not more than one-eighth broken off.

§ 51.2296 *Three-fourths half kernel.* "Three-fourths half kernel" means a portion of a half of a kernel which has more than one-eighth but not more than one-fourth broken off.

[F. R. Doc. 58-10674; Filed, Dec. 24, 1958; 8:53 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR WALNUTS (JUGLANS REGIA) IN THE SHELL [1]

On October 24, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 8210) regarding a proposed revision of the United States Standards for Walnuts (Juglans regia) in the Shell.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Walnuts (Juglans regia) in the Shell are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

The proposed United States Standards for Walnuts (Juglans regia) in the Shell which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following change: In § 51.2954 at the end of the paragraph, insert digit "2" after words "color chart" for reference to footnote.

The United States Standards for Walnuts (Juglans regia) in the Shell contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Walnuts (Juglans regia) in the Shell which have been in effect since August 18, 1957 (§§ 51.2945 to 51.2967).

Dated: December 22, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

AUTHORITY: §§ 51.2945 to 51.2967 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2945 *Application.* The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 *Color chart.* The walnut color chart [2] to which reference is made in §§ 51.2948, 51.2949 and 51.2950 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 *Method of inspection.* In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 *U. S. No. 1.* "U. S. No. 1" consists of walnuts, the shells of which are dry, practically clean, bright, fairly uniform in color, and free from splits, injury by discoloration and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) This grade shall contain at least 50 percent, by count, of walnuts having kernels which are not darker in color than "light" (see color chart), and which are free from defects of U. S. No. 1 grade. Higher percentages of nuts with kernels not darker than "light", which are free from defects of U. S. No. 1 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2949 *U. S. No. 2.* "U. S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) This grade shall contain at least 30 percent, by count, of walnuts having kernels which are not darker in color than "light" (see color chart), and which are free from defects of U. S. No. 2 grade. Higher percentages of nuts with kernels not darker in color than "light", which are free from defects of U. S. No. 2 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 *U. S. No. 3.* "U. S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, insects or any insect injury, and free from damage caused by mold, shriveling or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light" in color. However, the percentage of walnuts in any lot having kernels which are not darker than "light" (see color chart), and which are free from defects of U. S. No. 3 grade, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

UNCLASSIFIED

§ 51.2951 *Unclassified.* "Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952. *Size specifications.* Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening 96/64 inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening 80/64 inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening 77/64 inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be 76/64 inches;

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening 77/64 inches in diameter, and of which not over 12 percent, by count, pass through a round opening 73/64 inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening 73/64 inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening 74/64 inches in diameter, and of which not over 10 percent, by count, pass through a round opening 60/64 inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classifications, size of walnuts may be specified in terms of minimum diameter or minimum and maximum diameter: *Provided,* That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 *Variety or type specifications.* The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided,* That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 *Tolerances for grade defects.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the color chart.[2]

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U. S. No. 1......	10 percent for splits. In addition 5 percent total, for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not over five-sixths of the latter amount, or 5 percent affected by insects or insect injury.	No tolerance for the required 50 percent or any larger percentage of "light" kernels specified.
U. S. No. 2......	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not over one-half of this latter amount, or 5 percent, affected by insects or insect injury.	No tolerance for the required 30 percent or any larger percentage of "light" kernels specified.
U. S. No. 3......	10 percent for splits. In addition 10 percent total, for defects other than splits, including not over 5 percent serious damage by adhering hulls.	30 percent total, including not more than 20 percent serious damage, but not over one-half of the latter amount, or 10 percent, for very serious damage by shriveling or serious damage by causes other than shriveling.	No tolerance for any percentage of "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 *Application of tolerances.* The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 *Practically clean.* "Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 *Bright.* "Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 *Fairly uniform color.* "Fairly uniform color" means that the shell color of individual nuts does not contrast materially with the general color of the lot.

§ 51.2959 *Splits.* "Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2960 *Injury by discoloration.* "Injury by discoloration" means that the color of affected portions of the shell contrasts materially with the color of the rest of the shell of the individual nut.

§ 51.2961 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when any material portion of the shell is missing or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color contrasting with the color of the rest of the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or gray, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or gray mold which is thick and conspicuous; or any yellow, blue, green or other colored mold; and,

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled; or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed, shall not be considered as damaged.

§ 51.2962 *Well dried.* "Well dried" means that the kernel is firm and crisp, not pliable or leathery.

§ 51.2963 *Dark discoloration.* "Dark discoloration" means that the color of the skin of the kernel is darker than "amber". (See color chart [2].)

§ 51.2964 *Rancidity.* "Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2965 *Fairly clean.* "Fairly clean" means that from the viewpoint of general appearance the lot is not seriously damaged by adhering dirt or other foreign matter and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2966 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the walnut. Decay, rancidity and insects or insect injury shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color contrasting sharply with the color of the rest of

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

the shell or the majority of shells in the lot; or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or gray, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel; or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2967 *Very serious damage by shriveling.* "Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance.

[F. R. Doc. 58-10673; Filed, Dec. 24, 1958; 8:53 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 12]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended, are hereby amended effective beginning with the 1960 crop year as follows:

1. Section 401.2 is amended to read as follows:

§ 401.2 *Insurable crops, coverages, premium rates, and fixed price.* The Manager shall establish coverages, premium rates, and if applicable fixed prices used to evaluate production, for each crop which is insurable in a county, and for combined crop insurance which shall be shown together with the crops which are insurable in the county, on the county actuarial table on file in the county office. The Manager of the Corporation is authorized in any county to designate on the county actuarial table for that county, any crops on which coverages will not be provided unless the insured has in force a contract providing coverages on additional insurable crops, which crops shall also be designated on the county actuarial table. Such coverages, premium rates, fixed prices, and crops may be changed from year to year.

2. The closing dates established for combined crop insurance in the table following paragraph (a) of § 401.3, as amended, are deleted.

3. Paragraph (a) of § 401.3, as amended, is amended by striking the period at the end of the sentence preceding the table contained therein, substituting a colon therefor, and adding the following: "*Provided, however,* That the closing date for combined crop insurance in any county shall be the earliest closing date for that county shown below for any of the crops for which coverages and premium rates are shown on the actuarial table for that county for combined crop insurance."

4. Paragraph (b) of § 401.3 is amended by adding a sentence thereto reading as follows: "This paragraph with respect to combined crop insurance shall apply only in those counties where the insurable crops shown on the county actuarial table for combined crop insurance are limited to cotton and tobacco."

5. Paragraph (g) of § 401.3 is amended to change the wording preceding the first colon contained therein to read as follows: "A person who is insured under an existing contract may use the following form to change his contract in any manner permissible under the terms of his contract."

6. In § 401.29, the combined crop endorsement is amended to read as follows:

1. *General.* As to each insured crop, the provisions for that crop contained in the individual endorsement for such crop on file in the county office shall apply except as provided otherwise herein. In addition, for the purpose of combined crop insurance, those parts of the policy which refer to individual crops shall be considered to mean all crops insured under this endorsement.

2. *Insured crops.* In lieu of the first sentence of section 1 of the policy, the following shall apply: "The crops insured are all of the crops (to the extent of interest of the insured therein as hereinafter set out) for which coverages and premium rates are shown on the county actuarial table for combined crop insurance, and which are grown on insured acreage."

3. *Annual premium.* Section 3 of the individual crop endorsements for dry edible beans, corn, cotton, flax, and wheat shall not be applicable under combined crop insurance.

4. *Life of the contract, cancellation, or termination thereof.* Section 6 of the cotton endorsement and section 7 of the tobacco endorsement shall not be applicable under combined crop insurance.

5. *Other insurance.* Section 8 of the tobacco endorsement shall not be applicable under combined crop insurance.

6. *Meaning of terms.* For purposes of combined crop insurance the term: "Insurance unit," notwithstanding any other provisions of the policy or any endorsement thereto means (i) all insurable acreage of all insured crops in the county in which one person at the time of planting has the entire interest in the crops, or (ii) all such insurable acreage in the county in which two or more persons at the time of planting have the entire interest in the crops, excluding any other acreage of crops in the county in which such persons together do not have the entire interest in the crops.

7. *Cancellation, termination for indebtedness, and discount dates.* For each crop year of the contract in any county, the cancellation date, the termination date for indebtedness, and the discount date for a contract shall be respectively the earliest applicable cancellation date, termination date, and discount date for that county shown in the individual crop endorsements for any crop for which coverages and premium rates are shown on the actuarial table for that county for combined crop insurance.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

Adopted by the Board of Directors on December 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 19, 1958.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-10644; Filed, Dec. 24, 1958; 8:48 a. m.]

[Amdt. 11]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

EFFECTIVE DATE OF POLICY

The above-identified regulations, as amended, are hereby amended to change the proviso contained in the introductory statement of Amendment 5 (23 F. R. 6854) to read as follows: "*Provided, however,* That the revisions contained in the first two sentences of subsection 4 (c) of the policy shown in § 401.11 as amended by section 2 of this amendment shall not become effective with respect to barley or wheat crop insurance in counties with a March 15 cancellation date until the 1960 crop year."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

Adopted by the Board of Directors on December 18, 1958.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved on December 19, 1958.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-10646; Filed, Dec. 24, 1958; 8:49 a. m.]

[Amdt. 2]

PART 422—CITRUS CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

AVAILABILITY

The above identified regulations, as amended (21 F. R. 1002; 22 F. R. 8473), are hereby amended, effective beginning with the 1959 crop year as follows:

Section 422.1, as amended, is amended to establish Brevard, Indian River, and St. Lucie Counties, Florida, as additional counties in which citrus crop insurance will be provided beginning with the 1959 crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

Adopted by the Board of Directors on December 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 19, 1958.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-10645; Filed, Dec. 24, 1958; 8:49 a. m.]

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

[Navel Orange Reg. 150]

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

LIMITATION OF HANDLING

§ 914.450 *Navel Orange Regulation 150*—(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 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation 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 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 (60 Stat. 237; 5 U. S. C. 1001 et seq.) 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 December 23, 1958.

(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., December 28, 1958, and ending at 12:01 a. m., P. s. t., January 4, 1959, are hereby fixed as follows:

(i) District 1: 60,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel 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," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 24, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-10715; Filed, Dec. 24, 1958; 9:58 a. m.]

[Lemon Reg. 771]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.878 *Lemon Regulation 771*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F. R. 9053), 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 et seq.; 68 Stat. 906, 1047), 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 (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become 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 December 22, 1958.

(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., December 28, 1958, and ending at 12:01 a. m., P. s. t., January 4, 1959, are hereby fixed as follows:

(i) District 1: 32,550 cartons;
(ii) District 2: 139,500 cartons;
(iii) District 3: 13,950 cartons.

(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.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-10708; Filed, Dec. 24, 1958; 9:06 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1770]

[Idaho 08047]

IDAHO

RESERVING LANDS FOR USE OF ATOMIC ENERGY COMMISSION IN CONNECTION WITH NATIONAL REACTOR TESTING STATION NEAR ARCO, IDAHO

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials pursuant to the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601-604) as amended, and reserved for use of the Atomic Energy Commission, in connection with the National Reactor Testing Station in the vicinity of Arco, Idaho:

BOISE MERIDIAN

T. 3 N., R. 33 E.,
Secs. 1 to 5, incl.;
Sec. 6;
Sec. 7;
Secs. 8 to 14, incl.;
Sec. 15;
Sec. 17;
Secs. 18 to 24, incl.;
Sec. 25, N½ and N½S½;
Sec. 26, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 27 to 30, incl.;
Sec. 31, all that portion lying north of Highway U. S. 20;
Sec. 32, all that portion lying north of Highway U. S. 20.
T. 3 N., R. 34 E.,
Sec. 4, W½ and W½E½;
Secs. 5 to 8, incl.;
Sec. 9, W½ and W½E½;
Secs. 17 to 20, incl.;
Sec. 29, NW¼ and N½SW¼;
Sec. 30, N½ and N½S½.
T. 4 N., R. 33 E.,
Secs. 1 to 4, incl.;
Secs. 9 to 15, incl.;
Secs. 21 to 28, incl.;
Secs. 33 to 35, incl.
T. 4 N., R. 34 E.,
Secs. 4 to 9, incl.;
Secs. 17 to 21, incl.;
Sec. 28, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 29 to 32, incl.;
Sec. 33, W½ and W½E½.
T. 5 N., R. 33 E.,
Sec. 1, lots 3 and 4, W½SW¼, and S½SE¼;
Sec. 2, lots 1, 3, 4, SW¼ and SW¼SE¼;
Sec. 3;
Sec. 4, lots 3 and 4, SW¼ and S½SE¼;
Secs. 9 and 10;
Sec. 11, SE¼NE¼, W½NE¼, W½, and SE¼;
Sec. 12, E½, NE¼NW¼, and S½SW¼;
Secs. 13 to 15, incl.;
Secs. 21 to 28, incl.;
Secs. 33 to 35, incl.
T. 5 N., R. 34 E.,
Sec. 5, W½W½;
Sec. 6;
Sec. 7, N½, N½S½, and SW¼SW¼;
Sec. 8, S½, S½N½, and NW¼NW¼;
Sec. 9, S½ and S½N½;
Secs. 17 to 21, incl.;
Secs. 28 to 33, incl.
T. 6 N., R. 33 E.,
Sec. 4, W½W½;
Sec. 9, W½W½;
Sec. 13, SE¼NE¼, W½NE¼, W½, and SE¼;
Sec. 14;
Sec. 15, NE¼ and S½;
Sec. 20, N½ and SE¼;
Secs. 21 to 24, incl.;
Sec. 25, W½ and SE¼;
Sec. 26, S½;
Secs. 27 and 28;
Sec. 29, NW¼ and SE¼;
Sec. 32, W½;
Sec. 33, N½, SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, N½;
Sec. 35.
T. 6 N., R. 34 E.,
Sec. 18, lying south of State Highway No. 28;
Sec. 19, lying south of State Highway No. 28.
T. 7 N., R. 30 E.,
Secs. 1, 12, 13, 24, and 25.
T. 7 N., R. 31 E.,
Secs. 1 to 5, incl.;
Sec. 6, S½N½ and S½;
Secs. 7 to 15, incl.;
Secs. 17 and 18;
Sec. 20;
Sec. 21, N½, W½SW¼, and E½SE¼;
Secs. 30 and 31.
T. 7 N., R. 32 E.,
Secs. 1 to 3, incl.;
Secs. 10 and 11;
Sec. 12, NW¼, W½SW¼, and E½SE¼;
Secs. 13, 14, and 15.
T. 7 N., R. 33 E.,
Sec. 6, W½;
Sec. 7, NW¼ and W½SW¼;
Sec. 17, S½;
Sec. 18, NE¼, W½NW¼, and S½;
Sec. 19;
Sec. 20, N½ and SW¼;
Sec. 21, S½;
Sec. 28, W½;
Sec. 29;
Sec. 33, W½SW¼.
T. 8 N., R. 30 E.,
Sec. 24;
Sec. 25, E½, NW¼, and W½SW¼.
T. 8 N., R. 31 E.,
Secs. 19 to 30, incl.;
Sec. 31, N½ and N½S½;
Secs. 32 to 35, incl.
T. 8 N., R. 32 E.,
Secs. 22 to 27, incl.;
Sec. 34;
Sec. 35, SW¼NE¼, SE¼NW¼, S½SW¼ and SE¼.
T. 8 N., R. 33 E.,
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.

The areas above described aggregate approximately 123,648 acres.

2. The Commission will cooperate with the Bureau of Land Management on measures necessary to control the spread of and to eradicate halogeton and other noxious weeds, grasshoppers, crickets and other insects injurious to crops and grasses.

3. The Commission will cooperate with the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife on measures necessary to control coyotes and other predators injurious to livestock, and the spread of rabbits and other rodents injurious to grazing and farming lands.

4. The Commission will cooperate with the Bureau of Land Management on measures necessary to prevent and suppress brush and range fires occurring within the withdrawn area, and may enter into an agreement with the Bureau of Land Management to provide for the suppression of range fires by the Bureau of Land Management.

5. The lands may be used for grazing purposes under the provisions of the act of June 28, 1934 (48 Stat. 1269) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315, et seq.) at such times and under such conditions as may be agreed upon by the Commission and the Bureau of Land Management.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 19, 1958.

[F. R. Doc. 58-10624; Filed, Dec. 24, 1958; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 413—ASSESSMENT BY IRRIGATION DISTRICTS OF LANDS OWNED BY THE UNITED STATES, COLUMBIA BASIN PROJECT, WASHINGTON

A new part is added to Title 43, Subtitle B, reading as follows:

Sec.
413.1 Purpose.
413.2 Definitions.
413.3 Assessment of settlement lands.
413.4 Assessment of other project act lands and rights of way.
413.5 Reports on status of settlement lands.

AUTHORITY: §§ 413.1 to 413.5 issued under sec. 8, 57 Stat. 20; 16 U. S. C. 835c-4.

§ 413.1 *Purpose.* The provisions of this part shall govern the levy and enforcement of assessments by or on behalf of irrigation districts against lands owned by the United States within the Columbia Basin Project, pursuant to the provisions of subsection 5 (b) and section 8 of the Columbia Basin Project Act (57 Stat. 14; 16 U. S. C., 835c-1 and 835c-4) and in keeping with the provisions of section 14, chapter 275, Laws of Washington, 1943. (Section 89.12.120, Revised Code of Washington).

§ 413.2 *Definitions.* As used in this part:

(a) "Project Manager" means the Project Manager of the Columbia Basin Project, a Federal reclamation project.

(b) "District" means any one of the irrigation districts organized under the laws of Washington which has contracted with the United States under the Columbia Basin Project Act to repay a portion of the construction cost of the project.

(c) "Settlement lands" means those public lands of the United States within the project or those lands acquired by the United States under the authority of the Columbia Basin Project Act, title to which is vested in the United States and which are being held pending their conveyance in accordance with the project settlement and development program.

(d) "Other project act lands" means those public lands within the project and those lands or interests acquired and being held by the United States under the Columbia Basin Project Act, which are being held other than for conveyance in accordance with the project settlement and development program.

(e) "Rights of way" means lands or interests in lands acquired by the United States under the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, 43 U. S. C. 391, and acts amendatory thereof or supplementary thereto) for the construction and operation of project works, rights of way, including improvements thereon, reserved to the United States, under the Act of August 30, 1890 (26 Stat. 391; 43 U. S. C. 945) or section 90.40.050 of the Revised Code of Washington and being asserted for project purposes.

§ 413.3 *Assessment of settlement lands.* (a) Settlement lands, which the United States is not under contract to sell or exchange at the time a district makes its annual levy of assessments shall not be assessed, except as provided in paragraph (c) of this section. If the United States thereafter contracts to sell or exchange such lands before the end of the irrigation season following the date of the annual levy, the purchaser will be required to make appropriate payment to the district for the water service which will be available to the purchaser during that irrigation season or the remaining portion thereof.

(b) From the date the United States contracts to sell or exchange settlement lands until title thereto passes to the purchaser under such contract, or until the rights of the purchaser are terminated or reacquired by the United States, settlement lands shall be subject to assessment by a district on the same basis as other lands of like character within the operation of the district.

(c) Settlement lands, which the United States is not under contract to sell or exchange at the time a district makes its levy may be assessed by a district to the extent of the construction charge obligation installment required to be levied for the following year on such lands on account of the district's construction cost obligation to the United States. No other levies shall be made by a district against settlement lands in this status.

(d) While settlement lands which the United States has leased for use as irrigated lands and which the United States has not contracted to sell or exchange may not be assessed by a district except as provided in paragraph (c) of this section, lessees shall pay the district the same amounts annually that would be required to be paid for water service if the lands were subject to assessment therefor, in addition to any assessment levied under paragraph (c) of this section.

(e) Assessments made by a district against settlement lands while the United States is under contract to sell or exchange such lands shall be subject to all interest and penalties for delinquency as provided by the Laws of Washington, but interest and penalties shall cease to accumulate on the date such contract is terminated or the purchaser's interest therein reacquired by the United States.

(f) No action shall be taken by or for a district to enforce any lien created as permitted under the regulations in this part by assessment foreclosure or other means that would purport to transfer any right in or title to any land or interests therein while title thereto is vested in the United States. Although the United States does not assume any obligation for the payment of such liens, it will in any conveyance of settlement lands covered thereby convey subject to those liens.

§ 413.4 *Assessment of other project act lands and rights of way.* (a) A district shall, as to other project act lands and rights of way the title to which passes to the United States on or after January 1 of any year and before the district has levied its assessments for that year, immediately remove the lands from its assessment rolls and shall not thereafter take any proceedings to complete or enforce the assessments. Any such removal from the rolls shall be effective as of January 1 of the year in which title passes to the United States. Action so to remove shall be taken promptly after the giving of written notice by the Project Manager to the district as to the lands involved, and the district shall provide the United States with a certificate stating that the lands have not been and will not be assessed so long as title thereto remains in the United States.

(b) There is no authority in law for the assessment of rights of way owned by the United States. Accordingly, a district shall make no assessment thereof while title thereto remains in the United States.

(c) Other project act lands while title thereto remains in the United States shall not be assessed for any district charge so long as they are in the "other project act lands" category.

§ 413.5 *Reports on status of settlement lands.* The Project Manager will furnish each district prior to its annual levy every year a list of all the settlement lands owned by the United States for which water is available and which are not under contract of sale or exchange and therefore are not to be assessed by the district, except for construction charge obligation installments under § 413.3 (c) when such charges are required to be levied.

These regulations supersede Secretary's Order No. 2540 dated November 10, 1949, and shall become effective upon publication in the FEDERAL REGISTER. Since the assessment procedures in the State of Washington require that these regulations become effective immediately, notice and public procedure thereon have been deemed to be impracticable.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 19, 1958.

[F. R. Doc. 58-10627; Filed, Dec. 24, 1958; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-54]

MARITIME SAFETY STANDARDS AND REGULATIONS TO IMPLEMENT FEDERAL BOATING ACT OF 1958

A notice regarding proposed regulations to implement the Federal Boating Act of 1958 and section 13 of the Act of April 25, 1940, as amended, was published in the FEDERAL REGISTER dated November 1, 1958 (23 F. R. 8552-8557). Pursuant to this notice a public hearing was held on December 9, 1958, by the Merchant Marine Council at Washington, D. C.

Approximately 35,000 copies of the Agenda entitled "Proposed Standards, Rules, and Regulations to Implement the Federal Boating Act of 1958," CG-249, were distributed throughout the country to those considered to be interested in this subject. The Coast Guard is very appreciative of the wide publicity given to the proposed regulations in newspapers and magazines. All the comments, views, and data submitted to the Coast Guard before or at this public hearing have been very helpful and are very much appreciated. Some of the proposed regulations were changed. As revised the regulations are adopted.

A number of the comments received suggested changes to the law, rather than to the proposed regulations, and suggested such things as definition of owner, recognition of lien holder, and numbering of certain undocumented vessels not subject to the law. These comments were outside the scope of the law and could not be acted upon by the Coast Guard.

The regulations designated 46 CFR Parts 170-173 contain Federal standards for numbering certain undocumented vessels as required by law; requirements with respect to "boating accident reports" involving uninspected motorboats and other uninspected vessels used for pleasure or recreational purposes; and requirements with respect to statistical information collected pursuant to the Federal Boating Act of 1958 and section 13 of the Act of April 25, 1940, as amended. The amendment to 46 CFR 26.15-1 clarifies requirements with respect to boarding uninspected vessels.

By virtue of the authority transferred to me as Commandant, United States Coast Guard, by Treasury Department Order 167-32, dated September 23, 1958 (23 F. R. 7605), I hereby promulgate the following regulations, in accordance with the statutes cited with the regulations below, and these regulations shall become effective on March 10, 1959:

Subchapter C—Uninspected Vessels

PART 26—OPERATIONS

SUBPART 26.03—SPECIAL OPERATING REQUIREMENTS

1. Section 26.03-5 is amended by adding a cross reference as paragraph (b), reading as follows:

§ 26.03-5 *Action required after accident.* * * *

(b) See Subpart 173.01 of Part 173 of Subchapter S (Numbering of Undocumented Vessels, Statistics on Numbering, and "Boating Accident Reports" and Accident Statistics) of this chapter for requirements governing "boating accident reports."

SUBPART 26.15—BOARDING

2. The title of Subpart 26.15 is amended to read "Boarding."

3. Section 26.15-1 is amended to read as follows:

§ 26.15-1 *May board at any time.* (a) In addition to any other authority provided by law, the boarding of vessels is authorized by subsection 8 (c) of the Federal Boating Act of 1958, which reads as follows:

> Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this Act at any time such vessel is found upon the navigable waters of the United States, its Territories, and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this Act, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this Act, the Act of April 25, 1940, as amended, and the applicable rules of the road.

(b) To facilitate the boarding of vessels by the commissioned, warrant, and petty officers of the Coast Guard in the exercise of their authority, every vessel subject to the Federal Boating Act of 1958, or the Act of April 25, 1940, as amended (46 U. S. C. 526-526t), if under way and upon being hailed by a Coast Guard vessel or patrol boat, shall stop immediately and lay to, or shall maneuver in such a way as to permit the boarding officer to come aboard. Failure to stop to permit a boarding officer to board a vessel or refusal to comply will subject the operator or owner to penalties provided in these laws.

(c) Coast Guard boarding vessels will be identified by the display of the Coast Guard ensign as a symbol of authority and the Coast Guard personnel will be dressed in Coast Guard uniform. The Coast Guard boarding officer upon boarding a vessel will identify himself to the master, owner, or operator and explain his mission.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended, 46 U. S. C. 375, 416, 526p. Interpret or apply sec. 7, 72 Stat. 1757)

Subchapter S—Numbering of Undocumented Vessels, Statistics on Numbering, and "Boating Accident Reports" and Accident Statistics

1. The title for Subchapter S is amended to read as set forth above.

2. Subchapter S is amended by inserting a new Part 170, reading as follows:

PART 170—GENERAL PROVISIONS.

SUBPART 170.01—AUTHORITY AND PURPOSE

SUBPART 170.05—APPLICATION

SUBPART 170.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

SUBPART 170.15—APPEALS AND JUDICIAL REVIEW

AUTHORITY: §§ 170.01-1 to 170.15-25 issued under secs. 13 and 17, 54 Stat. 166, as amended, sec. 7, 72 Stat. 1757; 46 U. S. C. 526 *l*, 526p.

SUBPART 170.01—AUTHORITY AND PURPOSE

§ 170.01-1 *Purpose of regulations.* The regulations in this subchapter provide:

(a) Standards for numbering under the Federal Boating Act of 1958.

(b) Requirements with respect to statistical information under the Federal Boating Act of 1958 and the Act of April 25, 1940, as amended.

(c) Requirements with respect to "Boating Accident Reports" and accident statistics.

§ 170.01-5 *Assignment of functions.* By virtue of the authority vested in the Commandant of the Coast Guard by the Secretary of the Treasury in Treasury Department Order No. 167-32, dated September 23, 1958 (23 F. R. 7605), the regulations in this subchapter are prescribed to carry out the intent and purpose of the Federal Boating Act of 1958, and the Act of April 25, 1940, as amended (46 U. S. C. 526-526t).

SUBPART 170.05—APPLICATION

§ 170.05-1 *Scope.* The regulations in this subchapter are applicable in the United States, its Territories, and the District of Columbia.

§ 170.05-5 *Vessels subject to the requirements of this subchapter.* Except as specifically noted, this subchapter shall be applicable to undocumented vessels.

SUBPART 170.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

§ 170.10-1 *Commandant.* This term means the Commandant of the U. S. Coast Guard.

§ 170.10-5 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district.

§ 170.10-10 *Horsepower.* This term means the rated horsepower of the machine at maximum operating RPM.

§ 170.10-15 *Length.* As set forth in section 1 of the Act of April 25, 1940, as amended (46 U. S. C. 526), this term means the length of the vessel "measured from end to end over the deck excluding sheer."

§ 170.10-20 *Machinery.* This term includes inboard and outboard engines and all other types of motors or mechanical devices capable of propelling vessels.

§ 170.10-25 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone.

§ 170.10-30 *Operate.* As set forth in subsection 13 (a) of the Act of April 25, 1940, as amended (46 U. S. C. 526 *l*), this term "means to navigate or otherwise use a motorboat or a vessel."

§ 170.10-35 *Operator.* This term means the person who operates or who has charge of the navigation or use of a motorboat or a vessel.

§ 170.10-40 *Owner.* As set forth in subsection 2 (4) of the Federal Boating Act of 1958, this term "means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession."

§ 170.10-45 *Ships' lifeboats.* This term means lifeboats used solely for lifesaving purposes and does not include dinghies, tenders, speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

§ 170.10-50 *State.* As set forth in subsection 2 (5) of the Federal Boating Act of 1958, this term "means a State of the United States, a Territory of the United States, and the District of Columbia."

§ 170.10-55 *Ten horsepower.* As used in subsection 3 (a) of the Federal Boating Act of 1958, this term means the aggregate of all propellant machinery on a vessel.

§ 170.10-60 *Undocumented vessel.* As set forth in subsection 2 (1) of the Federal Boating Act of 1958, this term means "any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs."

§ 170.10-65 *Vessel.* As set forth in subsection 2 (2) of the Federal Boating Act of 1958, this term "includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water." This definition includes, but is not limited to, motorboats, sailboats, rowboats, canoes, ships, tugs, towboats, ferries, cargo vessels, passenger vessels, tank vessels, fishing vessels, charter boats, party boats, barges, scows, etc.

SUBPART 170.15—APPEALS AND JUDICIAL REVIEW

§ 170.15-1 *Judicial review or relief.* Nothing in this subchapter shall be so construed as to prevent any party from seeking a judicial review by, or relief in, an appropriate Court of law. This applies to any standard or regulation in this subchapter or to any decision or action taken pursuant thereto by the Coast Guard. If any provision of the regulations in this subchapter is held invalid, the validity of the remainder of this subchapter shall not be affected thereby.

§ 170.15-5 *Right of administrative appeal.* (a) Any person aggrieved by a decision or action taken by the Coast Guard under the regulations in this subchapter has a right to an administrative appeal therefrom. An appeal from a decision or action initially made or performed by an enforcing officer may be made to his commanding officer. Any decision or action of such commanding officer may be appealed to the Coast Guard District Commander of the district in which the action was taken or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander.

(b) No special form is required, but such appeal shall set forth the decision or action appealed from and the reasons why it should be set aside or revised. Arrangements may be made for presenting an appeal in person.

§ 170.15-10 *Time limits.* (a) Any appeal to a Coast Guard District Commander shall be made in writing within 30 days after the decision or action appealed from shall have been rendered or taken.

(b) Any appeal to the Commandant shall be made in writing within 30 days after the decision or action appealed from shall have been rendered or taken.

§ 170.15-15 *Decision on appeal.* Pending the determination of an appeal, the decision or action appealed from shall remain in effect.

§ 170.15-20 *Initial decisions or actions of the Commandant.* Any person aggrieved by any decision or action initiated by the Commandant may request a review by writing to the Commandant within 30 days after the decision or action has been rendered or taken. Such a request shall set forth the decision or action desired to be reviewed and the reasons why it should be set aside or revised.

§ 170.15-25 *Reports and assessments of penalties for violations.* The reports of violations, assessment, collection, mitigation or remission of civil penalties shall be in accordance with §§ 2.50-20 to 2.50-30, inclusive, of Subchapter A (Procedures Applicable to the Public) of this chapter.

3. Subchapter S is amended by inserting a new Part 171, reading as follows:

PART 171—STANDARDS FOR NUMBERING

AUTHORITY: §§ 171.01-1 to 171.20-5 issued under sec. 7, 72 Stat. 1757. Statutes interpreted or applied and statutes giving special authority are cited to text in parentheses.

SUBPART 171.01—GENERAL

§ 171.01-1 *Vessels to be numbered.* (a) Certain undocumented vessels are required to be numbered by subsection 3 (a) of the Federal Boating Act of 1958, which reads as follows:

Every undocumented vessel propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable waters of the United States, its Territories and the District of Columbia, and every such vessel owned in a State and using the high seas, shall be numbered in accordance with this Act, except—

(1) Foreign vessels temporarily using the navigable waters of the United States, its Territories and the District of Columbia;

(2) Public vessels of the United States;

(3) State and municipal vessels;

(4) Ships' lifeboats; and

(5) Vessels designated by the Secretary under section 7 (b) of this Act.

(b) Nothing in this section shall prohibit the numbering of any undocumented vessel, which may be propelled by machinery, upon request of the owner.

§ 171.01-5 *Exemptions.* Pursuant to subsections 3 (a) (5) and 7 (b) of the Federal Boating Act of 1958, the following are exempt from the requirement to be numbered:

(a) Undocumented vessels used exclusively for racing.

(b) Undocumented vessels operating under valid temporary certificates of number.

§ 171.01-10 *Determining horsepower of machinery.* (a) In general, for existing and new equipment, the manufacturer's rated horsepower at a stated maximum operating RPM as set forth on the nameplate attached to the engine, or as stamped on the engine, or as described in a "book of instructions" or other literature issued for such engine will be accepted as prima facie evidence of the horsepower of the machinery in question. In event the machinery does not have marked thereon or accompanying it any literature or tag setting forth the manufacturer's rated horsepower, or should the Coast Guard dispute the manufacturer's rated horsepower, then the Coast Guard's listing of horsepower will be accepted as prima facie evidence of the horsepower.

(b) In the event the owner or operator of a power propelled vessel disagrees with the findings of the Coast Guard as to horsepower, it shall be the responsibility of such owner or operator to prove to the satisaction of the Coast Guard what is the actual horsepower of the propelling machinery.

SUBPART 171.05—VESSEL IDENTIFICATION

§ 171.05-1 *Numbering pattern to be used.* (a) The numbers issued pursuant to the Federal Boating Act of 1958 shall be in accordance with the pattern described in this section.

(b) The number shall be divided into parts. The first part shall consist of the symbols identifying the State of principal use, followed by a combination of numerals and letters which furnish individual vessel identification. The group of digits appearing between letters shall be separated from those letters by hyphens or equivalent spaces. As examples: AL-001-AA, or AK 99 AZ.

(c) The first part of the number shall be an abbreviation in capital letters of the State. The abbreviations of the States are as follows:

Alabama—AL	Nebraska—NB
Alaska—AK	Nevada—NV
Arizona—AZ	New Hampshire—NH
Arkansas—AR	New Jersey—NJ
California—CF	New Mexico—NM
Colorado—CL	New York—NY
Connecticut—CT	Ohio—OH
Delaware—DL	Oklahoma—OK
Florida—FL	Oregon—OR
Georgia—GA	Pennsylvania—PA
Idaho—ID	Rhode Island—RI
Illinois—IL	South Carolina—SC
Indiana—IN	South Dakota—SD
Iowa—IA	Tennessee—TN
Kansas—KA	Texas—TX
Kentucky—KY	Utah—UT
Louisiana—LA	Virginia—VA
Maine—ME	Vermont—VT
Massachusetts—MS	Washington—WN
Maryland—MD	West Virginia—WV
Michigan—MC	Wyoming—WY
Minnesota—MN	Wisconsin—WS
Mississippi—MI	District of Columbia—DC
Missouri—MO	Territory of Hawaii—HA
Montana—MT	
North Carolina—NC	
North Dakota—ND	

(d) The remainder of the boat number shall consist of not more than four arabic numerals and two capital letters or not more than three arabic numerals and three capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically.

(1) As examples of the first alternative:

State designator	Maximum of 4 digits; numerical group	Maximum of 2 letters; alphabetical group
NY	1	A
NY	83	AB
NY	345	TR
NY	9999	ZZ

(2) As examples of the second alternative:

State designator	Maximum of 3 digits; numerical group	Maximum of 3 letters; alphabetical group
NC	1	A
NC	83	AB
NC	345	PF
NC	999	ZZZ

(e) Since the letters "I", "O" and "Q" may be mistaken for arabic numerals, all letter sequences using "I", "O" and "Q" shall be omitted. Objectionable words formed by the use of two or three letters will not be used.

(Sec. 3 (c), 72 Stat. 1754)

§ 171.05–5 *Display of number on vessel.* (a) Subsection 3 (f) of the Federal Boating Act of 1958 requires in part that "the number awarded * * * shall be painted on, or attached to, each side of the bow of the vessel for which it was issued * * * ".

(b) The numbers shall be placed on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than 3 inches in height. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i. e., dark numbers on a light background, or light numbers on a dark background.

(Sec. 3 (c) (3), (f), 72 Stat. 1754, 1755)

(c) Subsection 3 (f) of the Federal Boating Act of 1958 also provides "no other number shall be carried on the bow of such vessel."

§ 171.05–10 *Numbering livery boats.* (a) The numbering requirement of this part shall apply to livery boats.

(b) The certificate of number of a livery boat shall be plainly marked, "livery boat."

(c) The description of the motor and type of fuel will be omitted from the certificate of number in any case where the motor is not rented with the boat.

§ 171.05–15 *Numbering of manufacturers' and dealers' boats.* (a) Numbering requirements of this part shall apply to boats operated by manufacturers and dealers.

(b) The description of the boat will be omitted from the certificate of number since the numbers and the certificates of number awarded may be transferred from one boat to another. In lieu of the description, the word "manufacturer" or "dealer," as appropriate, will be plainly marked on each certificate.

(c) The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated or tested so long as the display meets the requirements in § 171.05–5.

SUBPART 171.10—APPLICATION FOR NUMBER

§ 171.10–1 *To whom made.* (a) On and after April 1, 1960, the owner of any vessel required to be numbered and principally used in a State which has not assumed the functions of numbering under the Federal Boating Act of 1958 shall prior to its use apply to the U. S. Coast Guard for a number for such vessel.

(b) An undocumented vessel principally used in a State which has assumed the functions of numbering under the Federal Boating Act of 1958 will not be numbered by the Coast Guard.

§ 171.10–5 *Application requirements.* The application for a number shall include the following:

(a) Name and address of owner.
(b) Date of birth of owner.
(c) Present citizenship of owner.
(d) State in which the vessel is principally used.
(e) Present number (if any).
(f) Hull material (wood, steel, aluminum, plastic, other).
(g) Type of propulsion (outboard, inboard, other).
(h) Type of fuel (gas, diesel, other).
(i) Length of vessel.
(j) Make and year built (if known).
(k) Statement as to use (pleasure, livery, dealer, manufacturer, commercial-passenger, commercial-fishing, commercial-other).
(l) A certification of ownership by the applicant.
(m) Signature of owner.

§ 171.10–15 *State in which vessel is principally used.* (a) For the purposes of numbering, the statement of the owner with respect to the State in which the vessel is to be principally used, as set forth in the application for number, will be accepted, prima facie, as true.

(b) If the vessel is to be principally used on the high seas, then it shall be assigned a number for the State in which the vessel is usually docked, moored, housed, or garaged.

§ 171.10–20 *Application for renewal of number.* An application for renewal of a certificate of number shall be made by the owner on an application therefor which must be received by the Coast Guard within a period consisting of the last 90 days before the expiration date on the certificate of number and the same number will be issued upon renewal. Any application not so received shall be treated in the same manner as an original application except that the same number may be reissued if the application is received within one year from date of expiration.

§ 171.10–25 *Replacement of lost or destroyed certificate of number.* If a certificate of number is lost or destroyed, the owner shall, within 15 days, notify the Coast Guard office which issued the number. The notification shall be in writing, shall describe the circumstances of the loss or destruction and shall be accompanied by the fee prescribed in § 171.17–1 (a) (3). The certificate of number issued as a result of such report will replace the certificate so lost or destroyed.

SUBPART 171.13—OWNERSHIP

§ 171.13–1 *Claim of ownership.* (a) The certified statement of ownership on the application for number shall be the minimum requirement for proof of ownership acceptable to the Coast Guard.

§ 171.13–5 *Liens.* Liens of all kinds, including reservations or transfers of title to secure debts or claims, will be disregarded in determining ownership under this subpart. A lienholder who acquires possession and title by virtue of default in the terms of the lien instrument, or any other person who acquires ownership through any such action of a lienholder, may apply for a number and shall attach to such application a signed statement explaining the facts in detail.

SUBPART 171.15—CERTIFICATE OF NUMBER

§ 171.15–1 *Information required on certificate.* The certificate of number shall include the following:

(a) Name and address of owner.
(b) Date of birth of owner.
(c) Present citizenship of owner.
(d) State in which the vessel is principally used.
(e) Present number (if any).
(f) Hull material (wood, steel, aluminum, plastic, other).
(g) Type of propulsion (outboard, inboard, other).
(h) Type of fuel (gas, diesel, other).
(i) Length of vessel.
(j) Make and year built (if known).
(k) Statement as to use (pleasure, livery, dealer, manufacturer, commercial-passenger, commercial-fishing, commercial-other).
(l) A certification of ownership by the applicant.
(m) Signature of owner.
(n) Number awarded to vessel.
(o) Expiration date of certificate.
(p) Notice to the owner that he shall report within 15 days changes of ownership or address, and destruction or abandonment of vessel.
(q) Notice to the owner that the operator shall:

(1) Always carry this certificate on vessel when in use.
(2) Report every accident involving injury or death to persons, or property damage over $100.
(3) Stop and render aid or assistance if involved in boating accident.

§ 171.15–5 *Size and characteristics of certificate.* The certificate of number shall be pocket size (approximately 2½" x 3½") and water resistant.

§ 171.15-10 *Temporary certificate.* Pending the issuance of the original certificate of number, the owner of the vessel will be furnished a temporary certificate of number valid for 60 days from date of issue. This temporary certificate shall be carried on board when the vessel is being operated.

§ 171.15-15 *Period of validity of certificate.* The original certificate of number initially awarded by the Coast Guard shall be valid for a period ending 3 years from the anniversary of the date of birth of the applicant next succeeding the issuance of the certificate. Each renewal shall be valid for a period ending 3 years from the date of expiration of the certificate so renewed. A certificate issued to other than an individual shall expire 3 years from date of issuance.

§ 171.15-20 *Notification of changes required.* (a) When the owner of a Coast Guard numbered vessel changes the State in which the vessel is principally used, he shall within 90 days surrender the certificate of number to the Coast Guard. The owner shall also apply for another original number to the office issuing numbers for that State.

(b) When the owner of a Coast Guard numbered vessel changes his address from that shown on his certificate, but does not change the State in which the vessel is principally used, he shall notify the Coast Guard of his new address within a period not to exceed 15 days from such change.

(c) When a Coast Guard numbered vessel is lost, destroyed, abandoned, or transferred to another person, the certificate of number issued for the vessel shall be surrendered to the Coast Guard within a period not to exceed 15 days after such event. When the vessel is lost, destroyed, or abandoned and the certificate of number has been destroyed, the owner shall within 15 days notify the Coast Guard by letter or postal card of the change in the status of the vessel.

(d) The application for number by a new owner of a vessel shall, for purposes of fee, be regarded as an original application for number, but where the vessel will continue in use in the same State of principal use, the new number shall be identical with the previous one, except where a lienholder acquires title and lawful possession by virtue of his lien, in which case a new number shall be issued.

(e) A change of motor is not required to be reported to the Coast Guard.

§ 171.15-25 *One certificate for each vessel.* The intent of this subpart is that the owner of an undocumented vessel shall not have more than one valid number or valid certificate of number for any one vessel at any time. Therefore, the owner will violate the regulations if he retains more than one valid certificate of number for any one vessel.

§ 171.15-30 *Cancellation of certificate and voiding of number.* (a) Subsection 3 (e) of the Federal Boating Act of 1958 authorizes the cancellation of certificates of number, thereby voiding the numbers issued. This means that a certificate may be canceled and number voided by proper authority even though such action occurs before the expiration date on the certificate and such certificate is not surrendered to the issuing office.

(b) Certain causes for cancellation of certificates and voiding of numbers are:

(1) Surrender of certificate for cancellation.

(2) Issuance of a new number for the same vessel.

(3) Issuance of a marine document by the Burau of Customs for the same vessel.

(4) False or fraudulent certification in an application for number.

(c) In the absence of an application for renewal as provided in § 171.10-20 a number is automatically void on the date of expiration as shown on the certificate of number.

(Sec. 3 (e), 72 Stat. 1755)

SUBPART 171.17—FEES AND CHARGES

§ 171.17-1 *Fees and method of payment.* (a) The fees charged by the U. S. Coast Guard, based upon the estimated cost of the administration of the numbering system, are:

(1) Original numbering—$5.00.

(2) Renewal of number—$3.00.

(3) Reissue of lost or destroyed certificate of number—$1.00.

(b) All fees for numbering and renewal of number are payable to the U. S. Coast Guard and shall accompany the application.

SUBPART 171.20—AVAILABILITY OF RECORDS

§ 171.20-1 *Enforcement or assistance programs.* Upon request, information on ownership and identity of Coast Guard numbered vessels shall be available to Federal, State, and local officials, as needed, in any enforcement or assistance programs.

§ 171.20-5 *Disclosure of information.* (a) The records pertaining to the numbering of undocumented vessels pursuant to this part are considered to be public records.

(b) Information based on such Coast Guard records may be released upon oral or written inquiry, subject only to reasonable restrictions necessary to carry on the business of the office. The Coast Guard may permit excerpts to be made or the copying or reproduction thereof by a private individual or concern authorized by the Coast Guard. The fees and charges for copying, certifying, or searching of records for information shall be assessed in accordance with 33 CFR 1.25.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

4. The title for Part 172 is amended to read: "Part 172—Numbering Requirements under Act of June 7, 1918".

5. Part 172 is amended by adding at the end thereof a new Subpart 172.25, reading as follows:

SUBPART 172.25—TERMINATION REQUIREMENTS

AUTHORITY: §§ 172.25-1 to 172.25-10 issued under sec. 7, 72 Stat. 1757. Interpret or apply secs. 11, 12, 72 Stat. 1758.

§ 172.25-1 *Effective termination dates of numbering laws.* Effective April 1, 1960, the Act of June 7, 1918, as amended, and section 21 of the Act of April 25, 1940, are repealed by section 12 of the Federal Boating Act of 1958. In addition, these laws shall cease to be applicable prior to April 1, 1960, in any State when such State has assumed the functions of numbering under the Federal Boating Act of 1958.

§ 172.25-5 *Effective termination dates for regulations in this part.* (a) No certificate of award of number will be issued nor numbers assigned to vessels pursuant to this part on and after April 1, 1960.

(b) The regulations prescribed under the Act of June 7, 1918, as amended, shall cease to be applicable in any State when such State has assumed the functions of numbering under the Federal Boating Act of 1958.

§ 172.25-10 *Interim use of certificates of award of number and numbers awarded.* Pending receipt of a certificate of number under the Federal Boating Act of 1958, for which application has been made and proof thereof retained, the owner of every vessel of more than 10 horsepower with a valid certificate of award of number on March 31, 1960, shall retain such number and certificate for temporary identification until renumbered pursuant to the Federal Boating Act of 1958.

6. Subchapter S is amended by inserting a new Part 173, reading as follows:

PART 173—BOATING ACCIDENTS, REPORTS, AND STATISTICAL INFORMATION

AUTHORITY: §§ 173.01-1 to 173.10-5 issued under secs. 13 and 17, 54 Stat. 166, as amended, secs. 7 and 10, 72 Stat. 1757; 46 U. S. C. 526 *l*, 526p.

SUBPART 173.01—BOATING ACCIDENTS

§ 173.01-1 *General.* (a) The provisions of this subpart shall apply (1) to all uninspected motorboats and (2) to all other uninspected vessels used for pleasure or recreational purposes. Uninspected vessels, other than motorboats, used for commercial purposes are not included.

(b) The provisions in this subpart are applicable in the United States, its Territories, and the District of Columbia, as well as to every such vessel which is owned in a State, Territory, or the District of Columbia and using the high seas.

§ 173.01-5 *Reportable boating accidents.* (a) Subsection 13 (c) of the Act of April 25, 1940, as amended (46 U. S. C. 526*l*, reads as follows:

In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this Act, the operator thereof, if the collision, accident, or other casualty results in death or injury to any person, or damage to property in excess of $100, shall file with the Secretary of the Department within which the Coast Guard is operating, unless such operator is required to file an accident report with the State under section 3 (c) (6) of the Federal Boating Act of 1958, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require.

(b) For the purpose of this subpart a "boating accident" means a collision, accident or other casualty involving (1) an uninspected motorboat or (2) any other uninspected vessel used for pleasure or recreational purposes.

(c) A vessel subject to this subpart is considered to be involved in a "boating accident" whenever the occurrence results in damage by or to the vessel or its equipment; in injury or loss of life to any person, or in the disappearance of any person from on board under circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.

(d) A report is required whenever a vessel subject to this subpart is involved in a "boating accident" which results in any one or more of the following:

(1) Loss of life.

(2) Injury causing any person to remain incapacitated for a period in excess of 72 hours.

(3) Actual physical damage to property (including vessels) in excess of $100.

§ 173.01-10 *Written report required.* (a) Whenever death results from a boating accident, a written report shall be submitted within 48 hours. For every other reportable boating accident a written report shall be submitted within five (5) days after such accident.

(b) The operator(s) of the boat(s) shall prepare and submit the written report(s) to the Coast Guard Officer in Charge, Marine Inspection, nearest to the place where such accident occurred or nearest to the port of first arrival after such accident, unless such operator is required to file an accident report with a State under subsection 3 (c) (6) of the Federal Boating Act of 1958.

(c) Every written report shall contain the following information:

(1) The numbers and/or names of vessels involved.

(2) The locality where the accident occurred.

(3) The time and date when the accident occurred.

(4) Weather and sea conditions at time of accident.

(5) The name, address, age, and boat operating experience of the operator of the reporting vessel.

(6) The names and addresses of operators of other vessels involved.

(7) The names and addresses of the owners of vessels or property involved.

(8) The names and addresses of any person or persons injured or killed.

(9) The nature and extent of injury to any person or persons.

(10) A description of damage to property (including vessels) and estimated cost of repairs.

(11) A description of the accident (including opinions as to the causes).

(12) The length, propulsion, horsepower, fuel and construction of the reporting vessel.

(13) Names and addresses of known witnesses.

(d) The Coast Guard Form CG-3865 (Boating Accident Report) may be used for the written report required by this section.

SUBPART 173.05—STATISTICS REQUIRED

§ 173.05-1 *Required reports.* The Coast Guard will obtain, compile, analyze, and publish periodic reports in a uniform manner with respect to vessels having currently valid certificates of number, and with respect to boating accidents.

§ 173.05-5 *Reports with respect to numbered vessels.* The Coast Guard will compile statistics on numbered vessels as of March 31, June 30, September 30, and December 31 of each year. This information includes as of the reporting date:

(a) The total number of all valid certificates of number outstanding.

(b) The total number of valid certificates of number held by vessels numbered under subsection 3 (a) of the Federal Boating Act of 1958.

(c) The total numbers of valid certificates of number held by vessels described by class, type, and construction.

§ 173.05-10 *Reports with respect to boating accidents.* The Coast Guard will compile statistics on boating accidents reported during each quarter, ending on March 31, June 30, September 30, and December 31 of each year. This information will include:

(a) The total number of boating accidents reported during each such period.

(b) The totals of boating accidents reported during each such period, grouped according to the cause, nature, and results and including the class, type, and construction of vessels involved.

(c) The totals of boating accidents reported during each such period by vessels required to be numbered under subsection 3 (a) of the Federal Boating Act of 1958 according to vessels described by class, type, and construction.

SUBPART 173.10—AVAILABILITY OF INFORMATION

§ 173.10-1 *"Boating Accident Reports".* (a) The "Boating Accident Reports" are intended to furnish the information necessary for the Coast Guard to make findings of causes of accidents and recommendations for their prevention, and to compile information for use in making statistical reports.

(b) Except as provided in paragraph (c), individual "Boating Accident Reports," or copies of or excerpts therefrom, will not be released.

(c) "Boating Accident Reports" may be available for additional statistical studies, on the condition that information from individual reports shall not be disclosed, and subject to prior arrangements and reasonable restrictions necessary in the carrying on of the business of the office.

§ 173.10-5 *Statistical records and statistical reports.* After information has been released or published, the statistical records and statistical reports obtained and compiled by the Coast Guard, as distinguished from the individual "Boating Accident Reports" described in § 173.10-1, shall be made available for inspection and use by the public during normal office hours subject to reasonable restrictions necessary in the carrying on of the business of the office.

Note: The reporting requirements contained in 46 CFR Parts 170-173 have been approved by the Bureau of the Budget in accordance with the Federal Reporting Act of 1942.

Dated: December 19, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 58-10628; Filed, Dec. 24, 1958; 8:45 a. m.]

[CGFR 58-51]

TOXIC VAPORIZING LIQUID TYPE FIRE EXTINGUISHERS SUCH AS THOSE CONTAINING CARBON TETRACHLORIDE OR CHLOROBROMOMETHANE

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTERS dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C. The ninth document of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council contained final actions taken with respect to certain portions of Items VIII and IX dealing with portable and semiportable fire extinguishers. This document was published in the FEDERAL REGISTER dated September 6, 1958 (23 F. R. 6880-6886).

and the changes in the regulations to become effective 90 days after this date (December 5, 1958).

A petition was received from a manufacturer of portable fire extinguishers stating that the wording of the revised regulations in Federal Register Document CGFR 58-29 is not completely clear. The document containing notification of the withdrawals of approvals (CGFR 58-30) described the portable fire extinguishers as "toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane," whereas the changes in the regulations describe a prohibition against using "vaporizing-liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane." The petition questioned Coast Guard's intention to prohibit vaporizing liquid type fire extinguishers where the extinguishing agent was not toxic in nature.

Upon review of the petition it is found that the amendments in Coast Guard Federal Register Document CGFR 58-29, published in the FEDERAL REGISTER of September 6, 1958, could be interpreted in two ways and that one interpretation would be the banning of vaporizing-liquid type fire extinguishers containing an extinguishing medium not considered toxic to the degree or manner found in carbon tetrachloride or chlorobromomethane. The amendments in this document are to clarify the prohibition of the use of toxic vaporizing liquid type fire extinguishers and to reestablish the inspection tests for vaporizing liquid type fire extinguishers that had been inadvertently omitted in the September 6, 1958, amendments.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Subchapter C—Uninspected Vessels

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

Section 25.30-10 (e) is amended to read as follows:

§ 25.30-10 *Hand portable fire extinguishers and semiportable fire extinguishing systems.* * * *

(e) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall not be acceptable as equipment required by this subchapter on and after January 1, 1962. Existing installations shall be permitted to be carried as part of the required equipment so long as such extinguishers are in good condition, but not later than January 1, 1962.

(R. S. 4405, as amended, 4462, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended; 46 U. S. C. 375, 416, 526g, 526p)

Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.25—ANNUAL INSPECTION

Section 71.25-20 (a) (1) is amended by revising Table 71.25-20 (a) (1) to read as follows:

§ 71.25-20 *Fire detecting and extinguishing equipment.* (a) * * *

(1) * * *

TABLE 71.25-20 (a) (1)

Type unit	*Test*
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See § 76.50-5 (e) of this subchapter.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428-4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406-408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

Section 76.50-5 (e) is amended to read as follows:

§ 76.50-5 *Classification.* * * *

(e) Vaporizing-liquid type fire extinguishers, containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.25—INSPECTION AND CERTIFICATION

Section 91.25-20 (a) (1) is amended by revising Table 91.25-20 (a) (1) to read as follows:

§ 91.25-20 *Fire extinguishing equipment.* (a) * * *

(1) * * *

TABLE 91.25-20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze
Cartridge operated (water, antifreeze or loaded stream).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See § 95.50-5 (e) of this chapter.)

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426-4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

Section 95.50-5 (e) is amended to read as follows:

§ 95.50-5 *Classification.* * * *

(e) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: December 18, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58-10650; Filed, Dec. 24, 1958; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdts. 2-32, 11-22; FCC 58-1214]

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

PART 11—INDUSTRIAL RADIO SERVICES

SHORAN OPERATION IN ALASKA

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of December 1958.

The Commission having under consideration a petition filed by Offshore Navigation, Inc. seeking the amendment of footnote US30 to the table of frequency allocations contained in Part 2 of the rules and the amendment of § 11.607 (e) to provide the same availability for SHORAN operations within 150 miles of the shoreline of Alaska as now exists under the terms of Parts 2 and 11 for petroleum exploration within 150 miles of the shoreline of California and within 150 miles of the shoreline of the Gulf of Mexico; and

It appearing that the public interest would be served by the amendment proposed by the petitioner and that current licensees of the Commission would not be adversely affected thereby; and

It further appearing that certain elements of petitioner's contemplated operation must be completed by May 15, in compliance with local fishing regulations, that the petitioner must therefore begin his proposed operation as early as possible, and that there is therefore a degree of urgency with respect to this matter; and

It further appearing that the grant of petitioner's request would have the effect of removing a restriction now appearing in the Commission's rules; and

It further appearing that in view of the above, public interest, convenience and necessity will be served by the amendment proposed, that the issuance of a Notice of Proposed Rule Making is impracticable and unnecessary and that the amendment may be made effective less than 30 days after publication;

It is ordered, That under the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Parts 2 and 11 of the Commission's rules are amended effective January 1, 1959, as set forth below, and the petition of Offshore Navigation, Inc. is granted.

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

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Footnote US30 to § 2.104 (a) (5), the table of frequency allocations contained in Part 2 of the Commission's rules, is amended to read as follows:

US30 For the radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations making use of SHORAN equipment may be authorized the use of the frequencies 230 MC, 250 MC and 310 MC at locations within 150 miles of the respective shorelines of California, Alaska, and the Gulf of Mexico, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

2. Paragraph (e) of § 11.607 is amended to read as follows:

(e) Land Radiopositioning Stations (SHORAN) and Mobile Radiopositioning Stations (SHORAN) in this service may be authorized the use of the frequencies 230 MC, 250 MC and 310 MC at locations within 150 miles of the respective shorelines of California, Alaska and the Gulf of Mexico for radiolocation operations of the petroleum industry only, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations contained in Part 2 of this chapter, and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in the band 225-328.6 MC in the same area.

[F. R. Doc. 58-10659; Filed, Dec. 24, 1958; 8:51 a. m.]

[Rules Amdt. 9-29; FCC 58-1215]

PART 9—AVIATION SERVICES

EXTENSION OF EFFECTIVE DATE OF TYPE-ACCEPTANCE REQUIREMENTS FOR TRANSMITTERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of December 1958.

The Commission having under consideration a request by the Civil Air Patrol (CAP) and a petition from the Aeronautical Flight Test Radio Coordinating Council (AFTRCC) seeking a six month postponement of the January 1, 1959 effective date for radio transmitter type acceptance requirements imposed by § 9.187 (b) of the Commission's rules; and

It appearing that § 9.187 (b) provides that except for transmitters used at developmental stations, each transmitter authorized in the Aviation Services after January 1, 1959, must be of a type which has been type accepted by the Commission except that until January 1, 1965, types of equipment in use by a licensee prior to January 1, 1959, may continue to be used by the same licensee, his successors or assigns provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules; and

It further appearing that the CAP operates a substantial amount of equipment furnished by various agencies of government, which equipment must be modified in order to operate on frequencies allocated to the CAP; and

It further appearing that the CAP's equipment modification program, as now constituted, does not include all test facilities necessary for making the detailed measurements leading to type acceptance, as prescribed in Part 2 of the Commission's rules; and

It further appearing that approval of the CAP request would afford additional time for the completion of a study of the impact of type acceptance on CAP operations and to further explore methods by which type acceptance might be obtained; and

It further appearing that in view of the extensive use of FCC-licensed radio equipment by the CAP, the public interest would be served by postponing the effective date of type acceptance in the manner requested; and

It further appearing that the AFTRCC, while supporting the Commission's type acceptance program in principle has based its request for a six month postponement on the fact that members of the Council (principally airframe manufacturers) must use special radio equipment, including equipment made available by the military, for conducting flight test operations; and

It further appearing that because of the special characteristics of such equipment, the submission of technical data leading to type acceptance might, in some instances, be difficult or contrary to the public interest; and

It further appearing that additional time is required to determine if, and to what extent, type acceptance requirements should be modified in the case of special equipment used in conducting flight test operations; and

It further appearing that in view of the defense aspect of many flight test operations, the public interest would be served by postponing the effective date of type acceptance in the manner requested; and

It further appearing that issuance of Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedure Act is impracticable, would unnecessarily delay timely adoption of the amendment herein ordered and would not therefore serve the public interest; and

It further appearing that since the amendment herein ordered imposes no new requirement on any applicant or licensee, but rather relieves an existing requirement, such amendment may be made effective less than 30 days after publication as provided in section 4 (c) of the Administrative Procedure Act; and

It further appearing that authority for this Order is contained in sections 303 (c), (e), (f), and (r) of the Communications Act of 1934, as amended:

It is ordered, That the CAP and AFTRCC requests are granted and, effective December 31, 1958, Part 9 be amended as set forth below.

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

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 9 is amended as follows:

Section 9.187 (b) is amended by substituting "July 1, 1959" for "January 1, 1959." As amended, § 9.187 (b) reads as follows:

(b) Except for transmitters used at developmental stations, each transmitter utilized at a station authorized for operation after July 1, 1959, must be of a type which has been type accepted by the Commission for use in these services. Until January 1, 1965, however, types of equipment in use by a licensee prior to July 1, 1959, may continue to be used by the same licensee, his successors or assigns provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

[F. R. Doc. 58-16060; Filed, Dec. 24, 1958; 8:51 a. m.]

[Docket No. 12295; FCC 58-1217]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

CHANGE IN EFFECTIVE DATE OF CERTAIN NARROW-BAND TECHNICAL STANDARDS

1. The Commission has before it two petitions requesting reconsideration-in-part of the Commission's Report and Order of June 26, 1958, in the above-entitled proceeding (FCC 58-620—released June 30, 1958). In the one, filed by National Committee for Utilities Radio (NCUR) on July 30, 1958, it is requested (in substance) that persons operating in the Power Radio Service on those frequencies in the 25–42 Mc band which were not affected by Commission actions reducing channel separations in that band, be relieved of so much of the Report and Order as requires them to reduce (by February 1, 1959) the frequency deviation of their transmitters to a point where it does not exceed ±5 kc. In the other, filed by Central Committee on Radio Facilities of the American Petroleum Institute (API) on July 30, 1958, similar relief is requested with respect to the Petroleum Radio Service.[1]

2. It will be recalled that the Commission's proceedings in Docket No. 11253 established new narrow-band technical standards for the 25–50 and 152–162 Mc bands and provided for mandatory adherence to all such standards by November 1, 1963.[2] The Commission's Notice of Proposed Rule Making in the instant proceeding reopened the general question as to the dates by which the compliance with these new standards must be effected. Ultimately, and after consideration of the comments filed in response to the Notice, the Commission, in its first Report and Order herein, reaffirmed the determination that all new standards must be met by all users in the bands affected by November 1, 1963. However, to facilitate early usage of the new frequencies derived from "channel-splitting" in the above bands, it provided an intermediate procedure whereby all users must reduce the deviation of their transmitters to a point where it does not exceed the figure (±5 kc) specified in the

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[1] In a petition filed on September 10, 1958, by Forest Industries Radio Communications (FIRC) it requested that Part 11 of the Commission's rules be amended to provide similar relief with respect to the Forest Products Radio Service. Involving as its does matters in issue in Docket No. 12295, and coming so soon after the Commission's Report and Order therein, the FIRC petition cannot be regarded as other than a petition for reconsideration of such Report and Order. Because petitions for reconsideration must be filed within 30 days of the release of the document complained of (see § 1.19 (c) of the Commission's rules), the FIRC petition must be dismissed. It should be noted, however, that the relief sought by the petition has hereinafter been provided for in the disposition of the petitions for reconsideration which were timely filed. A petition filed on December 1, 1958 by Yellow Cab, Inc. of Denver, Colorado requests that § 16.104 (b) (4) of the rules be amended so as to relieve all licensees on 152–162 Mc frequencies in the Taxicab Radio Service of the necessity of complying with the ±5 kc deviation figure by February 1, 1959. In the alternative it is requested that the foregoing rule be waived so as to provide for the petitioner the exemption it seeks. To the extent that the Yellow Cab petition constitutes a request for rule amendment, it must be dismissed under the same reasoning applied to the FIRC petition. To the extent, however, that it requests a waiver of the rule in question, it will be disposed of on its merits by separate action of the Commission.

[2] In the Industrial Radio Services the upper limit is 174 Mc.

narrow-band standards, the said reduction to be accomplished in the Industrial and Land Transportation Radio Services by February 1, 1959, and in the Public Safety Radio Services by August 1, 1960. In part, this procedure developed from the consideration that in the large percentage of transmitters operating in the bands involved, the reduction could be easily and inexpensively effected.

3. Neither API nor NCUR registers complaint with respect to the 1963 compliance date nor with respect to the 1959 date to the extent of its applicability to systems operating on frequencies above 42 Mc. In the latter connection it is pointed out that the advantages to be derived in terms of lessening the possibility of harmful interference in those bands where channel-splitting has taken place, outweigh any degradation of service which might occur. The petitioning parties state, however, that many users in the respective services are presently utilizing unconvertible broad-band receivers—which will be unable to operate satisfactorily under the conditions introduced by the deviation-reduction requirement—and that, although this factor should not forestall the reduction schedule for systems operating on frequencies above 42 Mc, it constitutes a legitimate basis for eliminating the intermediate step on frequencies between 25 and 42 Mc, particularly, since no channel-splitting has been provided for in this range in the services involved. Further, it is averred, a grant of the relief requested will enable the licensees affected to make beneficial use of their present equipment until the 1963 date.

4. For the reasons outlined by the petitioners the Commission is persuaded that the exemptions requested should be extended, not only for the Petroleum and Power Services, but also for all of the other individual services in which frequencies not involved in the channel-splitting actions are available. Accordingly, the provisions of the Commission's first Report and Order herein are hereby modified to relieve from the February 1959 (August 1960 in the case of Public Safety users) reduction requirement, all users presently operating on frequencies in the 25–42 Mc range removed by at least 40 kc from the nearest regularly-available frequency listed in Parts 10, 11 or 16.

5. The Commission believes that relief should also be provided for users on the 25–50 Mc frequencies heretofore reallocated for systems utilizing the scatter technique. Users in the 46.6–47.0 and 49.6–50.0 Mc ranges must abandon their frequencies with the expiration of their current license terms or by December 1, 1959, whichever is later. Users in the 46.51–46.60 and 49.51–49.60 ranges must clear the space by April 1, 1963. To require the licensees involved to reduce deviation prior to the date on which they must surrender their frequencies would be to saddle them with an unnecessary and unreasonable expense, particularly, since additional land mobile systems in these bands are no longer being authorized. Accordingly, users in the foregoing scatter bands are also relieved of the reduction requirement.

6. One other matter can appropriately be disposed of here. In its first Report and Order herein, in addition to providing that frequency deviations must be reduced prior to the November 1963 date set for full compliance with the new standards, the Commission also provided that all radio communication systems first authorized subsequent to August 1, 1958, in the services involved on frequencies in the 25–50 or 152–162 Mc[3] bands, utilize equipment meeting such new standards. Exemption from each of the foregoing requirements "until further order of the Commission but not beyond November 1, 1963" was provided with respect to systems located "wholly within the limits of one or more territories or possessions of the United States." Meanwhile, a question has arisen as to whether the foregoing exemption will continue to apply with respect to Alaska when that territory officially is admitted to the union. It is the Commission's purpose here to remove the doubt on this point and to specifically provide that the exemption (with, of course, the same limitations) will continue to apply in Alaska even when it subsequently achieves statehood status.

7. Authority for the amendments effected herein is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended. In view of the urgency with respect to acquainting interested persons with the substance of the rules changes made, no formal codification of such changes is contained herein. However, such formal codification will be accomplished by early order of the Commission.

8. In view of the foregoing: *It is ordered*, This 17th day of December, 1958, That the petitions identified in the first paragraph hereof are granted, and that, effective February 1, 1959, Parts 10, 11 and 16 of the Commission's rules, Public Safety, Industrial and Land Transportation Radio Services, are amended in the respects hereinabove described: *It is further ordered*, That the petition by Forest Industries Radio Communications (identified in footnote 1 hereof), and so much of the Yellow Cab, Inc. petition (also identified in footnote 1 hereof) as constitutes a petition for rule amendment, are dismissed as untimely petitions for reconsideration.

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

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10661; Filed, Dec. 24, 1958; 8:51 a. m.]

[3] For the Industrial services the upper limit is 174 Mc.

[Docket No. 12307; FCC 58-1216]

[Rules Amdt. 12-9]

PART 12—AMATEUR RADIO SERVICE

AVAILABILITY OF ADDITIONAL FREQUENCY BANDS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES, ITS TERRITORIES OR POSSESSIONS

1. The Commission issued a Notice of Proposed Rule Making in the above-captioned proceeding on February 3, 1958, wherein it was proposed to amend § 12.91,[1] of the Commission's rules so as to make available all amateur frequency bands between 7 Mc and 148 Mc for use by amateurs operating within Region 2,[2] except when within the jurisdiction of a foreign government. All interested persons were afforded ample opportunity to file original and reply comments in support of or in opposition to the proposal.

2. The purpose of the proposed amendments is to place Commission licensed amateurs operating beyond continental limits of the United States, its territories or possessions on a more equal footing with amateurs operating within these areas.[3] The first step toward accomplishing this goal was taken in Docket Number 10501. The rule changes effectuated in that proceeding added the frequency band 21.0–21.45 Mc to the frequencies which amateurs operating outside the jurisdiction of the United States were previously allowed to utilize. Thus, the present proposal may be regarded as an effort to further implement a previously established principle.

3. The majority of comments filed,[4] support adoption of the proposed amendments and no party expressed opposition to the principle which the proposal sought to implement. However, the comment filed by the American Radio Relay League[5] objected to the proposed amendments on the following basis:

> The Commission's proposal to expand amateur maritime-mobile operating privileges was carefully examined at the annual meeting of the Board of Directors of the League on May 9, 1958 * * *.
>
> It was the unanimous decision of the Board to oppose at this time, expansion of amateur

[1] At the time the Notice of Proposed Rule Making in this proceeding was issued, the involved rule provisions were encompassed in § 12.91 but subsequently were placed in § 12.90. Therefore, amendment ordered herein is of § 12.90.

[2] Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole.

[3] At present amateurs operating beyond the continental United States, its territories, or possessions may utilize only these frequencies in the bands 21.0–21.45 Mc and 28.0–29.7 Mc.

[4] A total of fifty-six original comments were filed and of this total fifty-five advocated adoption of the proposed rule changes.

[5] Herein referred to as the League.

maritime-mobile privileges beyond areas substantially within the jurisdiction of the United States, on the basis that on the eve of an international conference it is undesirable for the United States to take an action on behalf of its amateur service which may be viewed as having international implications, even if only in Region II. The League is otherwise sympathetic with the needs and desires of amateurs whose interest lie in maritime-mobile operation but it is unwilling to risk—however small the risk may be, the possibility of the development of attitudes at the conference unfavorable to amateur radio because of the now-proposed U. S. action set forth in Docket 12307.

The Maritime-Mobile Amateur Radio Club in reply to the League stated:

The position taken by the League in this docket is exactly the same as that which prompted their objection to the Commission's proposal in Docket 10501, to extend maritime-mobile operating privileges to the 21 Mc world-wide amateur band. In that proceeding, the League objected on the grounds "that the current international radio situation is such as to make such action highly inadvisable."

In the present proceeding, as in Docket 10501, the League again offers an opinion without supporting evidence that harm may result from the Commission's proposed action. The League, in effect, is saying that Commission acted unwisely in Docket 10501, and is again proposing to place amateur radio in further jeopardy. MMARC, considers the League to be presumptuous in making such representations to the Commission without substantial documentary facts to justify criticism of the Commission's action. Taking into account the time from 1946 through the period during which the Commission's action in Docket 10501 has been in effect, MMARC's investigations failed to uncover a single circumstance or situation which, in the slightest degree, gives evidence of any animosity toward, or "development of attitudes" unfavorable to United State's amateurs engaging in maritime-mobile operation on the high seas. On the contrary, MMARC points to an increased interest in this mode of amateur operation throughout the world. In Docket 10501, MMARC produced a record of foreign amateurs engaging in maritime-mobile operation on a world-wide all-band basis. Evidence was submitted to the Commission, at that time, concerning the rules and regulations for maritime-mobile operation of foreign administrations, including that of Great Britain, which was one of the countries specifically pointed to by the League, as unalterably opposed to maritime-mobile operation in any form. Records in MMARC's files show continued maritime-mobile operation with additional countries participating since 1954. For example, Canada recently formalized maritime-mobile operation for Canadian amateurs and, for this purpose, has assigned the special prefix VE0. Further, since Region 2 is particularly involved in this proceeding, MMARC calls attention to the fact that Argentina, Panama, Ecuador and Colombia have amateurs operating maritime-mobile. Attention is called to the fact that our own Navy and Coast Guard permit maritime-mobile operation where security and operational factors do not prevent. It is significant to note that last fall seven of the vessels involved in the supply convoy to the Dew Line had amateurs aboard who were permitted to operate maritime-mobile. The amateur operators were complimented for their ability to provide informal communications for the benefit of the officers and crews of the ships.

4. As indicated by the reply of the Maritime-Mobile Amateur Radio Club, the League's objection to adoption of the proposed amendments is virtually identical to its objection interposed in Docket 10501. In this circumstance it appears that the Commission's conclusions in Docket 10501 relating to the League's objections are equally applicable in this proceeding. Accordingly, the Commission concludes that the League's objection does not constitute justifiable grounds to dismiss the proposed amendment of § 12.91 of the Commission's rules.

5. The Commission believes that differences in privileges accorded amateurs, dependent solely on geographic location, are in the public interest only when clearly justified by compelling reasons. No party to this proceeding has demonstrated "compelling reasons" for continuing that portion of the present differences in privileges which the proposal would eliminate. In addition, the Commission is aware of no other information which would lead it to conclude that continuation of such differences in privileges is justified. Accordingly, the Commission finds that adoption of the rule changes proposed in the Notice of Proposed Rule Making issued in this proceeding would be in the public interest.

6. The petition of the Maritime-Mobile Amateur Radio Club which engendered this proceeding sought, in addition to the rule changes proposed by the Commission, amendments which would allow amateurs aboard vessels "operating between" certain United States ports to utilize frequencies in the 3500–4000 kc band. The Commission, in the Notice of Proposed Rule Making issued herein, stated that this plea was not granted because "if adopted it would provide no specific boundaries within which such operations would be permitted." The comment filed by the Maritime-Mobile Amateur Club "now requests that the Commission give consideration, prior to its final Report and Order, to the addition of the following: Operation may be conducted in the band 3500–4000 kc when the ship is sailing directly between ports on the east coast; directly between ports of the Gulf coast, or directly between ports of these coasts; or directly between ports of the Pacific coast; and the Hawaiian coast and Alaskan coast." This "new" proposal merely substitutes "directly between" specified ports for "between" specified ports as set forth in the original petition and fails, as did the original proposal, to provide specific boundaries within which amateur operation on frequencies in the 3500–4000 kc band would be permitted.

The League, while objecting to the Commission's proposal as set forth in the Proposed Rule Making, advocates "that all authorized amateur bands and modes of emission be made available to amateur operations on vessels plying between United States ports 'while under enrollment'."

This proposal, like that of the Maritime-Mobile Amateur Radio Club, also fails to provide specific boundaries within which amateur operation may be conducted.

7. *It is ordered*, Pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that the rules set forth below be and are hereby adopted, effective January 30, 1959.

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

Adopted: Decembr 17, 1958.

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 12, Amateur Radio Service, is amended as follows:

Section 12.90 (b) is amended to read as follows:

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with express authority granted to the licensee by such foreign government. When a foreign government permits Commission licensees to operate within its territory, the amateur frequency bands which may be used shall be as prescribed or limited by that government. (See Appendix 4 of this Part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(2) When outside the jurisdiction of a foreign government; operation may be conducted within Region 2 on any amateur frequency band between 7.0 Mc and 148 Mc, inclusive; and when not within Region 2, operation may be conducted only on the amateur frequency bands 21.00–21.45 Mc and 28.0–29.7 Mc. (Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole. On the west, a line (C) extending from the North Pole by Great Circle Arc to the intersection of parallel 65°30′ north with the international boundary in Bering Strait; thence by Great Circle Arc to the intersection of meridian 165° east of Greenwich and parallel 50° north; thence by Great Circle Arc to the intersection of meridian 170° west and parallel 10° north; thence along parallel 10° north to its intersection with meridian 120° west; thence along meridian 120° west to the South Pole.)

(3) Notice of such operation, in accordance with the provisions of § 12.91, shall be given to the Engineer in Charge of the district having jurisdiction of the authorized fixed transmitter location.

[F. R. Doc. 58-10662; Filed, Dec. 24, 1958; 8:51 a. m.]

[Docket 12639; FCC 58-1205]

[Rules Amdts. 45-1 and 46-1]

PART 45—PRESERVATION OF RECORDS OF TELEPHONE CARRIERS

PART 46—PRESERVATION OF RECORDS OF WIRE TELEGRAPH, OCEAN CABLE, AND RADIOTELEGRAPH CARRIERS

USE OF MICROFILM IN LIEU OF ORIGINAL RECORDS

1. On October 22, 1958, the Commission adopted a Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on October 28, 1958 (23 F. R. 8316) in accordance with section 4 (a) of the Administrative Procedure Act. The proposals presented for comment were for amendment of Items 4-j, 4-k, 8 and 20-b of §§ 45.8 and 46.9 of the Commission's rules. They would permit the substitution of microfilm for originals of capital stock and bond ledgers and stubs or copies of securities issued, and summary or controlling records thereof; and security subscription registers, security transfer, correction, and exchange sheets or registers, and related records; at any time rather than only permitting such substitution for separate records of a particular class of securities after all securities of that class are redeemed or otherwise retired, as is presently the rule. It would be made clear with respect to these securities records that they could be destroyed when superseded by other records containing all significant information shown in the record destroyed. The proposals would also permit substitution of microfilm for originals after five years of journal entries and vouchers rather than permitting no such substitution for some and after more than five years for others, as is presently the rule. Interested persons were given until November 26, 1958, to file comments on the proposed amendments and twenty days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The time for filing comments regarding the above-mentioned Proposed Rule Making has expired. The Commission received timely comments from American Telephone and Telegraph Company, on its own behalf and on behalf of the Bell System telephone companies, United States Independent Telephone Association, General Telephone Service Corporation, RCA Communications, Inc., The Microcard Corporation, and Recordak Corporation. The two last-named companies are suppliers of microfilm equipment while the others are communications companies affected by our preservation of records rules or are spokesmen for such companies. No comments or briefs in reply to the original comments were received except one received December 17, 1958, from American Telephone and Telegraph Company supporting a position taken by RCA Communications, Inc. on a part of the proceeding not being decided herein.

3. The proposals in this proceeding are in two distinct parts. One part relates to records of securities issued and the other to journal entries and vouchers. All comments received were favorable to adoption of all the rules amendments proposed. In addition, there were suggestions that the Commission would be justified in providing for permissive substitution of microfilm copies for original records at any time and without limitation on the records which could be so treated.

4. The Commission understands that American Telephone and Telegraph Company, which has more than 1.5 million stockholders, is anxious to place its stockholder records on magnetic tape with destruction of the originals. This cannot be done as planned until permission is received to substitute microfilm for such records at any time and with express recognition in the Rules that a record of securities issued may be destroyed when superseded by another record containing all significant information shown in the record destroyed. We see no objection to granting the authority requested with respect to records of securities issued. We see benefits to the companies and the public from space savings and probable reductions in costs of record keeping. We have not yet completed our consideration of the rule changes relating to the substitution of microfilm for originals of other types of records and we are deferring action thereon at this time. Accordingly, we are amending the Preservation of Records Rules now as to records of securities issued and will issue an Order as to other records at a later date. We have changed slightly the language presented for comment in the interests of clarification but with no change in intended meaning.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 45 and 46 of the Commission's Rules and Regulations as proposed with respect to records of securities issued:

It is ordered, That under authority contained in sections 4 (i) and 220 (e) of the Communications Act of 1934, as amended, Part 45 (Preservation of Records of Telephone Carriers), and Part 46 (Preservation of Records of Wire-Telegraph, Ocean-Cable, and Radiotelegraph Carriers) of the Commission's rules and regulations are hereby amended as set forth below:

It is further ordered, That the amendments ordered herein be effective January 1, 1959.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078, 47 U. S. C. 220)

Adopted: December 17, 1958.

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table in § 45.8, change the entries for Items 4j and 4k to read as follows:

Item No.	Description of records	Period to be retained
4	j. Capital stock and bond ledgers and stubs or copies of securities issued, and summary or controlling records thereof.	Permanently, except (1) that separate records of a particular class of securities may be destroyed 10 years after all securities of that class are redeemed or otherwise retired, and (2) that records of any class of securities may be destroyed when such records have been superseded by other records which are to be retained for the same period as the records superseded would have been, provided that the superseding records contain all significant information shown in the records superseded (M).
	k. Security subscription registers; security transfer, correction, and exchange sheets or registers; and related records.	Do.

2. In the table in § 46.9, change the entries for Items 4j and 4k to read as follows:

Item No.	Description of records	Period to be retained
4	j. Capital stock and bond ledgers and stubs or copies of securities issued, and summary or controlling records thereof.	Permanently, except (1) that separate records of a particular class of securities may be destroyed 10 years after all securities of that class are redeemed or otherwise retired, and (2) that records of any class of securities may be destroyed when such records have been superseded by other records which are to be retained for the same period as the records superseded would have been, provided that the superseding records contain all significant information shown in the records superseded (M).
	k. Security subscription registers; security transfer, correction, and exchange sheets or registers; and related records.	Do.

[F. R. Doc. 58-10663; Filed, Dec. 24, 1958; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 960, 975]

[Docket Nos. AO-179-A17 and AO-253-A4]

HANDLING OF MILK IN CLEVELAND, OHIO, AND AKRON-STARK COUNTY, OHIO, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Carter Hotel, 1012 Prospect Avenue, Cleveland, Ohio, beginning at 10:00 a. m., local time, on January 27, 1959, with respect to proposed amendments to the tentative marketing agreements and to the order, regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing areas.

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

The proposals to redesignate the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing areas and substantial additional territory as the Cleveland-Akron-Stark County, Ohio, marketing area contemplates suspensions of all provisions of Order No. 60 with a merger of the marketing service funds, administrative funds, and producer-settlement funds upon the adoption of such redesignation. These proposals raise the issue whether the present provisions of Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area, as amended in accordance with the proposals set forth below, would tend to effectuate the declared policy of the Act if applied to the marketing area as proposed to be redesignated and extended and if not, what modifications are appropriate to effectuate the declared policy of the Act.

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

Amended Order No. 75 to regulate the handling of milk in the Cleveland-Akron-Stark County marketing area:

Proposed by Milk Producers Federation of Cleveland, Akron Milk Producers, Inc., Stark County Milk Producers Association and Northwestern Cooperative Sales Association:

DEFINITIONS

§ 975.1 *Act.* [No change.]

§ 975.2 *Secretary.* [No change.]

§ 975.3 *Department of Agriculture.* [No change.]

§ 975.4 *Market Administrator.* [No change.]

§ 975.5 *Person.* [No change.]

§ 975.6 *Cleveland, Ohio, marketing area.* [Marketing area to be redesignated as the Cleveland-Akron-Stark County Marketing Area and to consist of a combination of the present language in § 960.3 (Order 60) and § 975.6 (Order 75).]

§ 975.7 *Handler.* [No change.]

§ 975.8 *Producer.* [Delete in Paragraph "B" the phrase, "within April, May, June or July."]

§ 975.9 *Cooperative association.* [Add to paragraph (c); "to have all of its activities under the control of its members".]

§ 975.10 *Nonhandler.* [No change.]

§ 975.11 *Producer-handler.* [No change.]

§ 975.12 *Pool plant.* [No change.]

§ 975.13 *Nonpool plant.* [No change.]

§ 975.14 *Other source milk.* "Other source milk" means all skim milk or butterfat contained in or represented by (a) receipts during the month of products named in § 975.51 (a) except (1) producer milk, and (2) receipts from other pool plants; and (b) other milk products from any source, including those produced at the plant, which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 975.15 *Route.* [No change.]

§ 975.16 *Delivery period.* [No change.]

§ 975.17 *Eligible milk.* [No change.]

§ 975.18 *Ineligible milk.* [No change.]

MARKET ADMINISTRATOR

§ 975.20 *Designation.* [No change.]

§ 975.21 *Powers.* [No change.]

§ 975.22 *Duties.* [No change.]

POOL PLANT

§ 975.30 *Designation.* [Delete paragraph (c) and insert the following:]

(c) Any plant(s) operated by a cooperative association(s) where 66⅔ percent or more of the milk delivered during six of the seven preceding delivery periods by producers who are members of such association(s) is received at the pool plants of other handlers and the association(s) is qualified under § 975.76 and otherwise qualified under the terms of this sub-part. For the purpose of this section, milk diverted to a nonpool plant shall be deemed to have been received at the pool plant from which it was diverted.

§ 975.31 *Replacement.* [No change.]

§ 975.32 *Discontinuance.* [No change.]

REPORTS, RECORDS AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* [No change.]

§ 975.41 *Other reports.* [No change.]

§ 975.42 *Records and facilities.* [No change.]

§ 975.43 *Retention of records.* [No change.]

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* [No change.]

§ 975.51 *Classes of utilization.* [No change.]

§ 975.52 *Shrinkage.* (a) If a handler operates more than one pool plant, shrinkage shall be computed with respect to the combined receipts and disposition of all such plants.

(b) If a handler has receipts of other source milk, shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(c) Producer milk diverted by a handler from his pool plant to the pool plant of another handler without first having been received for purposes of weighing in the diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was diverted for the purpose of computing maximum shrinkage allowable pursuant to § 975.51 (c) (4), and proration pursuant to paragraph (b) of this section and shall be excluded from the receipts at the diverting plant for such purposes;

(d) Where producer milk is transferred in bulk from a pool plant to the pool plant of another handler, the maximum allowance for shrinkage pursuant to § 975.51 (c) (4) and the base for proration of shrinkage pursuant to paragraph (b) of this section with respect to such milk shall each be divided equally between the transferor and transferee plants.

§ 975.53 *Transfers.* [In paragraph (b) insert the words "except cream" after the phrase "any item listed" in § 975.5 (a) (1), or, in the alternative delete this paragraph.]

§ 975.54 *Responsibility of handlers and reclassification of milk.* [No change.]

§ 975.55 *Computation of the skim milk and butterfat in each class.* [No change.]

§ 975.56 *Allocation of butterfat classified.* [No change.]

§ 975.57 *Allocation of skim milk classified.* [No change.]

MINIMUM PRICES

§ 975.60 *Basic formula price.* [No change.]

In § 975.61 *Class I milk prices,* § 975.62 *Class II milk prices,* § 975.63 *Class III milk prices,* review and consider an appropriate level of pricing for the prices contained in the three sections.

§ 975.64 *Butterfat differentials to handlers.* [No change.]

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* [No change.]

§ 975.66 *Quota rules.* [No change.]

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* [No change.]

§ 975.71 *Location adjustments to handlers.* [Change the first sentence to read as follows: "In computing the value of milk received from producers at a pool plant located 40 miles or more by the shortest highway distance, as determined by the Market Administrator, from the nearest of the following:

Public Square, Cleveland, Ohio.
City Hall, Akron, Ohio.
City Hall, Canton, Ohio.

and classified as Class I or Class II milk, there shall be deducted:

(a) No change.

(b) Delete this section and substitute therefor new language which will recognize farm bulk tank deliveries through reload points and establish necessary and equitable relationships between deliveries through country pool plants and such reload points and make such other conforming amendments in §§ 975.30 and 975.81 as are necessary.

(c) Change the language to allow location adjustment on 108 percent of Class I and II utilization.]

§ 975.72 *Obligation to the producer-settlement fund for other source milk.* [No change.]

§ 975.73 *Computation of uniform price.* [No change.]

§ 975.74 *Computation of ineligible milk price.* [No change.]

§ 975.75 *Computation of eligible milk price.* [No change.]

§ 975.76 *Notification.* [No change.]

PAYMENTS

§ 975.80 *Time and method of payment.* [Use § 960.70 of Akron Order.]

§ 975.81 *Location adjustments to producers.* [Amend to conform to handler location adjustment.]

§ 975.82 *Butterfat differential.* [No change.]

§ 975.83 *Producer-settlement fund.* [No change.]

§ 975.84 *Payments to the producer-settlement fund.* [No change.]

§ 975.85 *Payments out of the producer-settlement fund.* [No change.]

§ 975.86 *Expense of administration.* [No change.]

§ 975.87 *Marketing services.* [In § 975.87 (a) substitute a five cent figure for the four cent figure.]

§ 975.88 *Adjustment of accounts.* [No change.]

§ 975.89 *Termination of obligations.* [No change.]

MISCELLANEOUS PROVISIONS

§ 975.90 to § 975.96 [No changes.]

Proposed by Wayne Cooperative Milk Producer, Inc.

Proposal No. 2. Delete §§ 975.17, 975.18, 975.65, 975.66, 975.74, and 975.75.

Proposal No. 3. Add to definitions and designate as § 975.17, the following:

§ 975.17 *Reload point.* Reload point means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a milk plant except that reloading operations on the premises of a pool plant shall be considered a part of the pool plant's operation.

Proposal No. 4. Add the phrase "or reload point" after the second word in the first sentence in § 975.30 (b).

Proposal No. 5. Delete § 975.30 (c), and substitute therefor the following:

(c) Any plant which is located 40 miles or less by shortest highway distance as determined by the Market Administrator from the nearest of the following: (1) Public Square, Cleveland, Ohio; (2) City Hall, Akron, Ohio; (3) City Hall, Canton, Ohio, and which is operated by a cooperative association: *Provided*, That such plant delivered in conjunction with the direct ship members of such association during six of the seven preceding delivery periods to pool plants as defined in paragraph (a) of this section sixty-five percent or more of the total dairy farm supply of the members of the association shipping to such plant and directly to pool plants as defined in paragraph (a) of this section: *And provided further*, That the association is qualified under § 975.76. For the purpose of this section, milk diverted to a non-pool plant shall be deemed to have been received at the pool plant from which it was diverted.

Proposal No. 6. Delete the last paragraph in § 975.30 and add therefor the following: "All pool plants and reload points operated by a handler shall be considered as one plant for the purpose of meeting the percentage requirements of paragraph (b) of this section unless the handler otherwise notifies the Market Administrator in writing prior to the delivery period."

Proposal No. 7. Delete § 975.63 and substitute therefor the following:

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the price per hundredweight computed pursuant to paragraphs (a) and (b) of this section, less 2 cents.

(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(b) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Proposal No. 8. Amend §§ 975.71 and 975.81 to include reload points.

Proposal No. 9. Delete § 975.82 and substitute therefor the following:

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

Proposed by Sealtest Ohio Division, National Dairy Products Corporation:

Proposal No. 10. Provide the terms of a Federal Milk Market Order regulating the handling of milk in the Cleveland, Akron, Stark County, Ohio, marketing area, as follows:

DEFINITIONS

§ 975.1 *Act.* [Adopt § 975.1 of the present Order 75.]

§ 975.2 *Secretary.* [Adopt § 975.2 of the present Order 75.]

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any federal agency as may be authorized by Act of Congress, or by Executive Order, to perform the price reporting functions specified in this Part.

§ 975.4 *Market Administrator.* [Adopt § 975.4 of the present Order 75.]

§ 975.5 *Person.* [Adopt § 975.5 of the present Order 75.]

§ 975.6 *Cleveland, Akron, Stark County, Ohio, marketing area.* "Cleveland, Akron, Stark County, Ohio, marketing area", hereinafter called the "marketing area", means all the territory included within the boundaries of the Townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton in Lorain County; Willoughby, Mentor, and Kirkland Townships and the City of Painsville in Lake County; the City of Ashtabula in Ashtabula County; the Townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield, and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox

Township in Columbiana County; and Sections 1, 2, 3, 10, 11, and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio; together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State, or Federal) installations, institutions or other establishments.

§ 975.7 *Handler*. [Adopt § 960.4 of the present Order 60.]

§ 975.8 *Producer*. [Adopt § 960.7 of the present Order 60.]

§ 975.9 *Cooperative association*. [Adopt § 960.14 of the present Order 60.]

§ 975.10 *Nonhandler*. [Adopt § 975.10 of the present Order 75.]

§ 975.11 *Producer-handler*. [Adopt § 960.10 of the present Order 60.]

§ 975.12 *Pool plant*. [Adopt § 975.12 of the present Order 75.]

§ 975.13 *Nonpool plant*. [Adopt § 975.-13 of the present Order 75.]

§ 975.14 *Other source milk*. "Other source milk" means all skim milk and butterfat contained in

(a) Receipts during the month of Class I products except (1) such receipts from pool plants, (2) producer milk; and

(b) Products, other than Class I products from any source (except those processed at the plant during the month), which are processed and converted to another product in the plant during the month.

§ 975.15 *Route*. "Route" means a delivery (including a sale from a plant store) of a Class I product or a Class II product to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises.

§ 975.16 *Delivery*. "Delivery" means a calendar month or other accounting period as provided in § 975.56 (h).

§ 975.17 *Eligible milk*. [Adopt § 975.17 of present Order 75.]

§ 975.18 *Ineligible milk*. Adopt § 975.18 of the present Order 75.]

MARKET ADMINISTRATOR

§ 975.20 *Designation*. [Adopt § 975.20 of the present Order 75.]

§ 975.21 *Powers*. [Adopt § 975.21 of the present Order 75.]

§ 975.22 *Duties*. [Adopt § 975.22 of the present Order 75.]

POOL PLANT

§ 975.30 *Designation*. A pool plant shall be any plant meeting the conditions of paragraphs (a), (b) or (c) of this section except a bottling plant operated by a producer-handler, or the plant of a handler exempted in § 975.90:

(a) Any plant at which milk is processed and distributed as Class I milk or Class II milk (either directly, through depots, or to vendors) during the month on routes operated wholly or partially within the marketing area: *Provided*, That the total quantity distributed during the month on all routes operated inside or outside the marketing area is equal to 50 percent, or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use;

(b) Any plant which, having the approval of the appropriate health authority in the marketing area, has during the month delivered to a pool plant(s) described in paragraph (a) of this section an amount of milk equal to 30 percent of its dairy farm supply of milk: *Provided*, That such plant shall continue to be designated as a pool plant for such consecutive succeeding months as the 30 percent average is maintained; *And provided further*, That if during the period of July through December such plant has delivered to a pool plant(s) described in paragraph (a) of this section, 10 percent or more of its dairy farm supply during each month and 30 percent or more during the entire period, such plant shall, on written application to the Market Administrator on or before December 30 of any year, be designated as a pool plant through June 31 of the same year and each month thereafter, through December 31 of the same year, that it delivers 10 percent or more of its total dairy farm supply to a pool plant(s) described in paragraph (a) of this section;

(c) All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of paragraph (b) of this section if the handler submits a written request to the Market Administrator prior to the delivery period for which such consideration is requested.

§ 975.31 *Replacement*. [Adopt § 975.31 of the present Order 75.]

§ 975.32 *Discontinuance*. [Adopt § 975.32 of the present Order 75.]

REPORTS, RECORDS AND FACILITIES

§ 975.40 *Reports of receipts and utilization*. [Adopt § 975.40 of the present Order 75.]

§ 975.41 *Other reports*. [Adopt § 975.41 of the present Order 75.]

§ 975.42 *Records and facilities*. [Adopt § 975.42 of the Present Order 75.]

§ 975.43 *Retention of records*. [Adopt § 975.43 of the present Order 75.]

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified*. [Adopt § 975.50 of the present Order 75.]

§ 975.51 *Classes of utilization*. Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the Market Administrator on the basis of the following classes of utilization:

(a) Class I utilization shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, milk not in hermetically sealed cans, and sweet and sour cream, or (2) not accounted for as Class II or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) or (b) of this section, (2) disposed of as livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator, (3) in cream frozen, (4) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk form from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers, (5) in shrinkage of other source milk; and (6) in inventories of Class I products on hand at the end of the month.

§ 975.52 *Shrinkage*. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in milk received direct from producers and in bulk lots from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 975.53 *Transfers*. [Adopt § 975.53 in the present Order 75, except that "cream" shall not be included in the Class I items covered in paragraph (b) of said section.]

§ 975.54 *Responsibility of handlers and reclassification of milk*. [Adopt § 975.54 of the present Order 75.]

§ 975.55 *Computation of skim milk and butterfat in each class*. [Adopt § 975.55 of the present Order 75.]

§ 975.56 *Allocation of butterfat classified*. The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in the specified class the pounds of butterfat shrinkage in producer milk allowed in classes other than Class I pursuant to § 975.51;

(b) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest price utilization the pounds of butterfat received in other source milk, received from a plant(s) other than one in which the handling of milk is fully subject to another marketing agreement or Order issued pursuant to the Act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest price utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant(s) at which the milk is fully subject to another marketing agreement or Order issued pursuant to the Act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal Order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in Class III milk, Class II milk and Class I milk, in series beginning with Class III, the pounds of butterfat contained in inventory of Class I products on hand at the beginning of the month;

(f) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(g) Add to the remaining pounds of butterfat in the specified class the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization.

(h) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the Market Administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

§ 975.57 *Allocation of skim milk classified.* [Adopt § 975.57 of the present Order 75.]

MINIMUM PRICES

§ 975.60 *Basic formula price.* [Adopt § 975.60 of the present Order 75.]

§ 975.61 *Class I milk price.* [Adopt § 975.61 of the present Order 75.]

§ 975.62 *Class II milk price.* [Adopt § 975.62 of the present Order 75.]

§ 975.63 *Class III milk price.* [Adopt § 975.63 of the present Order 75.]

§ 975.64 *Butterfat differentials to handlers.* [Adopt § 975.64 of the present Order 75.]

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* [Adopt § 975.65 of the present Order 75, except that consideration be given to the propriety of revision in the months specified for use in determining the eligible milk quota of producers, and if revision in this respect is effected, make conforming changes in other appropriate provisions in the Order.]

§ 975.66 *Quota rules.* [Adopt § 960.57 of the present Order 60, except there shall be added to the language of § 960.57 the following proviso paragraph:

Provided, That in the case of a producer whose total milk deliveries are subject to the provisions of this part during the current month and whose milk deliveries were priced pursuant to another Order issued pursuant to the Act during the preceding period in which quotas are established pursuant to this part, the Market Administrator shall assign a daily quota in accordance with the foregoing provisions of this section on the basis of such deliveries under such other Order during such period.]

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* [Adopt § 975.70 of the present Order 75.]

§ 975.71 *Location adjustment to handlers.* [Adopt § 960.54 of the present Order 60, except substitute the words "110 per cent" for the words "105 per cent" appearing in paragraph (c) of § 960.54.]

§ 975.72 *Obligation to the producer settlement fund.* With respect to other source milk of a pool plant handler and with respect to Class I and Class II products distributed in the marketing area by a non-pool plant.

(a) During any delivery period in which the total receipts from all producers is more than 120 percent of the total Class I utilization at all plants, any handler who receives other source milk during the month which is allocated to Class I pursuant to § 975.56 (b) and the corresponding step of § 975.57 shall pay to the producer settlement fund an amount equal to the value of the milk so allocated to Class I, at the Class I price, adjusted by the Class I butterfat differential, less an amount computed at the rate as specified in § 975.71 for the distance from the plant at which the other source milk originates to the public square in Cleveland, Ohio, less the value of such milk at the Class III price, adjusted by the Class III butterfat differential.

(b) An operator of a non-pool plant which is not subject to the classification and pricing provisions of another Order issued pursuant to the Act, shall, on or before the 12th day after the end of the month, pay the Market Administrator for deposit into the producer settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of Class I products on routes in the marketing area during the month by a rate obtained by subtracting the Class III price, adjusted by the Class III butterfat differential from the Class I price adjusted by the Class I butterfat differential.

Such operator of such non-pool plant shall likewise pay to the Market Administrator for deposit in the producer settlement fund an amount calculated by multiplying the total amount of butterfat and skim milk disposed of in the form of Class II products on routes in the marketing area during the month by a rate obtained by substituting the Class III price adjusted by the Class III butterfat differential from the Class II price adjusted by the Class II butterfat differential.

§ 975.73 *Computation of uniform price.* [Adopt § 975.73 of the present Order 75.]

§ 975.74 *Computation of ineligible milk price.* [Adopt § 975.74 of the present Order 75.]

§ 975.75 *Computation of eligible milk price.* [Adopt § 975.75 of the present Order 75.]

§ 975.76 *Notification.* [Adopt §975.76 of the present Order 75.]

PAYMENTS

§ 975.80 *Time and method of payment.* [Adopt §960.70 of the present Order 60.]

§ 975.81 *Location adjustment to producers.* [Conform to the provisions of § 975.71.]

§ 975.82 *Butterfat differential.* [Adopt § 975.82 of the present Order 75.]

§ 975.83 *Producer-settlement fund.* [Adopt § 975.83 of the present Order 75.]

§ 975.84 *Payments to the producer-settlement fund.* [Adopt § 975.84 of the present Order 75.]

§ 975.85 *Payments out of producer-settlement fund.* [Adopt § 975.85 of the present Order 75.]

§ 975.86 *Expense of administration.* [Adopt § 975.86 of the present Order 75, and add thereto language providing that the operator of a non-pool plant which is not subject to the classification and pricing provisions of another Order issued pursuant to the Act shall pay the rate of administrative charge with respect to Class I disposed of on routes in the marketing area.]

§ 975.87 *Marketing services.* [Adopt § 960.75 of the present Order 60, modified with respect to the rate of charge as the Secretary finds proper.]

§ 975.88 *Adjustment of accounts.* [Adopt § 975.88 of the present Order 75.]

§ 975.89 *Termination of obligations.* [Adopt § 960.77 of the present Order 60.]

§§ 975.90 through 975.96. [Adopt § 975.90 through § 975.96 of the present Order 75.]

Proposed by Cleveland Milk Market Survey Committee:

Proposal No. 11. Amend § 975.6 to also include the marketing area described in § 960.3 of Federal Order No. 60, and all of Lake County, Ohio, and all of Ashtabula County, Ohio.

Proposal No. 12. Change § 975.14 to read as follows:

§ 975.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received at any pool plant other than from producers, and (b) all milk products from any source (including those produced at the plant) that are converted to or co-mingled with a product specified in § 975.51 (a), on a product pound basis.

Make such other conforming changes in classification and utilization sections of the order where "used to produce" language may conflict with the "product pound" intent of this proposal.

Proposal No. 13. Change §§ 975.51 (a), 975.51 (b), and 975.51 (c) to read as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet cream in other than five or ten gallon containers, concentrated milk disposed of for fluid consumption, or (2) not accounted for as Class II or Class III utilization: *Provided*, That concentrated skim milk products used for fortification shall be classified on a product pound basis.

(b) Class II milk shall be all skim milk and butterfat contained in sour cream, sweet cream in five or ten gallon containers, and cottage cheese: *Provided*, That concentrated skim milk products shall be classified on a product pound basis.

(c) Class III milk shall be all skim milk and butterfat (1) contained in eggnog; (2) used to produce any milk product not specified in Class I milk or Class II milk; (3) disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage of producer milk up to 2 percent of receipts from producers or in shrinkage of other source milk: *Provided*, That concentrated skim milk products shall be classified on a product pound basis.

Proposed by Reiter and Harter Milk and Ice Cream, Inc.

Proposal No. 14. That Wadsworth Township of Medina County be included in the marketing area.

Proposed by Wooster Farm Dairies Co., Wooster, Ohio.

Proposal No. 15. Amend § 975.71 *Location adjustment to handlers* to read as follows:

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, and any indirect ship milk disposed of as Class III which is transported a distance of not less than 10 miles by the shortest highway as determined by the market administrator, there shall be deducted:

[(a) No change.]

[(b) No change.]

(c) For the purpose of determining the respective quantities of Class I, Class II, or Class III milk subject to the location adjustment, each pool handler's utilization of Class I, Class II, Class III milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producer's farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance by the market administrator.

Proposed by Smith Dairy Products Company.

Proposal No. 16. Add the following area to the marketing area of the proposed Cleveland-Akron-Stark County Order:

The following townships in Medina County:

Wadsworth, Sharon, and Guilford Townships.

The following townships in Wayne County:

Chippewa, Milton, Canaan, Baughman, Green, Wayne, Sugar Creek (part of Sugar Creek not already in), East Union and Wooster Townships.

Proposed by Committee for Pooling Handlers in Stark County, Ohio, Under Order No. 60:

Proposal No. 17. Amend Part 975 as follows:

§ 975.6 *Marketing area.* [Re-designate to include and adopt § 960.3 and § 975.6 adding thereto all of the area within the boundaries of Tuscarawas County, Ohio.]

§ 975.8 *Producer.* [Delete and substitute § 960.7 of Part 960 (Order 60).]

§ 975.12 *Pool plant.* [See § 975.30 herein.]

§ 975.14 *Other source milk.* [Delete and substitute § 960.9 of Part 960 (Order 60), with necessary conforming reference changes.]

§ 975.30 *Pool plant, designation.* [Delete and substitute § 960.5 of Part 960 (Order 60), except change in paragraph (b) (2) and (b) (2) (ii) July thru December instead of August thru January; and in paragraph (b) (2) (i) January thru June instead of February thru July; and add thereto paragraph (b) (3) "All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this section if the handler submits a written request to the Market Administrator prior to the delivery period for which such consideration is requested," with necessary conforming reference changes.]

§ 975.53 *Transfers.* [Delete and substitute § 960.44 of Part 960 (Order 60) with other necessary conforming references or changes.

§ 975.56 *Allocation of butterfat classified.* [Delete and substitute § 960.46 of Part 960 (Order 60) with other necessary conforming references or changes.]

§ 975.71 *Location adjustment to handlers.* [Delete and substitute § 960.54 of Part 960 (Order 60), except change the words "105 per cent" in subsection (c) of § 960.54 to read "110 per cent."]

§ 975.81 *Location adjustment to producers.* [Revise to conform to proposal set forth at § 975.71 herein.]

§ 975.84 *Payments to the Producer Settlement Fund.* [Delete and substitute § 960.72 of Part 960 (Order 60) with other necessary conforming references or changes.

Proposed by Dairy Division, Agricultural Marketing Service.

Proposal No. 18. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 7503 Brookpark Road, Cleveland 29, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of December 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-10672; Filed, Dec. 24, 1958; 8:53 a. m.]

Agricultural Research Service

[9 CFR Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE AND CERTAIN OTHER DISEASES

NOTICE OF PROPOSED RULE MAKING

Notice of proposed determination of nonexistence of rinderpest and foot-and-mouth disease in Sweden and of proposed amendment of regulations imposing prohibitions and restrictions on importation of specified animals and animal products on account of certain diseases.

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of section 306 of the Tariff Act of 1930, as amended (19 U. S. C. 1306; Pub. Law 85-867) and section 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111), it is proposed to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Sweden, and to amend the regulations in 9 CFR Part 94, as amended, imposing prohibitions and restrictions on the importation of specified animals and animal products on account of rinderpest and foot-and-mouth disease and certain other diseases, as follows:

1. In § 94.1 (a) (4) in the exception, delete the word "and" before the words "the Republic of Ireland" and add "Sweden" following the words "the Republic of Ireland".

2. Amend § 94.1 (b) to read:

(b) The importation from any infected country, designated in paragraph (a) of this section, into the United States of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meat of such animals (including the entry into any port of the United States of any vessel or other means of conveyance having on board as stores or otherwise such animals or meats from any such country) is prohibited, except as provided in Part 92 of this chapter for wild ruminants and wild swine from such countries.

3. Amend § 94.2 to read:

§ 94.2 *Fresh, chilled, or frozen products (other than meat) of certain ruminants and swine.* The importation of fresh, chilled or frozen products (other than meat) derived from ruminants or swine, originating in any country designated in § 94.1, is prohibited, except as provided in § 94.3 and in Parts 95 and 96 of this chapter.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendments may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of December 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-10675; Filed, Dec. 24, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

LIFE RAFTS (TWIN TUBE)

Section 514.22 defines minimum performance standards for life rafts which will be used on civil aircraft of the United States. This regulation is being amended to incorporate a new industry standard and to reissue the regulation in the new format published in 21 F. R. 6508.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.22 (21 F. R. 6508) is amended to read as follows:

§ 514.22 *Life rafts (twin tube); TSO-C12a*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after the effective date of this section shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958.[1] Life raft models approved by the Civil Aeronautics Administration prior to the effective date of this section may continue to be used under the provisions of their original approval until they are no longer seaworthy.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C12a, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* One copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall be furnished to Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10639; Filed, Dec. 24, 1958; 8:47 a. m.]

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D. C.

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 set forth below to License No. CX-6 authorizing Westinghouse Electric Corporation to conduct the "Two-Region Critical Experiments" described in its application for amendment dated November 10, 1958 at its Westinghouse Reactor Evaluation Center CRX facility located near Waltz Mill in Westmoreland County, Pennsylvania. The Commission has found that conduct of the experiments in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details, see (1) the application for license amendment by Westinghouse Electric Corporation and (2) a hazards analysis of the experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of December 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. CX-6, Amdt. No. 4]

In addition to activities previously authorized by the Commission under License No. CX-6, as amended, the Westinghouse Electric Corporation (hereinafter referred to as "the licensee") is authorized to perform the "Two-Region Critical Experiments" described in its application for amendment dated November 10, 1958, in the Westinghouse Reactor Evaluation Center CRX facility in accordance with the procedures and subject to the limitations stated or incorporated therein.

In performing these experiments the licensee shall comply with the conditions and requirements contained in paragraph 4 of License No. CX-6, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: December 18, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-10622; Filed, Dec. 24, 1958; 8:45 a. m.]

[Docket No. 27-8]

NEW ENGLAND TANK CLEANING CO.

NOTICE OF APPLICATION FOR AMENDMENT TO BYPRODUCT MATERIAL LICENSE

Please take notice that an application for an Amendment to Byproduct Material License No. 20-3541-1 has been filed by New England Tank Cleaning Company, 135 First Street, Cambridge, Massachusetts.

The application requests amendment of the applicant's license to authorize it to store, package, and dispose of 50 pounds of source material and 5 grams of special nuclear material. The materials will be prepackaged by customers of the applicant and will be encased in concrete by the applicant for disposal. Under its current license, the New England Tank Cleaning Company is authorized to store, package, and dispose of 1,000 curies of byproduct material.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 17th day of December 1958.

For the Atomic Energy Commission.

JAMES R. MASON,
Chief, Isotopes Branch,
Division of Licensing and Regulation.

[F. R. Doc. 58-10623; Filed, Dec. 24, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12707]

BARRY O'LEARY, INC.

ORDER TO SHOW CAUSE

In the matter of Barry O'Leary, Inc., 215 North 16th Street, Billings, Montana, Docket No. 12707; order to show cause why there should not be revoked the license of special industrial radio station KOH-979.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Notice dated May 2, 1958, specifying that on that same date the subject radio station had been observed in violation of:

Section 11.108: Failure to provide for all required transmitter measurements.

Section 11.152 (a): Failure to observe proper identification procedure.

Section 11.154 (e) (1): Unlicensed persons permitted to operate base transmitter.

Section 11.156 (a): Transmitter identification card not affixed.

Section 11.156 (b): Failure to post valid license or other authorization.

Section 11.160: Failure to maintain station records in manner required.

Section 11.702: No provision made for receipt of CONELRAD alerts.

It further appearing that the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter dated June 16, 1958, and sent by Certified Mail—Return Receipt Requested (No. 5446999), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Pat McGee, on June 18, 1958, to a Post Office Department return receipt; and

It further appearing that although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 19th day of December 1958, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10664; Filed, Dec. 24, 1958; 8:52 a. m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of facts contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 12548, 12549; FCC 58M-1470]

FALCON BROADCASTING CO. AND SIERRA MADRE BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of George A. Baron, tr/as Falcon Broadcasting Company, Vernon, California, Docket No. 12548, File No. BPH-2382; Max H. Isoard, tr/as Sierra Madre Broadcasting Company, Sierra Madre, California, Docket No. 12549, File No. BPH-2403; for construction permits.

The Hearing Examiner having under consideration the Motion for Continuance of Procedural Dates in the above-entitled proceeding filed on December 12, 1958, by Max H. Isoard;

It appearing that because of the recently filed application of the Bible Institute of Los Angeles (File No. BMPH-5311) presently pending completion of processing which may affect the status of the parties and the issues herein it is impractical to adhere to the procedural dates previously ordered and that, in view of the date on which Commission consideration of the said application of the Bible Institute of Los Angeles can reasonably be expected, the dates specified in the said motion would not afford adequate time for preparation of direct cases on the engineering issues:

It is ordered, This 18th day of December 1958 that the said motion is denied and on the Examiner's own motion the dates herein for the exchange of direct cases on the engineering issues, for the exchange of direct cases on the non-engineering issues and for the further prehearing conference are continued to January 22, 1959, February 2, 1959, and February 10, 1959, respectively.

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10665; Filed, Dec. 24, 1958; 8:52 a. m.]

[Docket No. 12705]

LEVIN F. HARRISON III

ORDER TO SHOW CAUSE

In the matter of Levin F. Harrison III, Tilghman, Maryland, Docket No. 12705; order to show cause why there should not be revoked the license for radio station WF-2278 aboard the vessel "Levronson".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Notice mailed on August 6, 1958, alleging that on June 14, 1958, between 11:53 a. m. and 1:06 p. m., and at 5:00 p. m., local time, the subject radio station was observed in violation of the Commission's rules as follows:

Section 8.101 (a): Refusal to permit inspection of radio station aboard the vessel "Levronson" by duly authorized representatives of the Commission.

Section 8.366 (a) (2): Calling a particular station for a period of more than thirty seconds or without permitting a period of one minute to elapse between calls.

Section 8.366 (b) (2): Transmitting on the intership radio-channel of which 2638 kc is the authorized carrier frequency prior to calling and answering on the calling channel of which 2182 kc is the authorized carrier frequency.

It further appearing that the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter mailed September 9, 1958, and sent by Certified Mail—Return Receipt Requested (No. 501813), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Alice A. Harrison, on September 10, 1958, to a Post Office Department return receipt; and

It further appearing that although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of December 1958, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10666; Filed, Dec. 24, 1958; 8:52 a. m.]

[Docket No. 12676 etc., FCC 58M-1463]

FOUR STATES BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of John L. Miller, tr/as The Four States Broadcasting Company, Halfway, Maryland, Docket No. 12676, File No. BP-11227; Dover Broadcasting Company (WDOV), Dover, Delaware, Docket No. 12677, File No. BP-11327; Regional Broadcasting Company, Halfway, Maryland, Docket No. 12678, File No. BP-11646; George Fishman, Brunswick, Maryland, Docket No. 12679, File No. BP-12034; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and information with respect to pending applications which has been supplied informally by the Commission's Broadcast Bureau;

It appearing that no useful purpose would be served by holding a prehearing conference or hearing herein until the Commission has taken action with respect to designating for hearing applications to increase power of WWIN, Baltimore (File No. BP-12311), WOND, Pleasantville, New Jersey (File No. BP-12343), and WINC, Winchester, Virginia (File No. BP-12265);

It is ordered, This 17th day of December 1958, that the prehearing conference and hearing herein, scheduled for January 7 and January 26, 1959, respectively, are continued without date, pending action by the Commission on the above-mentioned applications;

It is further ordered, That the parties, or any of them, may request that the prehearing conference and hearing be rescheduled as soon as all pending applications which are entitled to be consolidated in this proceeding have been designated for hearing herein by the Commission.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10667; Filed, Dec. 24, 1958; 8:52 a. m.]

[Docket No. 8739 etc.; FCC 58M-1468]

WHDH, INC., ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of WHDH, Inc., Boston, Massachusetts, Docket No. 8739, File No. BPCT-248; Greater Boston Television Corp., Boston, Massachusetts, Docket No. 11070, File No. BPCT-1657; Massachusetts Bay Telecasters, Inc., Boston, Massachusetts, Docket No. 11072, File No. BPCT-1844; Allen B. Du Mont Laboratories, Inc., Boston, Massachusetts, Docket No. 11073, File No. BPCT-1854; for construction permits for new television stations (Channel 5).

It is ordered, This 15th day of December 1958, that a prehearing conference, in accordance with the provisions of § 1.111 of the rules, will be held in the above-entitled matter at 11:00 a. m., January 5, 1959, in the offices of the Commission in Washington, D. C.

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10668; Filed, Dec. 24, 1958; 8:52 a. m.]

[Docket No. 12210; FCC 58-1200]

KENNETH G. AND MISHA S. PRATHER

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permit.

1. The Commission has before it for consideration a petition filed October 23, 1958, by KDEN Broadcasting Company (KDEN), to enlarge the issues in the above-entitled proceeding, and a reply thereto filed October 30, 1958, by Kenneth G. Prather and Misha S. Prather (Prather).

2. KDEN alleges that the 2 mv/m contour of Prather's proposal will overlap the 25 mv/m contour of KDEN, Denver, Colorado, in violation of § 3.37 of the Commission's rules. In support thereof, KDEN submitted an affidavit of its consulting engineer, wherein is stated his opinion that field intensity measurements made by Prather indicate a higher conductivity in the area concerned than shown by the analysis of Prather's engineer, or by the Commission ground conductivity map. KDEN contends that such higher conductivity would result in the overlap of its 25 mv/m contour with the 2 mv/m contour of Prather's proposal.

3. In its reply, Prather consents to a grant of the petition to enlarge in order to expedite the termination of the proceeding.

4. It appears that the field intensity measurements submitted by Prather are subject to different interpretations and do not conclusively show that the alleged overlap of contours will not occur. Therefore, the issues will be enlarged to permit resolution of the overlap question in the hearing.

Accordingly, it is ordered, This 17th day of December, 1958, that the petition to enlarge issues filed by KDEN Broadcasting Company is granted and Issues number 6 and 7 in the above-entitled proceeding are renumbered 7 and 8 and the hearing issues are enlarged to include as Issue No. 6, the following: "To determine whether the 2 mv/m contour of the proposed operation would overlap the 25 mv/m contour of standard broadcast station KDEN, Denver, Colorado, in violation of § 3.37 of the rules."

Released: December 19, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10669; Filed, Dec. 24, 1958; 8:52 a. m.]

[Docket No. 12706; FCC 58-1204]

JACK L. GOODSITT (WTOJ)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Jack L. Goodsitt (WTOJ), Tomah, Wisconsin, Docket No. 12706, File No. BP-11715; for construction permit.

1. The Commission has before it (1) a "Protest and Petition For Rehearing" filed on November 21, 1958, pursuant to the Communications Act of 1934, as amended, by Tomah-Mauston Broadcasting Company, Incorporated, (WTMB, hereinafter) permittee of Station WTMB (1390 kc), Tomah, Wisconsin,[1] and directed to the Commission's action of October 22, 1958 in granting without hearing the above-captioned application of Jack L. Goodsitt (WTOJ, hereinafter) for a construction permit for a new standard broadcast station (WTOJ 1460 kc) also at Tomah, Wisconsin; (2) an Opposition to WTMB's pleading filed on November 28, 1958 by WTOJ; and (3) a Reply by WTMB filed on December 5, 1958.

2. WTMB here requests that (1) the WTOJ application be designated for hearing on issues specified by WTMB; (2) the "burden on all such issues" be placed on WTOJ; and (3) the effective date of the WTOJ grant be postponed to the effective date of the Commission's decision after hearing on the application.

3. WTMB claims that it is a "party in interest" or "person aggrieved or whose interests are adversely affected" by the WTOJ grant, within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, to have standing to file its instant pleading pursuant thereto. This claim is based on allegations that the petitioner is permittee of Station WTMB, Tomah, Wisconsin, where Station WTOJ will also operate; that WTMB's construction permit was granted one week earlier than WTOJ's: and that WTMB, "as the prior holder of a construction permit for a commercial broadcast station" will compete with WTOJ "for listeners and for the sale of radio advertising in the same city and service area." In a Memorandum Brief submitted with its pleading pursuant to § 1.193 (b) of the Commission rules, WTMB claims to be a party in interest "by virtue of the injury which [WTOJ] would do to [WTMB's] 'pre-existing competitive business or Commission authorization,' Ian S. Lansdown, 14 RR 488, 491"; and "because [WTOJ's] application for a grant of competing facilities was 'calculated to lead to Commission action inconsistent with [petitioner's] interests', Granik, et al. v. FCC, 234 F. 2d 682, 684; See also FCC v. Sanders Bros. Radio Station, 309 U. S. 470."

4. In support of its instant protest and petition for reconsideration, WTMB alleges, in substance, that Jack L. Goodsitt (WTOJ) was a "college contemporary" and is a close friend of Zel Rice, II, who is a brother of John D. Rice, president of the licensee of Station WCOW, Sparta, Wisconsin, which is about 15 miles from Tomah, Wisconsin; that WCOW has remote studios in, and provides service to, Tomah, Wisconsin; that "it would appear to be more than a coincidence for Goodsitt [a Milwaukee resident] to decide to enter radio broadcasting at Tomah" 6 weeks after WTMB filed its application; that the original land option for WTOJ's site was in the name of Zel Rice, II; that the site was deeded to Zel Rice, II, on September 12, 1958, for a consideration of $350; that Zel Rice, II, subsequently deeded the site to Jack L. Goodsitt for "one dollar and other valuable consideration"; that the options and deeds "were all prepared by or witnessed by" members of the Rice family who are attorneys in the Rice firm which represents Station WCOW; that "it would be wholly illogical" for them to support a proposal for a second station in Tomah, Wisconsin, "unless their purpose was to discourage * * * [WTMB]", unless they believed Goodsitt would operate WTOJ "according to their dictates", or unless they had some unrevealed interest in WTOJ; and that "on information and belief" John D. Rice inquired of a representative of a Tomah utility company about furnishing power to "his" station on Town Line Road, the location of WTOJ.

5. WTMB alleges further that, when its application was close to being granted, Roy Lahm, a part time employee at "Rice's station WCOW," filed a proposal for a new station at Wisconsin Rapids, Wisconsin, which was mutually exclusive with WTMB's 1220 kc proposal; that Lahm, in his application, showed a $25,000 bank commitment although he had liquid assets of only $4,500; that "this cavalier commitment on the part of the bank, therefore, raises the further question of whether other parties secured or guaranteed the loan; that WTMB's amendment to specify 1390 kc was subject to the Commission's "30 day rule" before a grant could be made, and that the WTOJ application was almost granted before WTMB's; that WRDB, Reedsburg, Wisconsin, filed a protest to WTMB's grant although the interference claimed on the basis of measurements was de minimis and although WTMB had tried unsuccessfully to see the measurement data and remedy any alleged objectionable interference before the protest period had run; that John D. Rice has broadcast over WRDB many times and is known to be a friend of its manager; that "there is, admittedly, no direct evidence of any conspiracy or collusion between Goodsitt, the Rices and WRDB in connection with the filing of the WRDB protest" but, because of the connection, the Commission should investigate the matter and include an appropriate issue in the hearing on the instant WTOJ application.

6. In its Opposition, WTOJ states that Zel Rice, II, got an option on the site in question and proceeded with the preparation of his own application for a new station on 1440 kc, in Tomah, Wisconsin "several months before" WTMB filed its proposal on 1220 kc; that "Mr. Rice was dissuaded from filing his application because of legal advice that his application might be designated for hearing because of overlap with Station WCOW, owned by his father and brother"; that, knowing of Goodsitt's desire to own a broadcast station, Zel Rice, II, "interested him [Goodsitt] in making such an application" and offered to make the site available at $400, "the same price contained in the option Rice held * * * if the Goodsitt application were granted"; that prior to WTOJ's grant, Goodsitt paid Zel Rice, II, $400 for the site, as shown by an affidavit attached to the WTOJ opposition; and that the deed is on file.

7. In additional affidavits attached to the WTOJ opposition, Goodsitt states that he has paid or promised no other consideration to Zel Rice, II, or any person associated with Station WCOW, and John D. Rice denies making any contact with the power company as claimed by WTMB.

8. WTOJ further states that "the owners of WCOW have no understanding with Goodsitt, either written or oral, direct or indirect, as to his operation or ownership of his station, direct or indirect"; that "in the absence of any facts in the Protest that Goodsitt even knew of the filing of the Lahm application or the WRDB protest, the Commission would not be warranted in holding a hearing upon these issues"; that a protest hearing should not be a "fishing expedition" to seek information on matters which have not even been alleged in support of the protest. Ohio Valley Broadcasting Corp. 10 RR 500; that "Section 309 (c) of the Communications Act requires that a protestant do something more than set forth conclusionary allegations"; that "he must allege facts.—William E. Walker 15 RR 177"; that "although Protestant [WTMB] has standing, it has failed to allege any facts which warrant a hearing upon any of the issues specified"; and that if a hearing is held, the burden of proof should be on WTMB, and the WTOJ grant should be kept in effect because the station is nearly constructed and will provide a

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[1] The construction permit for WTMB was granted without hearing on October 15, 1958. On December 10, 1958 the Commission granted, in part, a section 309 (c) protest by the licensee of Station WRDB, Reedsburg, Wisconsin, to the WTMB grant, designated the WTMB application for hearing because of possible objectionable interference resulting in a modification of the WRDB license, and postponed the effective date of the WTMB grant to the effective date of a final decision after said hearing. FCC 58-1182.

local outlet of expression for Tomah, Wisconsin.

9. In its Reply filed on December 5, 1958, WTMB contends, in substance, that the WTOJ Opposition does not negate, but, rather, sustains WTMB's inferences of such a close relationship of the Rices and Goodsitt as to raise a question of common control of WTOJ and WCOW. In support thereof, WTMB also alleges new facts which are not considered here because they were not submitted within the thirty-day statutory period of sections 309 (c) and 405. See WHEC, Inc., 10 Pike and Fischer RR 521. The new factual allegations raise no new public interest questions into which the Commission should inquire on its own motion.[2]

10. In view of the facts that the protestant herein has alleged that it is permittee of Station WTMB, Tomah, Wisconsin, where WTOJ proposes to operate; that the two stations would, therefore, be in direct competition for advertising revenue; that WTMB had a valid outstanding construction permit at the time the instant protest and petition for reconsideration was filed (November 21, 1958); and that WTMB will suffer economic injury as a result of WTOJ's operation, we find that WTMB is a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, to have standing to file its instant pleading pursuant thereto. In re T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; FCC v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008); Clarksville Broadcasting Co., 10 Pike and Fischer RR 1274, 1276.

11. WTMB specifies 15 issues on which it requests an opportunity to present evidence at a hearing and requests the burden of proceeding with the introduction of evidence and the burden of proof on these issues be placed on WTOJ. The issues specified by WTMB are set forth in paragraph 16, infra. While we are of the opinion that the facts alleged by WTMB do not support the inferences and conclusions which it draws therefrom to indicate that the WTOJ grant was improperly made or would otherwise not be in the public interest, we find that the facts themselves have been specified with sufficient particularity and relevancy within the meaning of section 309 (c) of the act to require our designating the application in question for evidentiary hearing on the issues specified by WTMB. See Fall River Broadcasting Corporation (KOBH), June 30, 1958, FCC 58-611; Federal Broadcasting System, Inc. v. FCC, 12 Pike and Fischer RR 2094. Accordingly, we are designating the WTOJ application for evidentiary hearing on the issues specified by WTMB. However, we are not adopting these issues, and the burden of proceeding with the introduction of evidence and the burden of proof on each of the issues will be on WTMB. Also, by including these issues we do not determine or imply that, even if the facts with respect thereto are as alleged by WTMB, the issues are such that they could result in a determination that the grant was improper, contrary to the public interest, and should be set aside. See The Delsea Broadcasters (WDVL), April 17, 1957, FCC 57-376.

12. A final question is presented as to whether we should stay the effective date of the WTOJ grant pending a decision after a hearing, as requested by WTMB. In this connection, section 309 (c) of the Communications Act of 1934, as amended, provides that: "* * * pending hearing and decision [of cases arising under this section of the statute] the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing."

13. Tomah, Wisconsin has a population of 4,760 and is located in Monroe County, which has a population of 31,378 (1950 Census figures). WTOJ would provide a new primary service to approximately 32,901 people. WTMB is the only other standard broadcast station authorized in Tomah. There is no indication here by either WTMB or WTOJ that the Tomah, Wisconsin market cannot adequately support two local broadcast stations.

14. We have stated that when a town is served by only one local transmission facility, it is reasonable to conclude, without probing further, that a definite and vital need exists for a second medium of local expression. The listeners' opportunity to select among locally originated programs; the availability to civic authorities, public service organizations, and advertisers, of more than one local radio medium; the stimulus of competition in local radio operations; and the diversification of standard broadcast operations in a given town—all, are among the manifest needs which remain unsatisfied in a one-station community and demonstrate that the public interest requires that the grant for a second local outlet remain in effect to fulfill said needs. In re Donald F. Whitman, 13 Pike and Fischer RR 849; *Coos County Broadcasters*, 13 Pike and Fischer RR 625; Southern Broadcasting Company, FCC 57-334; and Kaiser Hawaiian Village Radio, Inc., FCC 57-338, both released on April 10, 1957.

15. However, in the instant case, WTMB has alleged that John D. Rice may have an unrevealed interest in or connection with WTOJ; that, "upon information and belief", John D. Rice has broadcast over WRDB and is a personal friend of the manager of WRDB; and that "there is, admittedly, no direct evidence of any conspiracy or collusion between Goodsitt, the Rices and WRDB in connection with the filing of the WRDB protest," but that the Commission should investigate the matter. On December 10, 1958, the Commission granted the WRDB protest, in part, and postponed the effective date of the WTMB grant because a substantial question was raised with respect to objectionable interference from WTMB's operation resulting in a modification of WRDB's license. Under the circumstances of the instant case and the nature of the allegations by WTMB, we cannot affirmatively find that the public interest requires that our grant to WTMB remain in effect pending the hearing hereinafter ordered.

16. In view of the foregoing: *It is ordered*, That, pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, the instant WTMB Protest and Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; that the effective date of the WTOJ grant is postponed until the effective date of a final decision in the hearing ordered below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C. upon the following issues:

(1) To determine the facts and circumstances surrounding the filing of the Goodsitt application.

(2) To determine the part played by Zel Rice II and John D. Rice in soliciting, encouraging and/or abetting the filing of the Goodsitt application and the planning and building of the station to be built pursuant thereto.

(3) To determine the facts and circumstances surrounding the optioning and purchasing by Zel Rice II of the property proposed by Goodsitt for his antenna site and the consideration subsequently given or promised him by Goodsitt for the conveyance of said property.

(4) To determine whether any member of the Rice family has contributed anything of value to or in connection with the preparation of the Goodsitt application.

(5) To determine what agreements, if any, have been made between Goodsitt and any member of the Rice family relating to the ownership and/or operation of the station; and whether any violation of § 3.35 of the Commission's rules and regulations is involved.

(6) To determine the real purpose for the filing of the Goodsitt application.

(7) To determine who, if anyone, induced the Monroe County Bank to com-

[2] On December 12, 1958, WTOJ filed a "Motion To Strike, Or In The Alternative, Petition To Accept Answer To Reply" and a "Petition For Leave To File Answer To Reply". In support thereof, WTOJ contends that WTMB submitted certain new factual allegations in its above-referenced Reply To Opposition and that the new factual allegations should not be considered because they were not submitted within the 30-day statutory period following the WTOJ grant. These December 12, 1958 pleadings by WTOJ are dismissed as moot, since the Commission, as noted above, is not giving consideration to WTMB's new factual allegations. WTMB filed on December 15, 1958 a "Motion For Leave To File Additional Pleading" and a "Response To Motion To Strike Reply * * *", which, in view of the foregoing, are also dismissed here as moot.

mit a $25,000 loan to Lahm and what security or guarantees were promised to secure or guarantee such commitment.

(8) To determine what agreement, if any, Lahm made with such person or persons relating to the ownership of his proposed station, or otherwise.

(9) To determine all the other facts and circumstances surrounding the filing of the Lahm application.

(10) To determine the part played by John D. Rice, James W. Rice, and any person or persons associated with them, in soliciting, encouraging and/or abetting the filing of the Lahm application and the planning of the station to be constructed pursuant thereto.

(11) To determine whether John D. Rice or any other person has contributed anything of value to or in connection with the preparation of the Lahm application.

(12) To determine the real purpose for the filing of the Lahm application.

(13) To determine whether Goodsitt had knowledge of, or participated in, any of the activities referred to in Issues (6) through (10), above.

(14) To determine whether John D. Rice or any person or persons associated with him, aided, abetted, or inspired the Protest filed by William C. Forrest, licensee of WRDB, against the grant of the application of the Tomah-Mauston Broadcasting Company, Incorporated (BP-11615) and, if so, whether Goodsitt had knowledge of or participated in such activity.

(15) To determine, on the basis of the foregoing, whether a grant of the Goodsitt application will serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant.

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

(a) The appearances by the parties intending to participate in the above hearing shall be filed not later than January 2, 1958.

(b) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order.

(c) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: December 17, 1958.

Released: December 22, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10670; Filed, Dec. 24, 1958; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9977; Order E-13308]

AMERICAN AIRLINES, INC., ET AL.

MUTUAL ASSISTANCE IN EVENT OF STRIKES

In the matter of an agreement among American Airlines, Inc., Capital Airlines, Inc., Eastern Air Lines., Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.; Docket No. 9977; Agreement CAB No. 12633; relating to mutual assistance in the event of strikes.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of December 1958.

On December 4, 1958, the Board, by Order No. E-13233, assigned for oral argument on January 14, 1959 an agreement among American Airlines, Inc. (American), Capital Airlines, Inc. (Capital), Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA) and United Air Lines, Inc. (United) providing for certain mutual assistance in the event of a strike.[1] This order directed, among other things, that within seven days of the date thereof the parties to the agreement file with the Board specific information on various aspects of the agreement, as detailed therein.[2]

Pursuant to this order, the six carrier-parties filed statements of monies paid under the agreement. None of the carriers reported the basis upon which its payments were calculated. Three parties stated that there were no subsidiary agreements or arrangements, while the other three reporting carriers were silent on this point.

In the absence of further information from the carriers the Board cannot determine the nature and extent of operations under the agreement. The Board cannot know, for example, whether any of the struck carriers have attempted to route traffic to other carrier-parties, as required by clause 2 of the agreement. Nor can it determine the bases upon which payments have been made. The Board had intended, by its previous order, to secure definitive data regarding the matters specified in ordering paragraph 1 thereof. Without such data, it may be very difficult for the Board to resolve the issues listed in Order No. E-13233 as being relevant in determining whether the agreement is consistent with the public interest. For example, without these data it may be impossible to decide whether operations under the agreement discriminate in restraint of trade upon other air carriers not parties to it. In order to insure receipt of this information the Board will now, in amplification of its original order, require each carrier-party to state individually and in detail the methods used in determining each amount paid or to be paid to struck carriers, whether or not the methods used were those specified in the agreement, as well as detailed figures showing the amounts thereof. The Board will also require similar detailed explanations of the other practices referred to in ordering paragraph 1, whether or not such practices were the result of agreement.

In view of continued suspensions of carrier operations because of labor disputes, the Board now also finds that continuing reports of payments, the bases therefor, and the other matters specified in ordering paragraph 1 of Order No. E-13233 will be necessary until further notice, and is so ordering herein. In addition, the Board will, as a further aid to its analysis of operations under the agreement, require struck carriers to submit precise information on revenue earned, expenses incurred and net profit or loss during periods of work stoppage, and to estimate, as precisely as possible, operating revenues lost and operating expenses not incurred during such periods.

In order to avoid any future misunderstandings of the Board's intent, the Board will require, as to each of the submissions called for herein, that if there are no agreements among the six carriers, each of the carriers so state; and that, if no such agreements exist, each carrier submit detailed and complete statements of any other pertinent agreements, of its understanding of its obligations under the agreement, and of any actual practices in which it has engaged.

All of the provisions of Order No. E-13233 not amended by this order shall continue in force until further notice. Any agreements among any or all of the carrier-parties implementing or in any way affecting the agreement which

[1] The terms of this agreement have been fully described in Order No. E-13233 and will not be repeated herein.

[2] Ordering paragraph 1 of Order No. E-13233 provided as follows: That American, Capital, Eastern, Pan American, TWA and United shall file with the Board as amendments to the agreement any subsidiary agreements or arrangements which set forth the actual or contemplated methods for (a) determining when employee demands are in excess of, or opposed to, the recommendations of a board established under section 10 of the Railway Labor Act, when a strike has been called before exhaustion of the procedures of the Railway Labor Act, or when a strike is otherwise unlawful, all as stated in clause 1 of the agreement, and by whom such determinations may be made; (b) measurement of the increased revenues attributable to a strike and applicable added direct expenses as stated in clause 1 of the agreement; and (c) routing of traffic to other parties and other operations encompassed in clause 2 of the agreement. Said carriers shall also file any other subsidiary agreement or arrangement relating to, or implementing, the agreement. Said parties shall also file a statement of any monies which have been paid pursuant to the agreement indicating the amount paid by each carrier-party and to whom such payment has been made. Such amendments and statement shall be filed within seven days of the date of this order, and a copy thereof shall be served upon each employee organization designated as a collective bargaining representative of the employees of the filing carrier.

may hereafter be made, should, of course, be filed with the Board as they are made: *Therefore, it is ordered:*

1. That American, Capital, Eastern, Pan American, TWA and United shall file with the Board all of the agreements or arrangements required to be filed by subparagraphs (a), (b) and (c) of ordering paragraph 1 of Order No. E-13233; that, if there are no such agreements, each of the carrier-parties shall individually so state;

2. That any carrier-party which states that no such agreements exist shall file with the Board a complete and detailed statement of (1) any agreements which it may have made with any of the other carrier-parties, individually or collectively, regarding any of the matters specified in ordering paragraph 1 of Order No. E-13233, or a statement that there are no such agreements; (2) its understanding of all its obligations under the agreement; (3) its past, present or contemplated future practices regarding the agreement;

3. That each carrier-party to the agreement shall file with the Board a complete, detailed statement of the bases for each payment made. Said statements shall be filed whether or not these payments were made pursuant to computations of increased revenues attributable to each strike less applicable added direct expenses;

4. That the statements of payments required to be filed by each carrier-party by ordering paragraph 1 of Order No. E-13233 shall be filed for any payments which have been made at the date of this order but which are not shown by the statements already filed; and that each carrier which has made no payments shall individually so state;

5. That each carrier-party which has been, or is in the future, struck shall file with the Board for the duration of each strike until a final order is entered in this proceeding a statement containing the following information with respect to revenues and expenses:

(1) An estimate of the dollar amount of operating revenues lost due to cessation of operations;

(2) The dollar amount of payments received under the agreement and, separately, any related tax accruals;

(3) An estimate of the dollar amount of normal operating expenses which would have been incurred to earn the revenues which it is estimated would have been received;

(4) The dollar amount of revenues and expenses of the period as follows: (i) total operating revenues; (ii) total operating expenses; (iii) nonoperating income and expense—net; (iv) special items; (v) federal income taxes and tax credits; (vi) net income after special items;[2]

Data for strikes already settled or now in progress shall be filed in accordance with ordering paragraph 6 of this order; data for periods subsequent to the date of this order shall be filed in accordance with ordering paragraph 7 hereof;

(6) That all of the information required to be filed by ordering paragraph 1 of Order No. E-13233, to the extent that it has not already been filed, and by ordering paragraphs 1 through 5 of this order shall be filed with the Board within eight days of this order, and a copy thereof served upon each employee organization designated as a collective bargaining representative of the employees of the filing carrier;

(7) That each carrier shall continue to file monthly reports of all the information required to be filed by ordering paragraph 1 of Order No. E-13233 and ordering paragraphs 1 through 5 of this order, until further order of the Board; that negative reports shall be filed by each carrier as to each item for which, during the reporting period, there has been no change from the preceding reporting period; and that such continuing reports shall be filed not later than the fifteenth day of the month next following the month for which data are reported: *Provided, however*, That all reports covering the month of December 1958, be filed with the Board not later than three days prior to the date set for oral argument of this matter;

(8) That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 58-10678; Filed, Dec. 24, 1958; 8:55 a. m.]

[2] The data furnished pursuant to subparagraph 4 above shall be in accordance with the accounting and reporting provisions of Part 241 of the Economic Regulations and exclusive of any payments received under the terms of this agreement.

[Docket No. 8130]

CURREY AIR TRANSPORT ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for January 7, 1959 is postponed to January 8, 1959, 10:00 a. m., e. s. t. Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 22, 1958.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 58-10679; Filed, Dec. 24, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-17161 etc.]

SECURE TRUSTS ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES[1]

DECEMBER 18, 1958.

In the matters of Secure Trusts, Docket No. G-17161; Estate of Lyda Bunker Hunt, Docket No. G-17162; H. L. Hunt (Operator) et al., Docket No. G-17163; Claude M. Langton, Trustee, Docket No. G-17164.

On November 18, 1958, the above-named Respondents tendered for filing Notices of Change which propose increased rates and charges in their presently effective rate schedules[2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated November 17, 1958.

Purchaser: Trunkline Gas Company.

Rate schedule designation: Supplement No. 4 to Secure Trusts' FPC Gas Rate Schedule No. 2. Supplement No. 4 to Estate of Lyda Bunker Hunt's FPC Gas Rate Schedule No. 2. Supplement No. 4 to H. L. Hunt (Operator) et al.'s FPC Gas Rate Schedule No. 13. Supplement No. 4 to Claude M. Langton, Trustee's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1959 (effective date is the date proposed by Respondents).

In support of the proposed increased rates and charges, all four Respondents state that the contract was negotiated at arm's length, and that the periodic pricing clause constitutes a single price which is an integral part of the initial rate schedule.

The increased rates and charges so proposed have not been shown to be justified, and 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 designated supplements to Respondents' FPC Gas Rate Schedules 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 proposed increased rates and charges contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending the hearings and decisions thereon, these supplements are

[1] This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

[2] Supplement No. 3 to Secure Trusts' FPC Gas Rate Schedule No. 2 (Louisiana Tax increase) is in effect subject to refund in Docket No. G-14786 and subject to an order in Docket No. G-13829. Supplement No. 3 to Estate of Lyda Bunker Hunt's FPC Gas Rate Schedule No. 2 (Louisiana Tax increase) is in effect subject to refund in Docket No. G-15622 and subject to an order in Docket No. G-13840. Supplement No. 3 to H. L. Hunt (Operator) et al.'s FPC Gas Rate Schedule No. 13 (Louisiana Tax increase) is in effect subject to refund in Docket No. G-15656 and subject to an order in Docket G-13837. Supplement No. 3 to Claude M. Langton, Trustee's FPC Gas Rate Schedule No. 1 is in effect subject to refund in Docket No. G-15659 and subject to an order in Docket No. G-14054.

hereby suspended and the use thereof deferred until June 1, 1959, and until such further time as they are 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 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) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10630; Filed, Dec. 24, 1958; 8:46 a. m.]

[Docket No. G-4533]

SELLS PETROLEUM INC.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 18, 1958.

Take notice that Sells Petroleum Incorporated (Applicant), an independent producer with its principal place of business in Tyler, Texas, filed, on October 22, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant sells natural gas to various purchasers for transportation in interstate commerce for resale as indicated in the following tabulation. With one exception, service was commenced prior to June 7, 1954.

Certain of these sales, as indicated below, appear to fall into the category of "percentage sales" as defined in § 154.91 (e) of the Commission's regulations. Applications for certificates for such sales are subject to dismissal in accordance with the provisions of said regulations.

Location of Field; Purchaser; Date of Contract; and Sells' Related FPC Gas Rate Schedule No.

Golden Trend Gibson Field, Garvin County, Oklahoma; Warren Petroleum Corporation; 10-28-53; 5.[1]

Golden Trend Gibson Field, Garvin County, Oklahoma; Warren Petroleum Corporation; 2-16-54; 6.[1]

Golden Trend Gibson Field, Garvin County, Oklahoma; Warren Petroleum Corporation; 7-15-54.[2]

North Lansing Field, Harrison County, Texas; H. L. Hunt; 12-3-53; 7.

North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company; 9-20-50; 1.

South Hallsville Field, Harrison County, Texas; Arkansas Louisiana Gas Company; 8-14-53; 3.

Woodlawn Field, Harrison County, Texas; Mississippi River Fuel Corporation; 12-10-52; 2.

Woodlawn Field, Harrison County, Texas; Mississippi River Fuel Corporation; 4-3-51; 4.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 22, 1959, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10632; Filed, Dec. 24, 1958; 8:46 a. m.]

[1] The contract filed as a rate schedule indicates the sale falls into the category of a "percentage sale" as defined in § 154.91 (e) of the Commission's regulations. Thus the related portion of the certificate application is subject to dismissal and the contract subject to being rejected as a rate schedule under said regulation.

[2] This contract, which falls into the "percentage sale" category as defined in § 154.91 (e), is on file with the Commission but has not been accepted as a rate schedule.

[Docket No. G-15458 etc.]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 18, 1958.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G-15458; Mountain Fuel Supply Company, Docket No. G-15513; The California Company, Docket No. G-15908; The Carter Oil Company, Docket No. G-16430; Belfer Natural Gas Company, Docket No. G-16503.

Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation with a principal place of business in Salt Lake City, Utah, filed an application on July 11, 1958, as amended on October 20, 1958, in Docket No. G-15458, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the exchange of natural gas with Mountain Fuel Supply Company in Wyoming, which Pacific estimates will aggregate 3,650,000 Mcf during the first year of operation, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open for public inspection.

Pacific proposes to construct and operate two line taps on the 30-inch loop of its Big Piney lateral line in Lincoln and Sublette Counties, Wyoming (authorized in Docket No. G-14561). Through the proposed taps on its Big Piney Loop, Pacific will receive natural gas from Mountain Fuel in the Big Piney-La Barge area of Wyoming and return equivalent volumes to Mountain Fuel at an existing metering station where it now sells gas to Mountain Fuel, located along Pacific's 22-inch main line in Sweetwater County, Wyoming near its Compressor Station No. 6.

Mountain Fuel Supply Company (Mountain Fuel), a Utah corporation with its principal place of business in Salt Lake City, Utah, filed an application in Docket No. G-15513 on July 21, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, subject to the jurisdiction of the Commission, necessary for the proposed exchange of gas with Pacific, all as more fully described in the application on file with the Commission and open to public inspection.

Mountain Fuel proposes to construct and operate two lateral pipelines consisting of 6 miles of 6- and 8-inch pipe extending from the Dry Piney and Birch Creek fields in Sublette County, Wyoming, to a connection with Pacific's Big Piney Lateral, plus appurtenant facilities, through which facilities Mountain Fuel will deliver its gas from Dry Piney and Birch Creek into Pacific's Big Piney Lateral. Simultaneously Pacific will return equivalent volumes to Mountain Fuel at the existing interconnection of their main lines.

The gas supply to be received by Mountain Fuel through the proposed exchange agreement will merely augment its present gas supply and replace depleted supplies in the Church Buttes Field in Wyoming to assure adequate service to its existing customers. No new sales are proposed.

The applications of Pacific and Mountain Fuel state:

Mountain Fuel owns, or controls through purchase agreements, certain gas reserves in the Big Piney-La Barge area located approximately 60 miles from its existing transmission system, as to which it does not have sufficient information regarding deliverability and reserves to determine whether the available gas supply will justify construction of its lateral from the producing area to its transmission system. Pacific anticipates an excess capacity available on its Big Piney Looped Lateral, at least until September 30, 1961. Pacific and Mountain Fuel have entered into the subject exchange agreement to enable Mountain Fuel to meet its production and purchase obligations in the Big Piney-La Barge area pending determination of the feasibility of its own pipeline. Pacific expects to benefit from the proposed exchange by realizing revenues of at least $150,000 per year, from the 4 cents per Mcf exchange charge to be paid by Mountain Fuel and by using, otherwise, idle capacity in the Big Piney loop to increase its load factor.

The following independent producers have filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of gas in interstate commerce to Mountain Fuel from the Big Piney-La Barge area in Sublette and Lincoln Counties, Wyoming, subject to the jurisdiction of the Commission, all as more fully described in their respective applications on file with the Commission and open to public inspection:

Applicant; Docket No.; Filing Date; and Contract Date

The California Company; G-15908; 8-11-58; 1-10-57, as supplemented July 26, 1958.

The Carter Oil Company; G-16430; 9-29-58; 8-21-58.

Belfer Natural Gas Company; G-16503; 10-2-58; 8-21-58.

Pacific estimates the total capital cost of its proposed facilities at $16,102 which will be financed from currently available funds.

Mountain Fuel estimates the cost of its proposed facilities at $143,500, which will be financed from currently available funds on hand.

The related matters in Docket Nos. G-15458, G-15513, G-15908, G-16430 and G-16503 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 January 28, 1959, 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 applications in Docket Nos. G-15458, G-15513, G-15908, G-16430 and G-16503: *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 January 12, 1959. Failure of any party to appear at and participate in the hearing in Docket Nos. G-15458, G-15513, G-15908, G-16430, and G-16503 shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-10633; Filed, Dec. 24, 1958; 8:47 a. m.]

[Docket No. G-17279 etc.]

WIEGAND BROTHERS DRILLING CO. ET AL.

ORDER FOR HEARINGS AND SUSPENDING PROPOSED CHANGES IN RATES[1]

DECEMBER 18, 1958.

In the matters of Wiegand Brothers Drilling Company, Docket No. G-17279; Hassie Hunt Trust, Docket No. G-17287; Salt Dome Production Company, Docket No. G-17288; Quintana Petroleum Corporation (Operator), et al., Docket No. G-17289.

The above-named Respondents have tendered Notices of Change which propose increased rates and charges in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the Respondents propose an effective date of January 1, 1959, and the purchaser in each case is Tennessee Gas Transmission Company. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Respondent	Rate sched.	Supp No.	Date of notice of change	Date tendered
1. Wiegand Brothers Drilling Co.	1	7	Undated	Nov. 20, 1958
2. Hassie Hunt Trust	1	5	Undated	Nov. 19, 1958
3. Salt Dome Production Co.	1	5	Undated	Do.
4. Quintana Petroleum Corp. (operator), et al.	1	2	Undated	Nov. 21, 1958

In support of the proposed increased rates, Respondents state such are based upon contractual redetermination provisions which provide that effective as of January 1, 1959, the respective rates shall be the average of the three highest prices payable by buyer in the railroad district within which the individual sale is made. As added support, Wiegand incorporates by reference Staff Exhibit Nos. 1, 2 and 3 in Docket No. G-9285,[2] and Quintana states that the proposed price is not in excess of the fair market price of like quality gas in the same area.

The increased rates and charges so proposed have not been shown to be justified, and 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.

[1] This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

[2] The proceedings in Docket No. G-9285 involve rates and charges of Ralph E. Fair and Ralph E. Fair, Inc., which are joint owners with Wiegand of certain leases from which the gas sales here involved are made.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commissions rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings 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 decision thereon, the aforesaid supplements each hereby are suspended until June 1, 1959, and thereafter until each 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) Interested state commissions may participate as provided by § 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-10631; Filed, Dec. 24, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 66]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 22, 1958.

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 61169. By order of December 17, 1958, the Division 4, Acting as an Appellate Division approved the transfer to All-Way Motor Express, Inc., Jersey City, New Jersey, of certificate in No. MC 70198, issued June 21, 1941, to Jersey Shore Motor Express, Inc., New York, New York, authorizing the transportation of: General commodities, with the usual exceptions including household goods, between New York, N. Y., and points in Nassau and Westchester Counties, N. Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N. J. August W. Hickman, 880 Bergen Avenue, Jersey City 6, New Jersey, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 58-10647; Filed, Dec. 24, 1958; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1282]

EMPIRE EXPLORATION LTD., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

DECEMBER 19, 1958.

I. Empire Exploration Ltd., Inc. (issuer) filed a notification on Form 1-A and an offering circular on June 2, 1954 relating to a proposed offering of 200,000 shares of its $1 par value common stock at $1.00 per share for an aggregate offering of $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) and Regulation A thereunder.

II. A. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

1. Certain sales material was used which was not filed with the Commission as required by Rule 221 of Regulation A.

2. The issuer has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things,

1. The status of the issuer's right, title and interest in its mining properties.

2. Current financial information concerning the issuer, including information concerning cash receipts and disbursements; and

3. Information concerning the exploratory and development work performed by the issuer on the tracts and mining claims held and the results thereof.

C. The offering would be made in such a manner as to operate as a fraud and deceit upon the purchaser.

It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 58-10635; Filed, Dec. 24, 1958; 8:47 a. m.]

[File No. 24W-1937]

UNIVERSAL FUEL AND CHEMICAL CORP.

NOTICE OF AND ORDER FOR HEARING

DECEMBER 18, 1958.

I. Universal Fuel and Chemical Corporation, a Pennsylvania corporation, 825 Broadway, Farrell, Pennsylvania, filed with the Commission on May 17, 1956, a notification and offering circular, and subsequently filed amendments thereto, relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulations A promulgated thereunder; and

II. The Commission on November 13, 1958 issued an order pursuant to Rule 223 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held at the Washington Regional Office of the Commission, 310 6th Street NW., Washington 25, D. C. at 10:00 a. m., February 2, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with in respect of such notification and offering circular, in that:

a. The aggregate offering price of the securities proposed to be offered and the securities sold by the issuer's affiliate in violation of section 5 (a) of the Act within one year prior to the commencement of the proposed offering exceeds the $300,000 limitation prescribed by Rule 217 of Regulation A.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

a. The use of the proceeds of the offering, particularly as to (a) purchasing of equipment, (b) reduction of present outstanding obligations and (c) working capital;

b. The failure to disclose that the issuer has sustained and is sustaining a net loss from its business operations; and

c. The failure to disclose that the leases held by assignment for 65 acres and 88 acres of land in Ohio, for the purpose of surface mining were never worked.

3. The use of the offering circular in connection with the offering of the issuer's securities was made in such manner as to operate as a fraud and deceit upon purchasers.

B. Whether the order dated November 13, 1958 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered*, That James Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Universal Fuel and Chemical Corporation, that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before January 26, 1959 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-10636; Filed, Dec. 24, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 16, 1958.

The Department of Agriculture has filed an application, Serial Number I-09772 for the withdrawal of the lands described below, from all forms of appropriation under the United States Mining Laws, but not the mineral leasing laws. The applicant desires the land for recreation areas, streamside and roadside zones.

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

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Cotter Bar Recreation Area

T. 29 N., R. 3 E.,
Sec. 1; E½SW¼NE¼, W½SE¼NE¼.
Total area, 40 acres.

Prospector Bar Recreation Area

T. 29 N., R. 3 E.,
Sec. 1; S½NW¼NE¼SE¼.
Total area, 5 acres.

Boundary Recreation Area

T. 30 N., R. 3 E.,
Sec. 36; SW¼SW¼SW¼, N½NW¼NW¼NW¼.
Total area, 15 acres.

Earthquake Creek Recreation Area

T. 29 N., R. 4 E.,
Sec. 18; E½NE¼NE¼SW¼, W½NW¼NW¼SE¼.
Total area, 10 acres.

Sheep Creek Recreation Area

T. 29 N., R. 4 E.,
Sec. 20; NE¼NE¼NW¼SW¼, N½NW¼NE¼SW¼, SW¼SE¼NW¼.
Total area, 17.5 acres.

Bivouc Recreation Area

T. 29 N., R. 4 E.,
Sec. 20; W½SE¼NW¼SE¼, E½SW¼NW¼SE¼.
Total area, 10 acres.

Nelson Creek Recreation Area

T. 29 N., R. 4 E.,
Sec. 20; NW¼SE¼SE¼.
Total area, 10 acres.

Meadow Creek Recreation Area

T. 29 N., R. 4 E.,
Sec. 26; NE¼SE¼NW¼NW¼, S½NW¼NE¼NW¼, N½SW¼NE¼NW¼.
Total area, 12.5 acres.

Mill Creek Streamside Zone and Recreation Area

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Mill Creek beginning at the mouth of Mill Creek and extending 1.0 miles upstream and located wholly within the following described subdivisions:

T. 29 N., R. 4 E.,
Sec. 26; W½NW¼;
Sec. 27; SE¼NE¼, E½SE¼.
Total area, 40 acres.

Cougar Creek Streamside Zone and Recreation Area

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Cougar Creek beginning at the mouth of Cougar Creek and extending 10 chains upstream and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E., B. M.,
Sec. 29; NE¼.
Total area, 5 acres.

Silver Creek Streamside Zone and Scenic Spot

A strip of land 2 chains wide being 1 chain wide on each side of the thread of Silver Creek beginning at the mouth of Silver Creek and extending 5 chains upstream and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E.,
Sec. 36; NW¼SW¼, SW¼NW¼.
Total area, 1 acre.

Moose Creek Streamside Zone and Recreation Area

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Moose Creek beginning at the mouth of Moose Creek and extending 5 chains upstream and located wholly within the following subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,
Sec. 22; SW¼.
Total area, 2.5 acres.

Dutch Oven Creek Streamside Zone and Recreation Area

A strip of land 3 chains wide being 1.5 chains wide on each side of the thread of Dutch Oven Creek beginning at the mouth of Dutch Oven Creek and extending 5 chains upstream and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,
Sec. 23; S½S½;
Sec. 26; N½N½.
Total area, 1.5 acres.

Crooked Creek Roadside and Recreation Area

A strip of land 6 chains wide on the northwesterly side and 2 chains wide on the southeasterly side of and contiguous to the centerline of Forest Development Road No. 222 beginning at the point where Forest Development Road No. 222 leaves the northerly end of the Dixie Landing Field and extending southwesterly for 1.25 miles along Forest Development Road No. 222 and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 8 E.,
Sec. 7; S½;
Sec. 18; N½.
Total area, 80 acres.

Ditch Creek Recreation Area

A strip of land 4 chains wide contiguous to the east side of the thread of Ditch Creek and 1 chain wide contiguous to the west side of the thread of Ditch Creek beginning at the mouth of Ditch Creek and ending 20 chains upstream and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 28 N., R. 9 E.,
Sec. 23; NE¼, SE¼;
Sec. 24; NW¼SW¼.
Total area, 10 acres.

This area includes 260 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58-10625; Filed, Dec. 24, 1958; 8:45 a. m.]

[F-021040]

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 19

DECEMBER 15, 1958.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and pursuant to section 2.5 of Bureau of Land Management Delegation of Authority, Order No. 541 of April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following described tract of land is hereby withdrawn from all forms of appropriation under the public land laws including the mining laws but excepting the mineral leasing laws and the Materials Act and reserved for use of the Civil Aeronautics Administration in the maintenance of air navigation facilities:

Fairbanks Area

T. 1 S., R. 2 W., Fairbanks Meridian;
Sec. 30: SE¼NE¼.

Containing 40 acres.

2. The lands in this withdrawal will be used by the C. A. A. for the location,

operation, and maintenance of air navigation radio aid and associated facilities.

3. It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

FRED W. VARNEY,
Acting Operations Supervisor, Fairbanks.

[F. R. Doc. 58-10676; Filed, Dec. 24, 1958; 8:54 a. m.]

Bureau of Mines

CERTAIN OFFICIALS OF HEALTH AND SAFETY ACTIVITY

REDELEGATIONS OF AUTHORITY TO EXECUTE CONTRACTS

1. *Designated officials.* In accordance with the provisions of subparagraph M205.2.4A of the Bureau of Mines Manual, the following officials of the Health and Safety Activity, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Assistant Director—Health and Safety, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $2500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Drilling.
(h) Working fund agreements with other Government agencies.
(i) Cooperative agreements on research programs.
(j) Major changes in communication equipment.

District Health and Safety Supervisors, Districts A-I, inclusive.

Chief, Branch of Health Research.

Chief, Branch of Electrical-Mechanical Testing.

Supervising Coal Mine Fire Control Engineer (Pittsburgh).

Training Administration Officer (Coordinator of Field Safety Educational Activities), Pittsburgh; Chief, Roof Control Research Group; Chief, Mine Ventilation Group: *Provided,* That the limitation in item (a) shall be $500.

Subdistrict Health and Safety Supervisors: *Provided,* That the limitation in item (a) shall be $100.

2. *Change orders and extra work orders.* With respect to any contract, including a contract approved by the Director or the Assistant Director—Health and Safety, the officials mentioned above may exercise the authorities contained in this paragraph to the amounts delegated above under item (a), issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

Authorities contained in this release may not be redelegated without the approval of the Assistant Director—Health and Safety.

Dated: December 17, 1958.

JAMES WESTFIELD,
Assistant Director, Health and Safety.

[F. R. Doc. 58-10626; Filed, Dec. 24, 1958; 8:45 a. m.]

Office of the Secretary

VOLUNTARY OIL IMPORT PROGRAM

UNFINISHED GASOLINE AND OTHER UNFINISHED OILS

1. Section 1 of the administrative provisions on unfinished gasoline and other unfinished oils (23 F. R. 5399) is amended by the addition of the following sentence:

SECTION 1. *Recommendations of President's Special Committee.* * * * The President has approved the recommendation made by the Special Committee to Investigate Crude Oil Imports in its Interim Report that "importers be requested to continue through February 28, 1959 to limit the importation of unfinished gasoline and other unfinished oils to their present allocations."

2. Paragraph (c) of section 2 of the administrative provisions on unfinished gasoline and other unfinished oils (23 F. R. 5399) is revoked and paragraph (b) of that section is amended to read as follows:

SEC. 2. *Request to Importing Companies.* * * *

(b) Each importing company is requested to limit its imports of unfinished gasoline and other unfinished oils through February 28, 1959 to the company's currently prevailing level as established in paragraph (a) of this section.

M. V. CARSON, Jr.,
Administrator, Voluntary Oil Import Program.

DECEMBER 23, 1958.

[F. R. Doc. 58-10695; Filed, Dec. 23, 1958; 12:30 p. m.]

VOLUNTARY OIL IMPORT PROGRAM

GOVERNMENT PURCHASES OF CRUDE PETROLEUM AND PETROLEUM PRODUCTS

1. Paragraph (c) of section 6.1 of the rules on Government Purchases of Crude Petroleum and Petroleum Products (23 F. R. 7006) is amended to read as follows:

SEC. 6.1 *Districts I-IV on and after October 1, 1958.* * * *

(c) If an importer's average barrels per day of crude oil imports for a particular period of three months has exceeded his average allocation for that period, the Administrator, Voluntary Oil Import Program, may determine that the importer is in compliance for that period if the importer (1) makes a satisfactory showing that the overage was due solely to the difficulty of scheduling receipts or to an historical pattern of imports based on seasonal availability of transportation and (2) offers satisfactory assurance that his imports during succeeding months through February 28, 1959 will result in an average barrels per day of crude oil imports during the period April 1, 1958, through February 28, 1959, that will not be greater than his average allocation for that period.

2. Paragraph (e) of section 7.1 of the rules on Government Purchases of Crude Petroleum and Petroleum Products (23 F. R. 5170) is amended to read as follows:

SEC. 7.1 *District V on and after August 1, 1958.* * * *

(e) If an importer's average barrels per day of crude oil imports for a particular period of three months has exceeded his average allocation for that period, the Administrator, Voluntary Oil Import Program, may determine that the importer is in compliance for that period if the importer (1) makes a satisfactory showing that the average was due solely to the difficulty of scheduling receipts or to an historical pattern of imports based on seasonal availability of transportation and (2) offers satisfactory assurance that his imports during succeeding months through February 28, 1959 will result in an average barrels per day of crude oil imports during the period July 1, 1958 through February 28, 1959 that will not be greater than his average allocation for that period.

3. Paragraphs (a) and (c) of section 10 of the rules on Government Purchases of Petroleum and Petroleum Products (23 F. R. 5170 and 7630) are amended to read as follows:

SEC. 10 *Compliance during contract period.* (a) With respect to Districts I-IV, (1) an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between April 1, 1958, and February 28, 1959, if his average barrels per day of actual crude oil imports for those months in which he has imported during the period April 1, 1958, through February 28, 1959, plus the average barrels per day of crude oil imports estimated for the remainder of the period April 1, 1958, through February 28, 1959, in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his average daily allocation for the period April 1, 1958, through February 28, 1959, or (2) an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between July 1, 1958, and February 28, 1959, if his average barrels per day of actual crude oil imports for those months in which he has imported during the period July 1, 1958, through February 28, 1959, plus the average barrels per day of crude oil imports estimated for the remainder of the period July 1, 1958, through February 28, 1959, in the reports submitted to the

Administrator, Voluntary Oil Import Program, are not greater than his average daily allocation for the period July 1, 1958, through February 28, 1959.

* * * * *

(c) With respect to District V, an importer will be deemed to be in compliance with the Voluntary Oil Import Program during a contract period, or that part of a contract period, falling between July 1, 1958, and February 28, 1959, if his average barrels per day of actual crude imports for those months in which he has imported during the period July 1, 1958, through February 28, 1959, plus the average barrels per day of crude oil imports estimated for the remainder of the period July 1, 1958, through February 28, 1959, in the reports submitted to the Administrator, Voluntary Oil Import Program, are not greater than his allocation for the period July 1, 1958, through February 28, 1959.

M. V. CARSON, Jr.,
Administrator,
Voluntary Oil Import Program.

DECEMBER 23, 1958.

[F. R. Doc. 58-10696; Filed, Dec. 23, 1958; 12:30 p.m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 24]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the Organization and Functions of the Civil Aeronautics Administration, as published on April 10, 1954 (19 F. R. 2100) and subsequently amended, is hereby further amended to include the following change of address:

In Region 1, the address of the Airport District Office serving the states of Ohio and Kentucky, formerly located at 85 Marconi Boulevard, Columbus 15, Ohio, is changed to Room 215, New Terminal Building, 4600 East 17th Avenue, Port Columbus, Columbus 19, Ohio.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

DECEMBER 19, 1958.

[F. R. Doc. 58-10638; Filed, Dec. 24, 1958; 8:47 a.m.]

Office of the Secretary

EDMUND W. DUGAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Edmund W. Dugan.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: December 1, 1958.
4. Title of position: Assistant Director, General Industrial.
5. Name of private employer: Equipment and Components Division, Chemetron Corporation, Girdler Catalysts, Chemical Products Div., P. O. Box 337, Louisville, Kentucky.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 19, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Chemetron Corp.
Bank deposit.

Dated: December 1, 1958.

EDMUND W. DUGAN.

[F. R. Doc. 58-10648; Filed, Dec. 24, 1958; 8:49 a.m.]

SAM NORRIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Sam Norris.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: December 12, 1958.
4. Title of position: Consultant (Electronics).
5. Name of private employer: Nuclear Corporation of America, Inc., 400 Park Avenue, New York 22, N. Y.

CARLTON HAYWARD,
Director of Personnel.

OCTOBER 30, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Anaconda Copper.
Armco Steel.
Brooklyn Union Gas Co.
General Electric.
General Motors.
Pillsbury Mills.
Olin Mathison.
Standard Oil of New Jersey.
Tidewater Oil.
Vulcan Manufacturing.
Nuclear Corporation of America.
Bank Deposits.

Dated: December 12, 1958.

SAM NORRIS.

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