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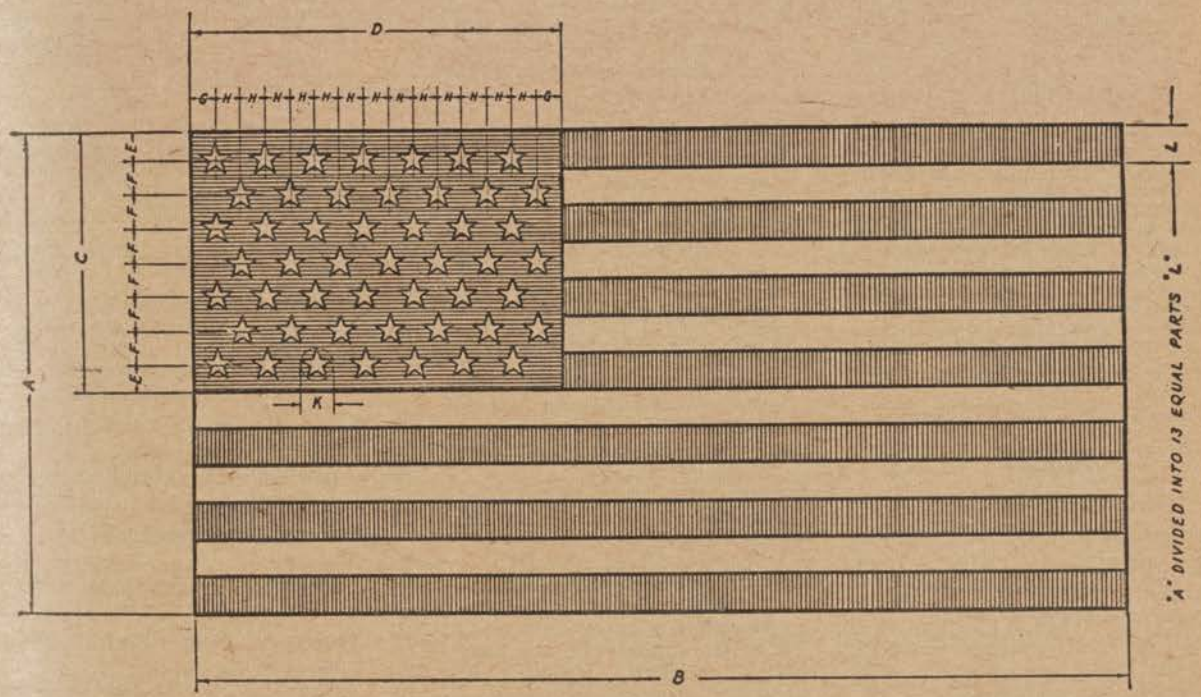

STANDARD PROPORTIONS AND SIZES

PROPORTIONS	HOIST (WIDTH) OF FLAG	FLY (LENGTH) OF FLAG	HOIST (WIDTH) OF UNION	FLY (LENGTH) OF UNION					DIAMETER OF STAR	WIDTH OF STRIPE
	1	1.9	.5385 ($\frac{7}{13}$)	.76	.056	.071	.054	.05	.0616	.0769 ($\frac{1}{13}$)
	A	B	C	D	E	F	G	H	K	L±

Title 3—THE PRESIDENT

Executive Order 10798

FLAG OF THE UNITED STATES

WHEREAS the State of Alaska has this day been admitted to the Union; and

WHEREAS chapter 1 of title 4 of the United States Code provides that a star shall be added to the union of the flag of the United States upon the admission of a new State into the Union and provides that that addition to the flag shall take effect on the fourth day of July then next succeeding the admission of that State; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for certain features of the flag:

NOW, THEREFORE, under and by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. *Proportions.* National flags and union jacks for all departments and other agencies of the executive branch of the Government (hereinafter referred to as executive agencies) shall conform to the following proportions:

Hoist (width) of flag	1
Fly (length) of flag	1.9
Hoist (width) of union	0.5385 ($\frac{7}{13}$)
Fly (length) of union	0.76
Width of each stripe	0.0769 ($\frac{1}{13}$)

Such further proportions as are set forth on the attachment hereto. That attachment is hereby made a part of this order.

SEC. 2. *Sizes.* (a) Flags manufactured or purchased for executive agen-

(Continued on p. 81)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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THE PRESIDENT

EXECUTIVE AGENCIES

CONTENTS—Continued

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.

cies shall be limited to those having hoists as follows:

(1)	20 feet
(2)	19 feet
(3)	14.35 feet
(4)	12.19 feet
(5)	10 feet
(6)	8.94 feet
(7)	5.14 feet
(8)	5 feet
(9)	3.52 feet
(10)	2.90 feet
(11)	2.37 feet
(12)	1.31 feet

(b) Union jacks manufactured or purchased for executive agencies shall be limited to those the hoists of which correspond to the hoists of the unions of flags of sizes herein authorized. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 3. *Position of stars.* The position of each star of the union of the flag, and of the union jack, shall be as indicated on the attachment hereto.

SEC. 4. *Public inquiries.* Interested persons may direct inquiries concerning this order to the Quartermaster General of the Army. Inquiries relating to the procurement of national flags by executive agencies other than the Department of Defense may be directed to the General Services Administration.

SEC. 5. *Applicability; prior flag and jack.* (a) All national flags and union jacks manufactured or purchased for the use of executive agencies after the date of this order shall conform strictly to the provisions of sections 1 to 3, inclusive, of this order.

(b) The colors carried by troops, and camp colors, shall be of the sizes prescribed by the Secretary of Defense for the armed forces of the United States and the sizes of those colors shall not be subject to the provisions of this order.

(c) Subject to such limited exceptions as the Secretary of Defense, in respect of the Department of Defense, and the Administrator of General Services, in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired, under contracts awarded prior to the date of this order, by executive agencies, including those so possessed or so acquired by the General Services Administration for distribution to other executive agencies, shall be utilized until unserviceable.

SEC. 6. The flag prescribed by this order shall become the official flag under chapter 1 of title 4 of the United States Code as of July 4, 1959.

SEC. 7. *Revocation.* Executive Order No. 2390 of May 29, 1916, is hereby revoked.

SEC. 8. This order shall be published in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 3, 1959.

[F. R. Doc. 59–155; Filed, Jan. 5, 1959; 10:21 a. m.]

Proclamation 3269

ADMISSION OF THE STATE OF ALASKA INTO THE UNION

By the President of the United States of America
A Proclamation

WHEREAS the Congress of the United States by the act approved on July 7, 1958 (72 Stat. 339), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Alaska in an election held on April 24, 1956, and provided for the admission of the State of Alaska into the Union on an equal footing with the other States of the Union upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from information before me that a majority of the legal votes cast at an election held on August 26, 1958, were in favor of each of the propositions required to be submitted to the people of Alaska by section 8 (b) of the act of July 7, 1958; and

WHEREAS it further appears from information before me that a general election was held on November 25, 1958, and that the returns of the general election

were made and certified as provided in the act of July 7, 1958; and

WHEREAS the Acting Governor of Alaska has certified to me the results of the submission to the people of Alaska of the three propositions set forth in section 8 (b) of the act of July 7, 1958, and the results of the general election; and

WHEREAS I find and announce that the people of Alaska have duly adopted the propositions required to be submitted to them by the act of July 7, 1958, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at one minute past noon on this third day of January in the year of our
[SEAL] Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 59-169; Filed, Jan. 5, 1959; 10:59 a. m.]

Proclamation 3268

LAW DAY, 1959

By the President of the United States of America

A Proclamation

WHEREAS a free people can assure the blessings of liberty for themselves only if they recognize the necessity that the rule of law shall be supreme, and that all men shall be equal before the law; and

WHEREAS this Nation was conceived by our forefathers as a nation of free men enjoying ordered liberty under law, and the supremacy of the law is essential to the existence of the Nation; and

WHEREAS appreciation of the importance of law in the daily lives of our citizens is a source of national strength which contributes to public understanding of the necessity for the rule of law and the protection of the rights of the individual citizen; and

WHEREAS by directing the attention of the world to the liberty under law which we enjoy and the accomplishments of our system of free enterprise, we emphasize the contrast between our freedom and the tyranny which enslaves the people of one-third of the world today; and

WHEREAS in paying tribute to the rule of law between men, we contribute to the elevation of the rule of law and its application to the solution of controversies between nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Friday, May 1, 1959, as Law Day in the United States of America.

I urge the people of the United States to observe Law Day with appropriate public ceremonies and by the reaffirmance of their dedication to our form of government and the supremacy of law in our lives. I especially urge the legal profession, the schools and educational institutions, and all media of public information to take the lead in sponsoring and participating in appropriate observances throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of December in the year of our Lord nineteen hundred
[SEAL] and fifty-eight and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 59-149; Filed, Jan. 2, 1959; 4:40 p. m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

COUNTY DESIGNATED FOR CORN CROP INSURANCE

Lebanon County, Pennsylvania, is hereby added to the list of counties, published August 6, 1958 (23 F. R. 5949), as supplemented by an appendix published September 30, 1958 (23 F. R. 7569), which were designated for corn crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 59-108; Filed, Jan. 5, 1959; 8:52 a. m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

Lebanon County, Pennsylvania, is hereby added to the list of counties, published August 6, 1958 (23 F. R. 5951), as supplemented by an appendix published September 30, 1958 (23 F. R. 7570), which were designated for tobacco crop insurance for the 1959 crop year pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended. Insurance will be offered in Lebanon County on type 41 tobacco.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 59-109; Filed, Jan. 5, 1959; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815]

PART 815—ALLOTMENT OF THE DIRECT CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1959

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (herein called the "act"), for the purpose of allotting the portion of the 1959 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within the prospective 1959 mainland and local quotas, approximating 240,000 to 255,000 short tons, raw value (R. 46). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consump-

tion sugar in the continental United States. Some of the allotments made by this order are small and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective on January 1, 1959, in order to fully effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1959.

Preliminary statement. Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was published on October 4, 1958 (23 F. R. 7710) of a public hearing to be held at Santurce, Puerto Rico in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on October 16, 1958, at 9:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the 1959 mainland sugar quota for Puerto Rico. The scope of the hearing also included the allotment of other quotas. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining to the allotment of the direct-consumption portion of the mainland quota. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing shows that the potential capacity of Puerto Rican refiners to produce direct-consumption sugar sufficiently exceeds the quantity of such sugar which may be marketed within the mainland and local quotas that allotment of the direct-consumption portion of the 1959 mainland quota for Puerto Rico is necessary (R. 46).

While all three factors specified in the provisions of sec. 205 (a) of the act quoted above have been considered, only the "past marketing" and "ability to market" factors have been given percentile weightings in the formula on which the allotment of the direct-consumption portion of the 1959 mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for 93 percent of the direct-consumption sugar brought into the continental United States do not process sugar from sugarcane and that giving weight to the factor "processing from proportionate shares" would not lead to equitable allotment (R. 48).

The findings and conclusions for measuring and weighting the two factors "past marketing" and "ability to market" follow the government proposal (R. 48, 49).

An industry representative proposed that the allottees' average annual marketings of direct-consumption sugar in the continental United States during the period 1953–57 instead of the period 1954–58, as proposed by the government witness, be used in measuring the "past marketings" factor, contending that 1958 marketings of direct-consumption sugar may not be representative due to the abnormal production of raw sugar in Puerto Rico during 1958 (R. 58–62). However, it appears that the quantities of direct-consumption sugar to be brought into the continental United States by individual allottees during 1958 will be more representative of such entries in other recent years than the entries made by the individual allottees during 1953. The use of the 1953–57 average, instead of the 1954–58 average entries, would reduce one allottee's share of the past marketing factor by approximately 20 percent.

As stated by the government witness the average quantity of direct-consumption sugar brought into the continental United States during the years 1954–58, inclusive, provides a measure of "past marketings" which keeps the basis current, covers a period of time sufficient to offset short run factors affecting data for a single year and which is representative of marketing conditions similar to those expected in 1959. By using the largest quantity of direct-consumption sugar brought into the continental United States by each allottee in any year during the period 1935 through 1958 as a measure of "ability to market," a sufficient period of time has been provided to permit the selection of a year for each allottee which will reflect relative abilities. A comparison with present plant capacity shows no impairment in the ability of any of the allottees to produce direct-consumption sugar (R. 49).

Two hundred tons of the direct-consumption portion of the quota to be allotted has been set aside as an unallotted reserve for "all other persons" for entries of sugar for direct consumption regardless of quality (R. 51). It is not practicable to allot such a small quantity to numerous raw sugar mills in advance, hence allotments will be made upon application for specific sales. This procedure continues a trade practice followed in previous years, and contributes to an efficient allocation of the direct-consumption portion of the 1959 sugar quota to be allotted. The two hundred tons set aside would permit greater entries of Puerto Rican sugar for direct consumption into the continental United States by "all other persons" than were made in recent years (R. 52).

In accordance with the record of the hearing (R. 53) provision has been made in the findings and the order to revise allotments without further notice or hearing, to (1) give effect to the substitution of final data for estimates of the quantity of direct-consumption sugar imported into the continental United States by each allottee in 1958; (2) reallocate any quantity of an allotment released by an allottee or any quantity of the unallotted reserve not needed to meet the demand from "all other persons," and (3) give effect to any change in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R. 55), the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1958 Puerto Rican allotment order, since such provisions operated successfully in 1958 and no objection was made in the record to their inclusion.

Findings and conclusions. (1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1959 exceeds 330,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1959 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1959 mainland sugar quota for Puerto Rico is necessary to prevent disorderly marketings of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient and equitable allotment.

(4) The "past marketings" factor shall be measured for each allottee by its percentage of the average entries of direct-consumption sugar of all allottees in the

continental United States during the years 1954 through 1958.

(5) The "ability to market" factor shall be measured for each allottee by its percentage of the sum of the largest quantities of direct-consumption sugar of all allottees entered into the continental United States during any calendar year during the period 1935–58, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The quantity of sugar referred to in paragraphs (4) and (5), above, based on data involving estimates for 1958 direct-consumption entries which shall be used to establish allotments pending availability and substitution of final data for such estimates, are set forth in the following table:

[Short tons, raw value]

Allottee	Average annual marketings 1954–58	Highest annual marketings 1935–58
Central Aguirre Sugar Co., a trust	6,476	10,640
Central Roig Refining Co	20,397	28,665
Central San Francisco	1,296	2,590
Porto Rican American Sugar Refinery, Inc	80,864	116,611
South Porto Rico Sugar Company of P. R	0	4,982
Western Sugar Refining Co	20,304	29,988
Total	129,337	193,476

(7) A small part of the direct-consumption portion of the mainland quota is normally filled by allottees other than those named in (6), above. Two hundred short tons, raw value, should be reserved for "All other persons" in 1959.

(8) Allotments totaling the direct-consumption portion of the 1959 Puerto Rican mainland quota in excess of the unallotted reserve for "All other persons" should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4), above, and fifty percent weight to ability to market, measured as provided in paragraph (5), above.

(9) This order shall be revised without further notice or hearing for the purpose of substituting final data for estimates of the Puerto Rican direct-consumption sugar entries in 1958 when such data become part of the official records of the Department.

(10) This order shall provide for reallotment without further notice or hearing of any quantity of sugar that may be released by an allottee who finds that he cannot use his full allotment and so indicates in writing to the Director of the Sugar Division, or any quantity that may not be needed to meet demands upon the unallotted reserve for "All other persons." Any quantity so released or not needed may be allotted among the other allottees to the extent they are able to utilize additional allotments on the basis of the allotments otherwise established for such allottees. Any quantity of the deficit which cannot be used by such allottees shall be added to the unallotted reserve for "All other persons."

(11) This order shall be revised without further notice or hearing to adjust allotments to give effect to any change in the direct-consumption portion of the 1959 quota for Puerto Rico on the same basis as used in establishing allotments in this order.

(12) Each allottee in 1959 should be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of its allotment established herein or the sum of the quantity of sugar produced by the allottee from sugarcane and the quantity of sugar acquired by the allottee for shipment to the mainland within the applicable 1959 mainland quota for Puerto Rico. All other persons should be prohibited from bringing such sugar into the continental United States in 1959 for consumption therein except such sugar acquired from an allottee within its allotment established herein, or brought in within the unallotted reserve for "All other persons". All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value.

(13) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 815.1 Allotment of the direct-consumption portion of 1959 mainland sugar quota for Puerto Rico.

(a) *Allotments.* The direct-consumption portion of the 1959 sugar quota for Puerto Rico, amounting to 136,113 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	7,140
Central Roig Refining Company	20,785
Central San Francisco	1,591
Porto Rican American Sugar Rfy., Inc	83,446
South Porto Rican Sugar Co. of P. R	1,750
Western Sugar Refining Co	21,201
All other persons	200
Total	136,113

(b) *Restrictions on marketing.* (1) During the calendar year 1959 each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane and the quantity of sugar acquired by the allottee for shipment to the mainland within the applicable 1959 mainland quota for Puerto Rico.

(2) During the calendar year 1959 all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) that brought in within the quantity established in this section for "all other persons."

(3) Of the total quantity of direct-consumption sugar alloted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure.

(c) The Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee or not needed to meet the demand on the reserve for "All other persons," and (3) any increase or decrease in the quantity of the direct-consumption portion of the 1959 mainland quota for Puerto Rico.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 30th day of December 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 59–107; Filed, Jan. 5, 1959; 8:52 a. m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.99, Amdt. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1959 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (h) of § 850.99 (23 F. R. 7799) is hereby revised to read as follows:

(h) *Subdivision of State acreage allocations.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as the territory served by a beet sugar company, a county, or a group of counties. In making such subdivision a formula shall be used, to give consideration to past production and ability to produce sugar beets, which formula shall be approved by the Director and shall be based upon average accredited acreages for the various areas for three or four of the crop years 1955 through 1958, or upon the higher for each area of average accredited acreages

for such years or the 1958-crop area allotment. Such formula may utilize a floor or ceiling derived from accredited acreages or area allotments for one or more of such years. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (k) of this section, unused acreage in any area may be reallotted by the State Committee among other areas within the State.

Statement of bases and considerations. For the purpose of dividing a State allocation into area allotments, the original determination (issued October 2, 1958) required the use of a formula applied to accredited acreages (planted plus approved prevented) of the various areas within a base period comprising three or four of the crop years 1955 through 1958. Moreover, the provision was rather specific as to how the accredited acreages for various years of the base period were to be used in measuring past production and ability to produce sugar beets.

Under proportionate share programs for the crops of 1955 through 1958, State allocations, area allotments and farm proportionate shares were based primarily on planted acreages within the crop years 1950 through 1954. Under one of the amendments to the Sugar Act approved in 1956, prevented acreage credits have been approved for the 1955 and subsequent crops. Since acreage controls have been effective for these crops, a base period comprising three or four restricted crops became available for use under the 1959-crop program. In establishing State allocations for that program, the Department found that a complete transition from the use of planted acreages in the 1950–54 period to accredited acreages in the 1955–58 period would necessitate rather severe adjustments for a number of States. Accordingly, State allocations were computed from the larger of average 1955–57 accredited acreages factored to the total 1958 allocated acreage or 1958 State allocations.

For most States, the provisions of the original determination for establishing area allotments appear satisfactory. However, for a few States a complete switch in base periods for the 1959 crop, with the recognition of prevented acreages in the new period, would enforce severe adjustments among areas. Therefore, for such States the ASC State Committees desire to use a formula similar to that used by the Department at the National level, to use accredited acreages differently than prescribed by the determination, or to make use in the formula of area allotments.

This amendment provides for the recognition of past production and ability to produce sugar beets through the use of average accredited acreages in the crop period 1955 through 1958, and it also permits the use of the higher of accredited acreages or area allotments within such period. The specific use of a floor or a ceiling in reference to accredited acreages or area allotments for one or more of the years in the base period is authorized. Other details of the paragraph remain unchanged.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U. S. C. 1131, 1132)

Issued this 30th day of December 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 59–106; Filed, Jan. 5, 1959; 8:52 a. m.]

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

[Navel Orange Reg. 150, Amdt. 1]

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

Limitation of Handling

(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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.450 (Navel Orange Regulation 150, 23 F. R. 10359) are hereby amended to read as follows:

(i) District 1: 785,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 30, 1958.

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

[F. R. Doc. 59–105; Filed, Jan. 5, 1959; 8:51 a. m.]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Exemption Certificates and Safeguards

Notice of proposed rule making regarding rules and regulations for the issuance of exemption certificates and the establishment of safeguards, to be made effective under Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota; and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER November 6, 1958 (23 F. R. 8671).

This notice afforded interested persons an opportunity to file data, views or arguments in regard thereto not later than fifteen days after publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were adopted and submitted for approval by the Red River Valley Potato Committee, established pursuant to the aforesaid marketing agreement and order, the following rules and regulations are hereby approved:

DEFINITIONS

AUTHORITY: §§ 938.100 to 938.130 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 938.100 Area determinations.

For the purpose of §§ 938.100 to 938.130 "immediate area of production" and "immediate shipping area," are synonymous with the production area.

EXEMPTIONS

§ 938.110 Interpretations.

In the administration of §§ 938.65 to 938.69, inclusive, and insofar as prac-

ticable, "acts beyond his (producer or handler) control" and "acts beyond reasonable expectation" shall be interpreted in accordance with, but shall not be limited to, the following:

(1) "Acts beyond his (producer or handler) control" means generally those natural events usually classed as "Acts of God", such as fire, flood, tornado, abnormally late or early frost, drought, and hail.

(2) "Acts beyond reasonable expectation" means generally those damaging events which might conceivably have been controlled or prevented by the producer or handler had such events been anticipated, but which were not and could not reasonably be anticipated. Such situations are expected to be rare but would include sudden outbreaks of disease or insects not usually present and not controllable by customary protective procedures; unsuspected latent damage in stored potatoes; abnormal reaction to normal applications of customary chemicals or fertilizers; frost damage to stored potatoes resulting from demonstrably unseasonable early freezes; and others which would require determination by the committee on the basis of the particular circumstances. More important is an understanding of the converse, or situations regarded as within reasonable expectation. These situations would include such abnormally early or late planting as to make frost damage likely; imprudent use of new or unproved cultural practices, chemicals, or fertilizers; reckless, excessive or inadequate use of customary chemicals or fertilizers; and negligence in taking protective measures and other actions on a timely basis, including spraying or dusting, harvesting, heating and cooling of storages and other actions which, if done negligently or in an untimely manner, cause natural but reasonably anticipated damage. Basically the policy will be to approve applications when the circumstances indicate customarily prudent care on the part of the applicant, and to deny them in cases of demonstrably imprudent, reckless, or inadequate cultural and protective practices.

§ 938.111 Burden of proof.

(a) Applicants for exemption seek a special privilege not uniformly accorded to all producers and handlers, and disposition thereof imposes financial and administrative burdens on a committee supported by and expected to serve equally all elements of the industry. Therefore, responsibility for proving eligibility for exemption is placed upon applicants with the intent of precluding casual, irresponsible, or patently unacceptable applications and avoiding the time and cost involved in consideration thereof. The basic policy will be to approve or reject on the proof submitted rather than to assume the burden of gathering pertinent evidence.

(b) Notwithstanding the foregoing, the committee will, in its discretion, do whatever it deems appropriate to verify, corroborate, or clarify applications or evidence pertaining thereto.

§ 938.112 Determination of proportion relative to § 938.65.

During harvest each season the committee will determine with respect to varieties as regulated in the immediate production or shipping area the cumulative average proportion of all potatoes which may be shipped under regulations.

§ 938.113 Application procedure.

Any producer or handler applying for exemption from regulations issued pursuant to § 938.65–69 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by such committee. Each application shall state the name and address of the applicant; the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State inspection certificate covering the lot of potatoes for which exemption is requested; *Provided*, That the committee may authorize the submission of such Federal-State inspection certificate subsequent to the filing of the application for exemption and prior to consideration of such application. Applications shall set forth such additional information as the committee may deem necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producers' applications by paragraphs (a) and (b) of this section, and the information required on handlers' application by paragraphs (c) and (d) of this section.

(a) The location of the farm on which potatoes for which exemption is requested were produced, or, if such potatoes are stored, the location of the storage where such potatoes are held, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if exemption is granted;

(b) Acreage and quantity (by grade, size, quality, and variety) of potatoes harvested or shipped, as the case may be, prior to the date of application, and, in the case of stored potatoes, to be shipped during the remainder of the season subsequent to such date; the estimated portion of such potatoes which can be handled under applicable regulations, and the specific reasons why all of such potatoes cannot be handled under such regulations;

(c) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, with appropriate identification of the location of individual storage bins, and a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(d) The quantity (by grade, size, quality and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application; and

(e) Any applicant who is a producer of potatoes and a handler of potatoes produced by others may be required by the committee to distinguish between his producer and handler operations in submitting reports and data with respect to any application for exemption.

§ 938.114 Investigations.

The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be designated to procure adequate information to pass upon an application.

§ 938.115 Issuance of exemption certificates.

(a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 938.67: *Provided*, That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted potatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted potatoes to be contained in the respective lots shipped and the total quantity of exempted potatoes covered by such certificates shall not exceed the total quantity of such potatoes which would be authorized if only one certificate were issued to such applicant.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records and one copy of each exemption certificate shall be retained by the recipient until the end of the then current fiscal period. Each such certificate shall contain the name and address of the recipient, the location of all potatoes authorized to be shipped thereunder, the quantity (by grade, size, quality, and variety) of potatoes which will be permitted in the exempted shipments, and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted potatoes.

§ 938.116 Identification of exempted potatoes.

Each lot of potatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with

respect to such certificate, as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

§ 938.117 Reports of shipments.

Handlers of potatoes exempted from regulation under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the person to whom such potatoes were shipped, the quantity shipped (by grade, size, quality, and variety), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by the committee in order to administer the regulatory provisions applicable thereto.

§ 938.118 Appeal.

(a) Any applicant who is dissatisfied with the disposition of his application by the committee may file an appeal with the committee within seven days after such disposition. Any such appeal shall be accompanied by evidence satisfactory to the committee for a decision on the appeal.

(b) The committee thereupon will reexamine the application and all available evidence pertinent thereto, and make a final determination on the application within 14 days after receipt of the appeal.

SAFEGUARDS

§ 938.120 Application for Certificate of Privilege.

(a) Whenever a handler ships tablestock potatoes outside the production area for any of the special purposes enumerated in this paragraph which fail to meet the minimum grade, size, quality, or maturity requirements established pursuant to § 938.52, he shall obtain from the committee, prior to any such shipment, a Certificate of Privilege, permitting such shipments. The special purpose shipments for which such permits are required are:

(1) Export
(2) Livestock Feed
(3) Canning or Freezing
(4) Dehydration
(5) Potato Chips
(6) Charity or Relief
(7) Experimentation
(8) Other products which may be specified by regulations issued pursuant to § 938.54.

(b) Application for Certificates of Privilege shall be made on forms furnished by the committee. Such application shall contain the name and address of the handler, and such other information the committee may require, such as, but not limited to, the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped, name of consignee, destination, certification as to correctness of statements made, statement that applicant will comply with disposition stated therein, and other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate of Privilege was granted.

§ 938.121 Issuance.

The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 938.122 Reports.

Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the committee upon request, with a report thereon showing the name and address of the handler, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination and consignee.

§ 938.123 Denial and appeals.

The committee may rescind a Certificate or Certificates of Privilege issued to a handler or deny a Certificate of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this subpart. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

COMMITTEE AGENTS

§ 938.130 Designation of committee agents.

In administering the provisions of Order No. 38 the committee shall receive, investigate, and report to the Secretary complaints of violations of the provisions of the order. Pursuant to § 938.60 (f) the committee manager, and committee employees, agents and representatives are hereby designated as appropriate authorities to whom handlers of trucked shipments shall give evidence of inspection thereon by surrender of applicable certificates of inspection.

Dated: December 30, 1958.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 59-79; Filed, Jan. 5, 1959; 8:48 a. m.]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES, CALIFORNIA

Order Amending Order Regulating Handling

§ 951.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 4027, 4779), a public hearing was held at Lodi, California, on March 24, 1958, upon proposed amendment of the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of Tokay grapes grown in San Joaquin County, California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapes covered by this order) who, during the period April 1, 1957, through March 31, 1958, shipped not less than 50 percent of the Tokay grapes covered by said order, as amended and hereby further amended.

(2) The aforesaid marketing agreement, as amended, and as hereby further amended, has been executed by handlers who were signatory parties to said mar-

keting agreement and who during the preceding fiscal year (April 1, 1957, through March 31, 1958), shipped not less than 50 percent of the Tokay grapes grown in San Joaquin and Sacramento Counties in California, shipped by all handlers signatory to said marketing agreement during such fiscal year.

(3) The issuance of this order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1957, through March 31, 1958), were engaged within the production area specified in said order, as amended, in the production of Tokay grapes for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Delete §§ 951.11 through 951.13 and substitute therefor the following:

§ 951.11 District.

"District" means the applicable one of the following described sub-divisions of the production area: (a) Acampo District means the school district of Houston; (b) Woodbridge District means the school district of Woods and that portion of the Galt Joint Union School District situated in San Joaquin County; (c) Lafayette District means the school districts of Lafayette, Henderson, Turner, Ray, Terminous, and New Hope; (d) Victor District means the school districts of Bruella, Victor, Lockeford, Oak View, and Clements; (e) Alpine District means the school districts of Alpine and Lodi; (f) Live Oak District means all of the school districts in the production area other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Districts. The boundaries of the aforementioned school districts shall be those in effect on October 1, 1947.

§ 951.12 Production area.

"Production area" means San Joaquin County in the State of California.

§ 951.13 Pack.

"Pack" means (a) to place grapes into containers for shipment to market as fresh grapes and to deliver containers of grapes to a packing platform or shed or to a vehicle for transportation to market or storage, or (b) to place grapes into a shipping container in a packing shed: *Provided*, That, when used in and with respect to §§ 951.50 to 951.58, inclusive, such term shall mean the specific arrangement, weight, grade or size, including the uniformity thereof, of the grapes within a container.

2. Immediately after § 951.15 add the following new sections:

§ 951.16 Container.

"Container" means a box, lug, crate, carton, or any other receptacle used in packing grapes for shipment as fresh grapes, and includes the dimensions, capacity, weight, marking, and any pads, liners, lids, and any or all appurtenances thereto or parts thereof. The term applies, in the case of grapes packed in consumer packages, to the master receptacle and to any and all packages therein.

§ 951.17 Premium quality grapes.

"Premium quality grapes" means and includes all grapes which meet or exceed the requirements as to grade, size, pack, and container prescribed by the committee, with the approval of the Secretary, for premium quality grapes.

3. Delete §§ 951.20 through 951.22 and substitute therefor the following:

§ 951.20 Establishment of Industry Committee.

An Industry Committee consisting of seven members, one for each of the districts designated in § 951.11 and one member at large, is hereby established. There shall be an alternate for each member of the Committee.

§ 951.22 Nomination of members of Industry Committee.

(a) Except as provided in paragraph (c) of this section, nominations for members and alternate members of the Industry Committee shall be made at a meeting of growers for each of the districts. The growers in each district shall nominate one grower for member and one grower for alternate member. Such meetings shall be called by the Industry Committee at such times (on or before March 1 of each season) and at such places as said committee shall designate. The growers at each of such meetings shall select a chairman and a secretary therefor. After nominations have been made, the chairman or the secretary of such meeting shall transmit forthwith to the Secretary his certificate showing the name of each person for whom votes have been cast, whether as member or as alternate for a member and the number of votes received by each such person.

(b) In the nomination of members and alternate members of the Industry Committee, each grower shall be entitled to cast only one vote which shall be cast on behalf of himself, his agents, partners, and representatives, for each nominee to be selected from the district in which the grower produces grapes. A grower shall vote only in the meeting called for such district in which such grower produces grapes. Only growers who are personally present at such nomination meeting shall be entitled to vote for nominees. Each grower shall be entitled to vote only in one district and only for the nominees to be elected for such district.

(c) The nominees for member and alternate for the position of member at large shall be nominated on or before March 5th of each season by majority vote of the six member nominees nominated at the grower meetings provided for in paragraph (a) of this section: *Provided*, That the initial nominees for such positions may be nominated by the six members of the committee representing the specified districts of San Joaquin County.

§ 951.23 [Amendment]

4. Delete from § 951.23 the words following the last semicolon therein and substitute therefor the following: "and any such person shall be an individual grower who, or an officer, employee or agent of an organization which, produced grapes during such prior season in the particular district for which he was nominated or selected as a member or as an alternate member of such committee: *Provided*, That the member and alternate member at large may be any qualified grower."

5. Revise § 951.24 to read as follows:

§ 951.24 Selection of members of Industry Committee.

From the nominations made pursuant to § 951.22, or from other qualified persons, the Secretary shall select the seven members of the committee and an alternate for each such member.

6. Revise § 951.27 to read as follows:

§ 951.27 Terms of office.

Members and alternate members of the Industry Committee shall serve during the season for which they have been selected by the Secretary and until their successors are selected and have qualified.

§ 951.32 [Amendment]

7. Amend § 951.32 as follows:

(a) Delete from paragraph (l) the words "and election district" and "or election district."

(b) Delete from paragraph (o) the words "by districts" and the comma just preceding such words.

§ 951.47 [Amendment]

8. Immediately after § 951.47, insert a new center heading entitled "Research and Development" and a new section reading as follows:

§ 951.49 Research.

The Committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve or promote the marketing, distribution, and consumption of Tokay grapes. The expenses of such projects shall be paid from funds collected pursuant to § 951.46.

§ 951.50 [Amendment]

9. Revise the center heading preceding § 951.50 to read "Regulation by Grade, Size, Container, and Pack".

10. Revise the first sentence of § 951.50 to read as follows: "Whenever the Industry Committee deems it advisable to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, it shall so recommend to the Secretary."

§ 951.51 [Amendment]

11. Revise paragraph (a) of § 951.51 to read as follows:

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes to particular grades, sizes, packs, or con-

tainers, or any combination thereof, would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes during a specified period.

§ 951.52 [Amendment]

12. Amend § 951.52 as follows:

(a) Delete from paragraph (b) (1) the words "his district" and substitute therefor the words "the production area."

(b) In paragraph (e) insert the words "grade and size" immediately following the word "to" and preceding the word "regulations."

§ 951.58 [Amendment]

13. Amend § 951.58 as follows:

(a) Delete from the first sentence the section number reference "§§ 951.50 through 951.56" and insert in lieu thereof the words "this part".

(b) Delete from the second sentence the words "showing the grade and size of the grapes contained in such shipment" and insert in lieu thereof the words "with respect to such shipment".

§ 951.62 [Amendment]

14. Revise the proviso in paragraph (b) of § 951.62 to read as follows: "*Provided*, That allotment shall not be required: (1) To deliver grapes to a refrigerated storage warehouse, for storage purposes, within the State of California; (2) to handle grapes pursuant to, and for the purposes specified in § 951.87; and (3) to handle grapes which meet the requirements for premium quality grapes."

§ 951.64 [Amendment]

15. Amend § 951.64 as follows:

(a) Revise paragraph (a) to read as follows:

(a) The allotment percentage of each applicant entitled thereto for each allotment period shall be seventy-five percent of the percentage obtained by dividing the total grape shipments from such applicant's vineyards as reported pursuant to § 951.63 (a) (1) to (4), by the total grape shipments during the preceding two years from vineyards of all applicants plus twenty-five percent of the following applicable percentage: (1) For the first allotment period of each season, the percentage obtained by dividing the total quantity of grapes packed by or for the applicant during the first 6 days of the 9 days immediately preceding the first allotment period by the total quantity of grapes packed by or for all applicants during such 6 days; (2) for the second allotment period each season, the percentage obtained by dividing the total quantity of grapes packed by or for the applicant during the 3 days immediately preceding the first allotment period by the total quantity of grapes packed by or for all applicants during such 3 days; (3) for the third and each succeeding allotment period each season, the percentage obtained by dividing the total quantity of grapes packed by or for the applicant during the allotment period penultimate the allotment period to which the allotment shall apply by the total quantity of grapes packed by or for all applicants during such period.

(b) Delete from the last sentence of paragraph (b) the word "two" and insert in lieu thereof the word "three".

16. Revise § 951.65 to read as follows:

§ 951.65 Adjustment of allotment.

A portion of the total quantity of grapes fixed by the Secretary as the quantity of such grapes which may be handled during an allotment period shall be allocated to handlers as adjusted allotment in accordance with the provisions of this section.

(a) Each season, prior to recommending regulations pursuant to § 951.60, the Industry Committee shall establish the quantity of grapes per acre which is likely to be shipped during the current season from mature vineyards and separate quantities for vineyards from nine years to one year of age, respectively. In establishing these quantities the committee shall consider (1) the estimated production of grapes for the current season; (2) the average number of standard packages of grapes per acre shipped from the production area during preceding seasons; (3) the estimated total acreage of grapes in the production area during the current and past seasons; (4) the acreage of grapes which have been thinned; (5) production records of mature vineyards and of vineyards from nine years to one year of age; and (6) other relevant factors.

(b) Adjusted allotment shall be allocated to, and held by the Industry Committee for the account of, handlers proposing to ship grapes as first handlers thereof (1) from a vineyard from which grapes were not shipped during one or both of the two preceding seasons; (2) from a vineyard for which records of shipments during one or both of such seasons are not available; or (3) from a vineyard with less shipments per acre during one or both of such seasons than the quantity established by the Industry Committee in accordance with paragraph (a) in this section for vineyards of similar age. The amount of adjusted allotment so allocated and held for the account of a handler shall be equal to the difference between the allotment to which such handler is entitled pursuant to the provisions of § 951.62 (a) (1) and the allotment to which such handler would be entitled pursuant to the provisions of said paragraph (a) (1) if the previous shipments from such vineyard were equal to the applicable quantity estimated by the committee in accordance with paragraph (a) of this section: *Provided*, That in no event shall such amount exceed the amount of adjusted allotment requested by such handler.

(c) Any handler entitled to adjusted allotment may apply to the Industry Committee on forms prescribed by it for such allotment. Such application shall be filed with the committee at least three days prior to the first allotment period for which he desires adjusted allotment and shall contain the following information: (1) The identity of each vineyard for which adjusted allotment is requested; (2) the allotment period or periods for which allotment is requested; and (3) the quantity of adjusted allotment requested for each such period.

(d) Any handler to whom adjusted allotment is allocated for a vineyard may request the application of such adjusted allotment only to the extent that he has packed, or has had packed, grapes from such vineyard in excess of that portion of his allotment which is based on previous shipments from such vineyard. The Committee shall release to such handler such allocated adjusted allotment upon evidence, satisfactory to it, of performance as herein described: *Provided*, That any quantity of grapes packed from a vineyard in excess of the quantity of adjusted allotment plus allotment based on previous shipments from such vineyard may be carried forward and applied to the adjusted allotment for such vineyard in subsequent allotment periods.

(e) Any adjusted allotment held for the account of handlers upon expiration of an allotment period shall be added proportionately to the allotment of all handlers during the next succeeding allotment period.

§ 951.66 [Deletion]

17. Delete § 951.66 *Daily shipments during an allotment period.*

18. Revise §§ 951.67, 951.68, and 951.69 to read as follows:

§ 951.67 Undershipments.

If during any allotment period a handler ships grapes in an amount less than his allotment he may ship during the next succeeding allotment period a quantity of grapes equal to such undershipment: *Provided*, That the amount of the undershipment which such handler may ship during such period shall not exceed the equivalent of such percentage of the total allotment issued to him for the allotment period during which such undershipment occurred as shall be established by the Industry Committee, or 1,105 standard packages of grapes, whichever is the greater.

§ 951.68 Overshipments.

During any allotment period a handler may ship a quantity of grapes equivalent to five hundred standard packages of such grapes in addition to his allotment for such period. Any such overshipment shall be deemed to be a shipment against the allotment of such handler for the allotment period next succeeding.

§ 951.69 Allotment loans.

A person to whom allotment has been issued may lend such allotment, or any part thereof, to another person to whom allotment also has been issued subject to the following terms and conditions:

(a) Allotment loans shall be transacted only upon notice to and under the supervision of the Industry Committee.

(b) Allotment shall be repaid in the allotment period immediately following the period in which it is borrowed.

(c) Allotment may be loaned for use only during the allotment period in which it is issued.

(d) Allotment which is repaid may be used only during the allotment period in which the repayment is made.

(e) No person may borrow and lend allotment during the same period; and

(f) Except as provided in this section and in § 951.71, allotments are not transferable.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Dated, December 30, 1958, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F. R. Doc. 59-78; Filed, Jan. 5, 1959; 8:48 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of the order regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR Part 975), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act with respect to the delivery periods specified:

(1) The provision "within April, May, June or July" appearing in § 975.8 (b), with respect to the delivery periods of January, February and March 1959.

(2) The provision "and 30 percent or more during the entire period" appearing in the second proviso of § 975.30 (b), with respect to the delivery periods of February, March, April, May, June and July 1959.

These provisions could prevent substantial numbers of producers regularly associated with the market from participating in the pool and could result in uneconomic movements of milk to preserve pool status of some such producers. Heavy fall and winter production has decreased the need for shipments from supply plants and requires some diversion of milk to nonpool plants for surplus removal. Suspension of the provisions cited will permit such diversions and will permit plants regularly associated with the market to continue pool plant status. Other provisions will serve to limit the pool to plants associated with the market for the limited period provided.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action is based upon the record of a public hearing held at Cleveland, Ohio, December 19, 1958.

Therefore, good cause exists for making this order effective January 1, 1959.

It is therefore ordered, That the following provisions of the order are hereby suspended effective January 1, 1959 for the period specified:

(1) The provision "within April, May, June or July" appearing in § 975.8 (b) for the delivery periods of January, February and March, 1959.

(2) The provision "and 30 percent or more during the entire period" appearing in the second proviso of § 975.30 (b), for the delivery periods of February, March, April, May, June and July, 1959.

Issued at Washington, D. C., this 30th day of December 1958.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F. R. Doc. 59-77; Filed, Jan. 5, 1959; 8:48 a. m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. SR-429]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Authorization for Alaskan Air Taxi Operators to Conduct Operations; Special Civil Air Regulations

Concurrently with this regulation, the Board is adopting a new Part 293 of the Economic Regulations which reclassifies the present "Alaskan pilot-owner", covered under Part 292 of the Board's Economic Regulations, as an "Alaskan Air Taxi Operator" and enlarges the permissible activities of such Alaskan pilot-owners. Under the new Part 293, the Alaskan air taxi operator will be permitted inter alia to use aircraft having a maximum gross take-off weight of 7,900 pounds and to engage in the air transportation of persons and property within Alaska without limitation, except that scheduled service would be prohibited between points served by certificated carriers with a frequency of two or more scheduled round trips per week.

At the present time, the Alaskan air carriers using large aircraft (12,500 pounds maximum certificated take-off weight and above) are conducting their operations pursuant to the provisions of Part 41 of the Civil Air Regulations. Those Alaskan air carriers using small aircraft (less than 12,500 pounds maximum certificated take-off weight) including the Alaskan pilot-owners are presently conducting their operations under Part 42 pursuant to authorizations by the Administrator of Civil Aeronautics.

Since the air carriers operating in Alaska with small aircraft are presently conducting their operations under Part 42, the Board believes that until operating experience reveals that further or different rules are necessary, Alaskan air taxi operators should be allowed to conduct their operations pursuant to Part 42.

As the exemptions under Part 293 of the Economic Regulations are only temporary and are stated to run for two years from the effective date of that part, it seems desirable to limit the authorization contained herein to the same period of time.

This regulation is necessary in order to give effect to the new Part 293 referred to above, which was published as a notice of proposed rule making dated May 17, 1958, and on which public comment was received and considered. Since this regulation is ancillary to such part and since it continues in effect the same rules as are presently applicable to the Alaskan pilot-owners, without diminution in safety standards, the Board finds that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective February 3, 1959.

Notwithstanding the provisions of Parts 41 and 42 of the Civil Air Regulations, any Alaskan air taxi operator as defined in § 293.1 (a) (2) of Part 293 of the Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations. An air carrier operating certificate presently issued by the Civil Aeronautics Administration to an Alaskan pilot-owner shall, until its stated expiration date, be valid as an air carrier operating certificate for Alaskan air taxi operations, unless such certificate is sooner surrendered, suspended or revoked. Such certificate may be renewed as an air carrier operating certificate for Alaskan air taxi operations.

This regulation shall terminate two years after its effective date unless sooner terminated or rescinded by the Board.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

Adopted: December 30, 1958.

Effective: February 3, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 59-52; Filed, Jan. 5, 1959; 8:45 a. m.]

[Civil Air Regs. Amdt. 45-2]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 30th day of December, 1958.

Part 45 of the Civil Air Regulations presently contains provisions which are applicable to commercial operators who conduct their operations in small aircraft.

Part 47, adopted concurrently herewith, on becoming effective, will be applicable to commercial operators who utilize small aircraft in the conduct of their operations and will require such operators to comply with the operation rules of that part. Since it will no longer be necessary or appropriate on and after the effective date of Part 47 to prescribe rules in Part 45 applicable to operators of small aircraft, Part 45 is being

amended to exclude such operators from its applicability. On and after the effective date of this amendment, all citizens of the United States engaging in the carriage of goods or passengers for compensation or hire in air commerce using small aircraft (which includes helicopters) will be subject to the applicable provisions of Part 47, unless otherwise provided for in the regulations of this subchapter.

Interested persons have been afforded an opportunity to participate in the making of this amendment (22 F. R. 10466), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 45 of the Civil Air Regulations (14 CFR Part 45, as amended) effective July 1, 1959.

By amending the first sentence of § 45.1 to read as follows: "The provisions of this part shall be applicable to citizens of the United States engaging in the carriage in air commerce of goods or passengers for compensation or hire using aircraft of more than 12,500 pounds maximum certificated take-off weight, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 607, 610, 52 Stat. 1007, 1010, 1011, 1012, as amended; 49 U. S. C. 551, 554, 557, 560)

Effective: July 1, 1959.

Adopted: December 30, 1958.

By the Civil Aeronautics Board.

[SEAL] MABLE MCCART, *Acting Secretary.*

[F. R. Doc. 59-62; Filed, Jan. 5, 1959; 8:46 a. m.]

PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNNG OTHER SMALL AIRCRAFT COMMERCIAL OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Currently effective Part 42 of the Civil Air Regulations prescribes certification and operation rules which are applicable to supplemental air carriers, air taxi operators subject to Special Civil Air Regulation No. SR-395A, and commercial operators subject to Part 45 of the Civil Air Regulations. This results in the operation of large and small aircraft under one part of the Civil Air Regulations. The Board recognizes the distinct differences between the operation of large and small aircraft, and believes that a more effective administration and realistic application of operating rules requires that the rules be divided into two separate parts: (1) those applicable to large aircraft of more than 12,500 pounds maximum certificated weight; and (2) those applicable to small aircraft (including helicopters) of 12,500 pounds or less.

Accordingly, the provisions of this part are made applicable to air taxi operators who heretofore have been required by Special Civil Air Regulation No. SR-395A, effective February 20, 1955, to comply with the certification and operation rules of Part 42. Such operators shall comply with the certification rules and operations specifications requirements, as well as the operation rules of this new part.

In Special Civil Air Regulation No. SR-395A, the Board made provision for air carrier operating certificates issued for air taxi operations which were in effect on, or issued after, the effective date of the special regulation to remain in effect until new air taxi certification and operation rules became effective, unless sooner surrendered, suspended, or revoked. Each air taxi operator who currently holds an operating certificate must, therefore, file an application for the issuance of a new operating certificate in accordance with this regulation at least 30 days prior to the effective date thereof, in order to lawfully continue air taxi operations.

It will be noted that an air carrier operating certificate issued by the Administrator pursuant to this part will terminate two years from its date of issuance, unless renewed upon application. The Board is prescribing the two-year duration period, upon the recommendation of the Administrator, to facilitate administration and enforcement of the safety requirements in Part 47.

In addition to being applicable to air taxi operators, the provisions of this part, with the exception of the certification rules and operations specifications requirements, also apply to other citizens who engage in the carriage in air commerce of goods or passengers for compensation or hire using small aircraft (which includes helicopters), unless otherwise provided for in the regulations of this subchapter. Commercial operators who use small aircraft and are presently required by Part 45 to conduct their operations in accordance with the operation rules of Part 42 are made subject to this new part. Therefore, concurrently with the promulgation of this new part, the Board is promulgating an amendment to Part 45 to restrict its applicability to commercial operators who utilize large aircraft in the conduct of their operations.

It should be noted that all operations conducted under this part are also subject to the provisions of Parts 43 and 60 of the Civil Air Regulations, unless otherwise specified in this part.

It was originally proposed in Civil Air Regulations Draft Release No. 57-30, December 21, 1957, to relax the present operating limitations for aircraft operating under IFR and IFR weather conditions and for land aircraft engaged in overwater operations. In addition, it was proposed to relax the present pilot qualification requirements. However, upon reconsideration and in the light of comment received the Board has concluded that the currently effective operating limitations and pilot qualifications are more realistic minimums than those proposed and are necessary to provide adequately for safety in air commerce. Accordingly, the operating limitations and pilot qualifications currently applicable under Part 42 have been retained by incorporating them into this regulation. In addition, this regulation retains in effect those currently applicable requirements of Part 42 which pertain to flight manifests, airman records, weather minimums, and navigational aids for IFR flights.

Upon consideration of comment received, provision has been made to permit the use of an auto-pilot system in passenger operations under IFR and IFR weather conditions in lieu of a second pilot. However, in the interest of safety, such a system may be used only if it is approved or is acceptable to the Administrator and its use is authorized in operations specifications issued by him. In determining whether such authority should be granted, the Administrator will consider the area of operations, the take-off and landing weather minimums at the airports to be utilized, the air traffic density, and such other factors as he may deem necesary in the interest of safety.

It will also be noted that the original proposal has been modified with respect to the approval of required aircraft instruments and equipment, including radio equipment, to permit the Administrator either to approve such instruments and equipment or determine that they are acceptable by means other than type certification.

In the past, when a major part of a regulation has been implemented, difficulty has been encountered by the air carriers in preparing for, and becoming familiar with, the new requirements. The Administrator has, on occasion, also been handicapped by lack of time to fully and properly prepare Civil Aeronautics Manual material concerning a new part of the regulations and distribute guidance material to CAA field personnel who must enforce such regulations and assist the air carriers in implementing new procedures and practices. This part will, therefore, become effective six months after adoption in order to allow sufficient time for the air carriers and the Administrator to prepare for its implementation.

Interested persons have been afforded an opportunity to participate in the making of this part (22 F. R. 10466), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts Part 47 of the Civil Air Regulations (14 CFR Part 47) to read as follows, effective July 1, 1959 (except that § 47.11 shall be effective February 3, 1959).

APPLICABILITY AND DEFINITIONS

CERTIFICATION RULES FOR AIR TAXI OPERATORS

AUTHORITY: §§ 47.1 to 47.96 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555.

APPLICABILITY AND DEFINITIONS

§ 47.1 Applicability of this part.

The provisions of this part shall be applicable to air taxi operators as defined herein. In addition, the provisions of this part, except the certification rules and operations specifications requirements, shall be applicable to any other citizen of the United States engaged in the carriage in air commerce of goods or passengers for compensation or hire using small aircraft unless otherwise provided for in the regulations of this subchapter. For the purposes of this part, student instruction, banner towing, crop dusting, seeding, and similar operations shall not be considered as the carriage of goods or persons for compensation or hire.

§ 47.2 Applicability of Parts 43 and 60 of this subchapter.

The provisions of Parts 43 and 60 of this subchapter shall be applicable to all operations conducted under the provisions of this part unless otherwise specified in this part.

§ 47.5 Definitions.

As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Air taxi operator. An air taxi operator is an air carrier subject to Part 298 of the Economic Regulations of this subchapter who engages directly in air transportation of passengers and/or property and who:

(1) Does not utilize in such transportation any aircraft having a maximum certificated take-off weight of more than 12,500 pounds, and

(2) Does not hold a certificate of public convenience and necessity issued by the Board pursuant to Section 401 of the Civil Aeronautics Act of 1938, as amended, or other economic authority issued by the Board.

Aircraft. An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Area. Area is any geographical area designated by the Administrator, such as the continental limits of the United States, Canada, Mexico, or any part thereof.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Category (of aircraft). A category is a broad classification of aircraft with distinct configuration and operating characteristics such as airplane, helicopter, or glider.

Class (of aircraft). A class is a classification of aircraft within a category differentiating between single-engine and multiengine and land and water configurations.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

IFR. IFR is the symbol used to designate instrument flight rules.

IFR weather conditions. IFR weather conditions are weather conditions less than the minimums prescribed for flight under VFR of Part 60 of this subchapter.

Landing area. A landing area is an area of land or water which is used or intended for use for the landing and take-off of aircraft.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the Offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Operation rules. Operation rules shall be deemed to include requirements pertaining to aircraft, instruments and equipment, pilots, and flight operations.

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator under delegated authority from the Board and are not part of the air carrier operating certificate.

Operator. Operator is an air taxi operator or other person required to conduct operations under this part.

Pilot in command. A pilot in command is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Small aircraft. Small aircraft means aircraft having a maximum certificated take-off weight of 12,500 pounds or less.

Type (of aircraft). Type is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

VFR. VFR is the symbol used to designate visual flight rules.

CERTIFICATION RULES FOR AIR TAXI OPERATORS

§ 47.10 Certificate required.

No person shall operate an aircraft as an air taxi operator without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 47.11 Renewal of existing authority.

If a person holding a valid air carrier operating certificate issued for air taxi operations prior to the effective date of this part files an application at least 30 days prior to the effective date of this part for the issuance of an operating certificate in accordance therewith, such person may continue operations as an air taxi operator in accordance with the authority held until such time as the Administrator shall finally dispose of the application for a new operating certificate.

§ 47.12 Application for certificate.

An application for an air carrier operating certificate shall be made in the form and manner and shall contain information prescribed by the Administrator.

§ 47.13 Issuance of certificate.

An air carrier operating certificate authorizing a person to conduct operations as an air taxi operator shall be issued by the Administrator to an applicant if the Administrator finds that such person is able to conduct such operations safely in accordance with the requirements of this part and the conditions and limitations specified in the operations specifications.

§ 47.15 Display of certificate.

The air carrier operating certificate shall be displayed at the operator's principal operations office and available for inspection by an authorized representative of the Board or the Administrator.

§ 47.16 Duration and renewal of certificate.

(a) An air carrier operating certificate issued under this part for air taxi operations shall remain in effect for 2 years

from the date of issuance or renewal thereof, unless such certificate has been sooner surrendered, suspended, revoked, or otherwise terminated.

(b) The Administrator shall renew an air carrier operating certificate for air taxi operations if, upon investigation and examination, he finds that the air carrier meets the requirements of § 47.13.

(c) Application for renewal of an air carrier operating certificate for air taxi operations shall be made at anytime prior to the expiration thereof, and shall be made in the form and manner prescribed by the Administrator.

§ 47.17 Transferability of certificate.

An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 47.18 Operations specifications required.

(a) On and after the effective date of this part all operations specifications currently in force shall cease to be a part of any operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him in accordance with the provisions of this part.

(b) No person shall operate an aircraft as an air taxi operator without, or in violation of, operations specifications issued by the Administrator.

§ 47.19 Contents of specifications.

The operations specifications shall contain the following:

(a) Types of operations authorized;

(b) Category, class, and type of aircraft authorized for use;

(c) Area of operations;

(d) A requirement for the carriage of a copy of operations specifications in each aircraft when used in air taxi operations; and

(e) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 47.20 Deviation authority.

Whenever, upon investigation, the Administrator finds that the general standards of safety require or permit a deviation from any specific requirement for a particular operation or class of operations, he may issue specifications prescribing requirements which deviate from the requirements of this part.

§ 47.21 Amendment of operations specifications.

Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to 30 days after the date the air carrier has been notified of such amendment. Within 30 days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 47.22 Inspection authority.

An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine the operator's compliance with the provisions of the operations specifications.

OPERATION RULES

§ 47.30 Aircraft requirements.

Aircraft shall be identified in accordance with Part 1 of this subchapter and certificated in accordance with the applicable airworthiness certification parts of this subchapter. In addition, aircraft shall be maintained and inspected in accordance with the provisions of Part 43 of this subchapter.

§ 47.31 Aircraft limitations for IFR and land aircraft overwater operations.

When passengers are carried, no operator shall operate any aircraft under IFR weather conditions or any land aircraft in overwater operations except as follows:

(a) *IFR operations.* Aircraft shall be multiengine with fully functioning dual controls when a second pilot is required, and shall comply with the following en route limitations:

(1) No take-off shall be made at a weight in excess of that which will permit the aircraft to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher.

(2) In applying the requirements of subparagraph (1) of this paragraph, it shall be assumed that:

(i) The critical engine is inoperative;

(ii) The propeller of the inoperative engine is in the minimum drag position;

(iii) The wing flaps and landing gear are in the most favorable positions;

(iv) The operative engine or engines are operating at the maximum continuous power available;

(v) The aircraft is operating in the standard atmosphere; and

(vi) The weight of the aircraft is progressively reduced by the weight of the anticipated consumption of fuel and oil.

NOTE: See § 47.80 for use of an autopilot system in lieu of a second pilot.

(b) *Land aircraft over water.* Land aircraft shall be multiengine, and flown at a weight which will permit the aircraft to climb with the critical engine inoperative at a rate of at least 50 feet per minute at an altitude of at least 1,000 feet above the surface unless an overwater operation consists only of take-offs and landings or the aircraft is flown at such an altitude that it can reach land in the event of power failure.

§ 47.40 Instruments and equipment.

Instruments and equipment required by §§ 47.41 through 47.45 shall be an approved type or a type acceptable to the Administrator, shall be installed in accordance with applicable airworthiness requirements, and shall be maintained and inspected in accordance with the provisions of Part 43 of this subchapter.

§ 47.41 Instruments and equipment for all operations.

The following flight and navigational instruments and equipment are required for all operations:

(a) Air-speed indicator;

(b) Altimeter;

(c) Magnetic direction indicator;

(d) Tachometer for each engine;

(e) Oil pressure indicator for each engine using pressure system;

(f) Oil temperature indicator for each air-cooled engine;

(g) Carburetor heating or de-icing equipment for each engine or alternate air source for pressure-type carburetors;

(h) Manifold pressure indicator or equivalent when required for the proper operation of each engine;

(i) Means for indicating the quantity of fuel in each tank;

(j) Position indicator if aircraft has retractable landing gear;

(k) A seat and a safety belt for each occupant; and

(l) In passenger service, a minimum of 2 hand-type fire extinguishers, one of which is installed in the pilot compartment, the other accessible to the passengers and ground personnel, unless the aircraft is so designed that the fire extinguisher in the pilot compartment is directly available to passengers and ground personnel, in which case only one fire extinguisher is required.

§ 47.42 Emergency equipment.

Each aircraft shall be equipped with readily available emergency equipment adequate for the type of operation and number of persons carried as follows:

(a) Each aircraft operated over uninhabited terrain shall carry such emergency equipment as the Administrator prescribes for the preservation of life for the particular operation.

(b) Each aircraft operated over water shall be equipped with individual life preservers or flotation devices readily available to each person aboard the aircraft except for take-offs, landings, and for short distances for which the Administrator finds that such equipment is unnecessary.

(c) Each aircraft used in extended overwater operation, in addition to the requirements of paragraph (b) of this section, shall be equipped with:

(1) Life rafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the aircraft, and

(2) Such additional emergency equipment as the Administrator finds necessary for the preservation of life for the particular operation involved.

(d) When operations involve paragraph (a), (b), or (c) of this section, the pilot shall brief passengers on the use of required emergency equipment.

§ 47.43 Instruments and equipment for operations at night.

In addition to the instruments and equipment required by §§ 47.41 and 47.42, the following will be required for operations conducted at night:

(a) Sensitive altimeter;
(b) Turn indicator;
(c) At least one landing light;
(d) Generator of adequate capacity for the equipment installed in the aircraft;
(e) Set of forward and rear position lights;
(f) One anti-collision light;
(g) One set of instrument lights;
(h) One flashlight; and
(i) Approved landing flares as follows if aircraft is operated at night in extended overwater operations:

Maximum authorized weight of aircraft:
3,500 pounds or less: five class 3 or three class 2 flares.
3,500 pounds to 5,000 pounds: four class 2 flares.
Above 5,000 pounds: two class 1 or three class 2 and one class 1 flares.

§ 47.44 Instruments and equipment for IFR flight.

In addition to the instruments and equipment required by §§ 47.41 and 47.42, the following are required for IFR operations:

(a) Turn indicator;
(b) Gyroscopic bank and pitch indicator (artificial horizon);
(c) Clock with sweep second hand;
(d) Sensitive altimeter;
(e) Gyroscopic direction indicator (directional gyro or equivalent);
(f) Outside air temperature gauge;
(g) Power failure warning means or vacuum indicator on instrument panel connecting to lines leading to gyroscopic instruments;
(h) Heated pitot tube for each airspeed indicator;
(i) Generator of adequate capacity for the equipment installed in the aircraft;
(j) Alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments when the other source is used. Engine-driven pumps, when used, shall be on separate engines; and
(k) For single-engine aircraft the gyroscopic turn indicator and the gyroscopic attitude indicator shall be operated from different power sources. (Either electrical and vacuum sources or two separate vacuum sources shall be acceptable.)

§ 47.45 Oxygen.

(a) Aircraft operated at a cabin altitude exceeding 10,000 feet above sea level continuously for more than 30 minutes, or at an altitude exceeding 12,000 feet above sea level for any length of time, shall be equipped with effective oxygen apparatus and an adequate supply of oxygen available for and used by the pilots.

(b) In addition to the requirements of paragraph (a) of this section, on aircraft to be operated at cabin altitudes in excess of 12,000 feet, there shall be provided a 5-minute supply of oxygen for each passenger carried.

(c) Oxygen equipment may be of the individual dispensing type with means provided to enable the user to determine the amount available and whether or not oxygen is being delivered.

§ 47.60 Radio equipment.

Each aircraft used in operations under this part shall be equipped with radio equipment specified for the type of operation in which it is engaged. Such equipment shall be an approved type or a type acceptable to the Administrator.

(a) *Night and IFR.* Each aircraft used in night and IFR operations shall be equipped with a two-way radio communications system and independent navigational equipment appropriate to the ground facilities.

(b) *Control zones.* Each aircraft operated in control zones shall be equipped with a two-way radio communications system appropriate to the ground facilities.

§ 47.61 Navigational aids for IFR flight.

IFR operations shall be conducted only over civil airways and at airports equipped with radio ranges or equivalent facilities, unless the Administrator has found that instrument navigation can be conducted by the use of radio direction finding equipment installed in the aircraft or by other specialized means and has approved or otherwise authorized such operations.

§ 47.80 Pilot qualifications.

(a) *Pilot in command.* Any pilot serving as pilot in command shall hold at least a valid commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve and shall comply with the following requirements:

(1) For night VFR flight, he shall have had a total of at least 500 hours flight time as pilot, including 100 hours of cross-country flight time of which 25 hours shall have been at night. He shall also have had a total of at least 10 hours of instrument flight experience which shall include at least 5 hours of instrument instruction in flight.

(2) For IFR flight, he shall possess a currently effective instrument rating and have had a total of at least 500 hours of flight time as pilot, including 100 hours of cross-country flight.

(b) *Second pilot.* A second pilot holding at least a valid commercial pilot certificate with an appropriate aircraft rating and a currently effective instrument rating shall be required on aircraft when passenger operations are conducted under IFR and IFR weather conditions unless an operations specification has been issued by the Administrator authorizing the use of an approved or an acceptable auto-pilot system in lieu of a second pilot, after consideration of the area of operations, the take-off and landing weather minimums at the airports to be utilized, the air traffic density, and such other factors as he may deem necessary in the interest of safety.

§ 47.81 Recent flight experience requirements for pilots.

No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the appropriate experience requirements specified below:

(a) Within the preceding 90 days, a pilot shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. For night flight one of the take-offs and landings required above shall have been made at night.

(b) Within the preceding 6 months, the pilot in command, prior to flight under IFR and IFR weather conditions, shall have passed an instrument check demonstrating his ability to pilot and navigate by instruments, to make a standard instrument approach using radio range facilities, and to make an instrument approach in accordance with VOR, ILS, Radar, or D/F procedures when such facilities are to be used. This instrument check shall have been given by an authorized representative of the Administrator or a check pilot designated by the Administrator.

§ 47.82 Airman records.

Each operator shall maintain at its principal operations base, or at such other location as the Administrator may designate, current records of every airman utilized as a member of a flight crew. These records shall contain such information concerning the qualifications of each airman as the Administrator shall prescribe.

§ 47.90 Responsibilities of pilot in command.

(a) *Preflight action.* Prior to commencing a flight, the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight issued by the United States Weather Bureau or, if unavailable, by the most reliable source. He shall also familiarize himself with information necessary for the safe operation of the aircraft en route, information on the airports or other landing areas to be used, and such other information as is necessary to determine that the flight can be completed with safety.

(b) *Charts and flight equipment.* The pilot in command shall have proper flight and radio facility charts in the cockpit, including instrument approach procedures when instrument flight is authorized, and shall have such other flight equipment as may be necessary properly to conduct the particular flight proposed.

(c) *Serviceability of equipment.* Prior to starting any flight, the pilot shall determine that the aircraft, engines and propellers, appliances and required equipment, including instruments, are in proper operating condition.

(d) *Emergency flights and reports.* In the case of emergencies necessitating the transportation of persons or goods for the protection of life or property, the rules contained herein regarding aircraft, equipment, and weather minimums to be observed need not be complied with. Within 48 hours after the pilot making such flight returns to his base, either he or the operator shall file a report with the

Administrator setting forth the conditions under which the flight was made, the necessity therefor, and the names and addresses of the crew and passengers.

(e) *Emergency decisions.* When required in the interest of safety, a pilot may make any immediate decision and follow any course of action which in his judgment appears necessary, regardless of prescribed methods or requirements. He shall, where practicable, keep the proper ground radio station fully informed regarding the progress of the flight.

§ 47.91 Cockpit check list for multiengine aircraft and aircraft equipped with retractable landing gear.

The operator shall provide for each aircraft a cockpit check list. The check list shall be carried or installed in a readily accessible location in the cockpit of each aircraft and shall be used by the flight crew.

§ 47.92 Weather minimums.

For IFR take-offs and landings the weather minimums, including alternate airport requirements, shall not be less than those specified in Part 609 of the title, or as otherwise specified or authorized by the Administrator. These weather minimums, including alternate airport requirements, also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey and in the Airman's Guide. For VFR operations, the VFR minimums of Part 60 of this subchapter shall apply.

§ 47.93 Fuel supply.

(a) *VFR.* No flight under VFR shall be started unless the aircraft carries sufficient fuel and oil, considering the wind and other weather conditions forecast, to fly to the point of first intended landing, and to fly thereafter for a period of at least 30 minutes at normal cruising consumption.

(b) *IFR.* Aircraft operated under IFR conditions shall carry sufficient fuel, considering weather reports and forecasts of wind and other weather conditions, to complete the flight to the point of first intended landing, to fly from there to the alternate airport, and to fly thereafter for 45 minutes at normal cruising consumption.

§ 47.94 Lighting for night operations.

No operator shall use a landing area for the take-off or landing of aircraft at night unless such area is adequately lighted.

§ 47.95 Operation in icing conditions.

(a) No aircraft shall be flown into known or probable heavy icing conditions. Aircraft may be flown into light or moderate icing conditions only if the aircraft is equipped with an approved means for de-icing the rotor blades, wings, propellers, and such other parts of the aircraft as are essential to safety.

(b) No aircraft shall take off when frost, snow, or ice is adhering to the rotor blades, wings, control surfaces, or propellers of the aircraft.

§ 47.96 Flight manifest requirements.

(a) For each aircraft carrying passengers under IFR conditions, a complete and accurate flight manifest shall be prepared and signed for each flight by the pilot in command of the aircraft. The form and contents of the manifest shall be prescribed by the Administrator.

(b) A signed copy and any revision of the flight manifest required by this section shall be retained in the personal possession of the pilot for the duration of the flight, and a duplicate copy thereof shall be retained by the operator at its principal operations base, or at such other location as the Administrator may designate, for at least one year after completion of the flight.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective: July 1, 1959.[1]

Adopted: December 30, 1958.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-61; Filed, Jan. 5, 1959; 8:45 a. m.]

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-246]

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TEMPORARY INTERRUPTION OF SERVICE OR CHANGE OF ROUTE

Omission of Stop at Route Junction Points

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December, 1958.

In a Notice of Proposed Rule Making published as Draft Release No. 94 (23 F. R. 3353) dated May 17, 1958, the Board proposed to create a new Part 293 of the Economic Regulations governing the operations of Alaskan air taxi operators. This draft release also advised interested persons that the Board proposed to incorporate the regulations contained in present Part 293 into Part 206 at the time the new Part 293 was adopted.

Contemporaneously herewith, the Board is adopting the new Part 293 [2] and this amendment to Part 206 is necessary in order to incorporate therein the provisions of present Part 293.

Interested persons have been afforded an opportunity to comment on this amendment in connection with Draft Release No. 94 and due consideration has been given to all relevant comment received.

Accordingly, the Civil Aeronautics Board hereby amends Part 206 of the Economic Regulations (14 CFR Part 206) effective February 3, 1959, as follows:

By adding a new § 206.2 to Part 206 to read as follows:

§ 206.2 Omission of stop at route junction points.

Notwithstanding the provisions of section 401 (a) of the Act, an air carrier on any flight which is regularly scheduled to be operated between points on two or more of its certificated routes, via a junction point of such routes, may omit a stop at such junction point whenever weather conditions at such junction point otherwise would require the cancellation or postponement of any portion of such flight.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-98; Filed, Jan. 5, 1959; 8:51 a. m.]

[Reg. ER-245]

PART 243—FILING OF REPORTS BY ALASKAN AIR CARRIERS

Reports by Alaskan Air Taxi Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December, 1958.

Contemporaneously herewith, the Board is creating a new Part 293 of the Economic Regulations which reclassifies Alaskan pilot-owners as Alaskan air taxi operators and enlarges the permissible activities of such Alaskan pilot-owners. The new Part 293 requires the Alaskan air taxi operator, *inter alia*, to file certain reports in accordance with the requirements to be set forth in § 243.3 of Part 243. In its notice of proposed rule making (23 F. R. 3353), published as Draft Release No. 94, the Board had indicated that this new reporting requirement would appear in Part 293. However, upon reconsideration, the Board has determined that it would be more appropriate to incorporate this specific requirement in the regulation presently containing the reporting requirements for all Alaskan air carriers. Accordingly, this amendment to Part 243 is being adopted to eliminate dispersion of reporting requirements applicable to air carriers operating in Alaska.

This amendment requires the Alaskan air taxi operator to furnish operating statistics in lieu of that which must now be reported by Alaskan pilot-owners. The modified reporting requirements will permit the Board to adequately assess the competitive impact of Alaskan air taxi operations on the Alaskan certificated carriers.

Part 243 is further amended to remove all reference to "Alaskan pilot-owners" and to the "Director of the Alaska Office." Alaskan pilot-owners are being reclassified as Alaskan air taxi operators, and the Board no longer has a "Director of the Alaska Office" but instead has an "authorized representative of the

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[1] Except § 47.11, effective February 3, 1959.

[2] See F. R. Doc. 59-96, *infra.*

Board in the Alaska Liaison Office." The requirement that "Form 41" reports be filed with the Alaska Office has also been deleted from § 243.2 inasmuch as all "Form 41" reports have been filed with the Board's Washington Office since the reorganization of its Alaska Office.

Inasmuch as interested persons have been afforded an opportunity to comment on the substance of this amendment in connection with Draft Release No. 94 and since this final regulation imposes no additional burden on any person, the Board finds that further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 243 of the Economic Regulations (14 CFR, Part 243) effective February 3, 1959, as follows:

§ 243.1 [Amendment]

1. By amending § 243.1 by deleting the phrase "and each Alaskan pilot-owner (as defined in § 292.8 of this chapter)" and inserting in lieu thereof the phrase "except Alaskan Air Taxi Operators (as defined in § 293.2 of this chapter)."

2. By amending § 243.2 to read as follows:

§ 243.2 Place of filing.

The reports required by § 243.1 shall be filed with the Authorized Representative of the Board in the Alaska Liaison Office, at Anchorage, Alaska, at such times as may be specified by the Authorized Representative and shall be made in accordance with the instructions of the Authorized Representative relating thereto.

3. By deleting the present § 243.3 and inserting in lieu thereof a new § 243.3 to read as follows:

§ 243.3 Reports of Alaskan air taxi operators.

An Alaskan air taxi operator (as defined in Part 293 of this subchapter) shall file with the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washington 25, D. C., on April 30 and October 31 of each year a verified statement in duplicate setting forth:

(a) A current (as of March 31 and September 30) report of the information required under § 293.5 of this subchapter;

(b) A report covering the preceding six months period ending March 31, and September 30, showing

(1) The revenues received and the number of passengers and pounds of freight carried in charter and in individually ticketed operations further separated as between certificated points and non-certificated points, and

(2) The number of hours the aircraft utilized by such Alaskan air taxi operator were operated in air transportation.

This verified statement shall be made available by the Board for public inspection.

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

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-97; Filed, Jan. 5, 1959; 8:51 a. m.]

[Reg. ER-247]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December, 1958.

Part 292 of the Board's Economic Regulations contains the rules classifying, exempting and regulating Alaskan air carriers including those air carriers operating in Alaska designated as "Alaskan pilot-owners."

Contemporaneously herewith, the Board is creating a new Part 293 [1] of the Economic Regulations which reclassifies "Alaskan pilot-owners" as "Alaskan air taxi operators" and enlarges the permissible activities of such Alaskan pilot-owners.

In view of the foregoing, it is necessary to amend Part 292 to eliminate the Alaskan pilot-owner requirements covered by the new Part 293.

In addition, there is reference made to the "Director of the Alaska Office" throughout Part 292. Inasmuch as the Board no longer has a Director in its Alaska Office, Part 292 is amended by deleting the phrase "Director of the Alaska Office" wherever it may be found and by inserting in lieu thereof the phrase "authorized representative of the Board in the Alaska Liaison Office."

Since this amendment is minor in nature and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 292 (14 CFR, Part 292) of the Economic Regulations effective February 3, 1959 as follows:

1. By deleting §§ 292.1 (b), 292.3 (d), and 292.8.

2. By deleting the phrase "Director of the Alaska Office" and the word "Director" wherever found and inserting in lieu thereof the phrase "authorized representative of the Board in the Alaska Liaison Office", and the words "authorized representative", respectively.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 401 and 416, 52 Stat. 987, 1004; 49 U. S. C. 481, 496)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-99; Filed, Jan. 5, 1959; 8:51 a. m.]

[1] F. R. Doc. 59-96, *infra.*

[Reg. ER-244]

PART 293—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR TAXI OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 30th day of December, 1958.

A notice of proposed rule making was published in the FEDERAL REGISTER on May 17, 1958, (23 F. R. 3353) and circulated to the industry as Economic Regulations Draft Release No. 94, dated May 13, 1958, which proposed to create a new Part 293 in order to implement the policy determinations made by the Board in the *Intra-Alaska Case,* Docket No. 6093 et al., insofar as they relate to Alaskan pilot-owners.

Alaskan pilot-owners, heretofore subject to Part 292, are reclassified as "Alaskan air taxi operators" and are redefined to include individuals, partnerships, and Alaskan corporations who are not otherwise authorized to engage in air transportation. Alaskan air taxi operators will be permitted to use a maximum of six pilots and to operate aircraft with an absolute maximum take-off weight not exceeding 7,900 pounds. In addition, this new regulation authorizes the carriage of "two-bit" mail and mail over gratuitous routes and permits Alaskan air taxi operators to conduct unlimited operations between points not receiving minimum (two or more round trips per week) certificated service. Only charter service would be permitted between those points which do receive the minimum certificated service.

The newly designated Alaskan air taxi operators are exempted from the filing and reporting provisions of sections 407 (b) and (c) and sections 408, 409 (a), and 412 of the Act but must file schedules, if any, and a special semiannual report.

In authorizing Alaskan air taxi operators to use aircraft with a maximum certificated take-off weight of 7,900 pounds, the Board contemplates there will be no waivers of this limitation. Moreover, in response to the comments, it is noted that such limitation is not subject to the provisions of SR-399A which would permit an increase in the take-off weight. The authorization to operate larger aircraft is designed to enable these operators to more adequately meet the demands for service and should promote more economically sound operations without any adverse effect on certificated carriers. There is nothing in the comments filed by the certificated carriers objecting to this provision of the proposed regulation which would persuade the Board that it should not authorize the use of the larger aircraft by Alaskan air taxi operators. However, the Board agrees with certain of the comments that there may not be a complete relaxation of the reporting requirements if the Board is to adequately assess the competitive impact of the new regulations on Alaskan certificated carriers. Accordingly, Alaskan air taxi operators will be required to report the revenues received and the number of passengers and pounds of freight carried in charter and

individually ticketed operations. For purposes of uniformity, these reporting requirements for Alaskan air taxi operators will not appear in this part but are incorporated in Part 243 of this chapter.

Under the proposed regulation, Alaskan air taxi operators would be permitted to conduct unlimited service between points between which a certificated carrier is not providing scheduled air service, i. e. air transportation with a frequency of two or more round trips per week. In response to comments submitted, the definition of "scheduled air service" is modified herein to make it clear that Alaskan air taxi operators are not permitted to conduct unlimited service between points between which a certificated carrier is providing either multi-stop or direct air transportation with a frequency of two or more round trips per week.

With respect to the conduct of unlimited charter flights between points on certificated routes, the Board does not share the fear expressed in some of the comments that unlimited charter operations would lead to a combining or pooling of resources by Alaskan air taxi operators with undue competitive impact on certificated operations. It is unlikely that carriers with unlimited authority would have any incentive to act in concert, and there was no evidence in the Board's investigation which would indicate such a possibility. Should this regulation give rise to the problems which are anticipated in these comments, it will be reviewed by the Board at the end of the two year experimental period.

The draft release issued in this instance would have also authorized an air taxi operator to "employ a maximum of five pilots". This would make a total of six pilots available to the individual since he, himself, must be a pilot. However, this provision could be construed as authorizing the use of more than six pilots in the case of a partnership and no more than five in the case of a corporation. Since the intent is to authorize the *use* of as many as six pilots without regard to whether an air taxi operator be operating as a sole proprietorship, partnership or corporation, this regulation limits an air taxi operator to the use of a maximum of six pilots.

It should also be noted that under this regulation an Alaskan corporation may only operate as an Alaskan air taxi operator if 75 percent of its stock is owned by persons who are residents of Alaska. As set forth in the draft proposal, the residence requirement was only applicable to individuals or partnerships operating as Alaskan air taxi operators. This provision makes the residence requirement applicable to all Alaskan air taxi operators insofar as it is possible.

In addition to the foregoing, this regulation provides for the cancellation of a pilot-owner's letter of registration if within 120 days from the effective date of this regulation such letter has not been exchanged for a new letter of registration authorizing such operator to operate as an Alaskan air taxi operator. This regulation also relaxes the proposed automatic suspension of letters of registration for failure of the Alaskan air taxi operator to timely file the reports required by providing for at least 10 days' notice prior to such suspension and by permitting the Alaskan air taxi operator to seek reinstatement within 30 days after the date of suspension.

The exemption granted by this new Part 293 will expire two years from the effective date of the rule, unless the Board orders otherwise.

Contemporaneously with the adoption of this regulation, the Board is promulgating amendments to Part 292 to eliminate the Alaskan pilot-owner requirements covered by the new Part 293 and to Part 243 to provide for the revised reporting requirements for Alaskan air taxi operators.

Interested persons have been afforded an opportunity to participate in the formulation of the part of the Economic Regulations, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR, Chapter I) effective February 3, 1959:

1. By repealing present Part 293 [1]— "Classification and Exemption of Carriers; Omission of Stop at Route Junction Points".

2. By adding thereto a new Part 293 to read as follows:

Sec.
293.0 Applicability of part.
293.1 Definitions.
293.2 Classification.
293.3 Scope of service authorized.
293.4 Necessity for letters of registration.
293.5 Application for letters of registration.
293.6 Issuance of letters of registration.
293.7 Nontransferability of letters of registration.
293.8 Suspension of letters of registration.
293.9 Revocation of letters of registration.
293.10 Termination of letters of registration.
293.11 Extent of exemption.
293.12 Effect of exemption on anti-trust laws.
293.13 Duration of exemption.
293.14 Authority to use pilots.
293.15 Reports.
293.16 Regulations.
293.17 Business name of carrier.

AUTHORITY: §§ 293.0 to 293.17 issued under sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496.

§ 293.0 Applicability of part.

This part establishes a classification of air carriers operating in Alaska known as "Alaskan air taxi operators"; provides certain exemptions from Title IV of the Civil Aeronautics Act of 1938, as amended, for such carriers; and establishes rules and regulations applicable to their operations.

§ 293.1 Definitions.

(a) "Act" means the Civil Aeronautics Act of 1938, as amended.

(b) "Alaskan air taxi operator" means an air carrier coming within the classification of "Alaskan air taxi operators" established by § 293.2.

(c) "Certificated air carrier" means an air carrier operating pursuant to a certificate of public convenience and necessity issued by the Civil Aeronautics Board.

(d) "Charter trip" means air transportation performed where the entire capacity of one or more aircraft has been engaged for movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis:

(1) By a person for his own use;

(2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property.

(e) "Maximum certificated take-off weight" means the maximum take-off weight as authorized by the terms of the aircraft airworthiness certificate.

(f) "Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 10-mile radius of such airport or place.

(g) "Scheduled air service" means the provision of direct or multi-stop air transportation with a frequency of two or more round trips per week between points.

§ 293.2 Classification.

There is hereby established a classification of air carriers operating in Alaska designated "Alaskan air taxi operators." As used in this part, an Alaskan air taxi operator is an individual who is a resident of Alaska and who is a certificated pilot with a commercial or airline transport rating, a partnership in which each partner is a resident of Alaska and a certificated pilot with a commercial or airline transport rating, or a corporation (incorporated under the laws of the Territory of Alaska) in which 75 percent of the stock is owned by persons who are residents of Alaska, which employs as pilots only individuals who hold currently effective pilot certificates with appropriate ratings, who:

(a) Directly engage in air transportation solely within the Territory of Alaska;

(b) Utilize in such air transportation aircraft, having a maximum certificated take-off weight of 7,900 pounds or less, which are beneficially owned by such individual, partnership or corporation; and

(c) Is not otherwise authorized by the Board to engage in air transportation.

§ 293.3 Scope of service authorized.

An Alaskan air taxi operator is authorized by this part to engage in air transportation of persons or property, or both,

(a) Between points between which a certificated air carrier is not providing scheduled air service, pursuant to schedules filed with the Board under Part 231 of this subchapter,

(b) On a charter trip basis between points on any route between which a certificated air carrier is providing scheduled air service pursuant to schedules filed with the Board under Part 231 of this subchapter, and to transport over postal routes Nos. 78150 and 78151 or

[1] The provisions of present Part 293 are incorporated in Part 206 of this chapter.

such other designation as may be assigned thereto, and over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by the postmaster of Alaska for transportation over such routes.

§ 293.4 Necessity for letters of registration.

No individual, partnership or corporation shall engage in air transportation as an Alaskan air taxi operator unless such individual, partnership or corporation holds a currently effective letter of registration (Alaska) authorizing such service.

§ 293.5 Application for letters of registration.

Any individual, partnership or corporation, other than those specified in § 293.6 (a), desiring to operate as an Alaskan air taxi operator may apply to the Board for a letter of registration. Such an application shall be submitted in duplicate in letter form, certified to be correct by the applicant and shall set forth the following information:

1. Date of application.
2. (a) Business name.
(b) Nationality.
(c) Mailing address.
(d) Place where organized or incorporated (in case of partnership or corporations, respectively).
(e) Operating bases.
(f) Number of employees, if any.
(g) Airman certificates and ratings currently held by each employee who holds such certificate or ratings.
3. For each aircraft to be utilized in air transportation by the applicant:
(a) Registration number.
(b) Make.
(c) Model.
(d) Type(s) of landing gear employed.
(e) Name in which each aircraft is registered.
(f) Whether beneficially owned.

§ 293.6 Issuance of letters of registration.

(a) *To pilot-owners.* Any individual who holds a currently effective letter of registration (Alaska) as an Alaskan pilot-owner shall upon surrendering such letter of registration be issued a new letter of registration authorizing such individual to operate as an Alaskan air taxi operator bearing the effective date of this part. Any letter of registration not surrendered within 120 days of the effective date of this part will be cancelled.

(b) *To all other applicants.* (1) If, after the filing of an application for a letter of registration (Alaska), it appears that the applicant is capable of performing the air transportation authorized by this part as an Alaskan air taxi operator and of conforming to the provisions of the Act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, a letter of registration will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the Act or the rules and regulations of the Board between the date of such notification and such filing, or unless the issuance of such an authorization would be inconsistent with the public interest.

(2) If, after the filing of an application for a letter of registration, the applicant has not made a due showing of capability or has engaged in unauthorized or prohibited activities or it appears that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter, the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for hearing in order to properly present its case.

(3) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

§ 293.7 Nontransferability of letters of registration.

(a) A letter of registration shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under a letter of registration issued in the name of another person, for a maximum period of six months from the effective date of the succession, by giving written notice of such succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners jointly of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the letter of registration and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new letter of registration within 120 days after such succession. If a timely application is filed, such successor may continue operations until final disposition of the application by the Board.

§ 293.8 Suspension of letters of registration.

(a) Letters of registration (Alaska) shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest.

(b) Letters of registration (Alaska) shall be further subject to suspension after not less than 10-days' notice to the Alaskan air taxi operator but without hearing or further proceeding upon failure of the Alaskan air taxi operator to timely file the reports required in § 293.15. Such suspension shall continue until the Board finds that such suspended Alaskan air taxi operator has complied with the reporting requirements. Failure to seek reinstatement of a letter of registration suspended pursuant to the provisions of this paragraph within a period of 30 days after the effective date of such suspension shall automatically terminate the effectiveness of such letter of registration and such letter shall cease to be in force.

§ 293.9 Revocation of letters of registration.

Letters of registration (Alaska) shall be subject to revocation after opportunity for hearing, for knowing and willful violation of any provisions of the Act, or of any order, rule, or regulation issued under any such provisions or of any terms, conditions or limitations of any authority issued under said act or regulations.

§ 293.10 Termination of letters of registration.

In any case in which the Board has reason to believe that a person holding a letter of registration (Alaska) issued under this part has ceased to operate pursuant to the temporary exemptions conferred by § 293.11 the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration cancelled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

§ 293.11 Extent of exemption.

Except as otherwise provided in this part, each Alaskan air taxi operator shall, to the extent necessary to permit operations authorized by § 293.3, be temporarily exempt from the following provisions of Title IV of the Act:

(a) Section 401 (a);

(b) Section 404 (a): *Provided*, That Alaskan air taxi operators shall abide by those provisions of this section which require air carriers to provide safe service, equipment and facilities in connection with air transportation;

(c) Section 407 (b) and (c); and

(d) Sections 408, 409 (a), and 412 insofar as these provisions would otherwise require Board approval of any relationships between Alaskan air taxi operators.

§ 293.12 Effect of exemption on Anti-Trust Laws.

The temporary exemption granted in § 293.11 from sections 408, 409 (a), and

412 shall not constitute an order made under such sections, within the meaning of Section 414, and shall not confer any immunity or relief from operation of the "anti-trust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended) with respect to any transaction, interlocking relationship, or agreement, otherwise within the purview of such section.

§ 293.13 Duration of exemption.

The temporary exemption from any provision of Title IV of the Act provided by § 293.11 shall continue in effect only until such time as the Board shall find that enforcement thereof would be in the public interest or would no longer be an undue burden on Alaskan air taxi operators: *Provided*, That upon such a finding as to any Alaskan air taxi operator or class of Alaskan air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further*, That unless otherwise ordered by the Board the temporary exemption granted by § 293.11 shall terminate two years after the effective date of this part.

§ 293.14 Authority to use pilots.

An Alaskan air taxi operator is hereby authorized to use a maximum of six pilots. In the event that an Alaskan air taxi operator desires to use more than six pilots, the Alaskan air taxi operator shall request by registered mail specific authorization from the Board and advise all certificated air carriers operating within the Territory of Alaska of its request for authorization to use such additional pilot personnel. If, within 45 days from the date of mailing of such a request, an Alaskan air taxi operator has not been advised by the Board that the authority is denied, permission to use such additional pilot personnel may be deemed to be granted by the Board to the Alaskan air taxi operator.

§ 293.15 Reports.

An Alaskan air taxi operator shall file reports in accordance with the provisions of § 243.3 of this subchapter.

§ 293.16 Regulations.

(a) The following regulations are made applicable to Alaskan air taxi operators:

Part 200 (Definitions and Instructions).
Part 221 (Construction, Publication, Filing, and Posting of Tariffs of Air Carriers and Foreign Air Carriers).
Part 223 (Tariffs of Air Carriers; Free and Reduced-Rate Transportation).
Part 224 (Access to Aircraft for Safety Purposes; Free Transportation for Certain CAA Employees).
Part 227 (Tariffs of Air Carriers; Reduced Rates to Furloughed Military Personnel in Overseas or Foreign Air Transportation).
Part 231 (Transportation of Mail; Mail Schedules).
Part 232 (Transportation of Mail; Review of Orders of Postmaster General).
Part 233 (Transportation of Mail; Free Travel for Postal Employees).
Part 240 (Inspection of Accounts and Property).
Part 243 (Filing of Reports by Alaskan Air Carriers).
Part 262 (Agreements Between Air Carriers and Foreign Countries).
Part 292 (Classification and Exemption of Alaskan Air Carriers) with respect to the provisions of §§ 292.5, 292.6, and 292.7.
Rules of Practice

(b) The authorized representative of the Board in the Alaska Liaison Office may take preliminary action for the Board to relieve any Alaskan air taxi operator or group of Alaskan air taxi operators from complying with a specific provision or provisions of Parts 221 and 231 of this chapter when the application of any provision or provisions of these parts is found by him to be an undue burden on such Alaskan air taxi operator or air taxi operators by reason of the limited extent of, or unusual circumstances affecting, the operations of such Alaskan air taxi operator or air taxi operators. Upon finding that such relief is no longer necessary, the authorized representative of the Board in the Alaska Liaison Office may take preliminary action for the Board to cancel the relief previously granted in accordance with the provisions of this section. The action of the authorized representative shall be subject to ratification by the Board and any person affected by his action may file exceptions thereto with the Board within 15 days after the date the authorized representative makes his action effective. The action of the authorized representative under this section may be taken either on written application or may be initiated by him in the first instance.

§ 293.17 Business name of the carrier.

It shall be an express condition upon the operating authority of all Alaskan air taxi operators governed by this part that the Alaskan air taxi operator concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an Alaskan air taxi operator may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letter, or other minor variations of such name which are readily identifiable therewith.

(b) An Alaskan air taxi operator may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of its official name in air transportation service by the Alaskan air taxi operator concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission thereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-96; Filed, Jan. 5, 1959; 8:51 a. m.]

SUBCHAPTER C—PROCEDURAL REGULATIONS

[Reg. PR-33]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of December 1958.

Part 301 of the Board's Procedural Regulations, adopted December 8, 1949, provided the procedural implementation for the Board's functions under sections 602 and 609 of the Civil Aeronautics Act of 1938 as modified by Reorganization Plans Nos. III and IV of 1940. Under these provisions, the Board passed in quasi-judicial proceedings on denials by the Administrator of Civil Aeronautics of applications for airman certificates and on complaints brought by the said Administrator for suspension or revocation of air safety certificates issued under Title VI of the Civil Aeronautics Act.

The Federal Aviation Act of 1958 (P. L. 85-726; 72 Stat. 731) continues the provisions in Sections 602 and 609, with modifications. New Section 602 withholds standing to seek Board review from persons whose certificates are, at the time of the denial, under order of suspension or whose certificates have been revoked within one year preceding the date of such denial. New Section 609 modifies the statutory scheme by authorizing the Administrator of the Federal Aviation Agency himself to issue orders amending, modifying, suspending or revoking air safety certificates in whole or in part, but further provides that any person whose certificate is affected by such an order may appeal the order to the Board. While upon such an appeal the Board's function is the same as it was under Section 609 of the Civil Aeronautics Act, these statutory changes require certain changes in the Board's procedural regulations. It was also necessary to provide for an accelerated procedure in cases of appeals from emergency orders of the Administrator so as to comply with the new statutory directive that the Board shall finally dispose of such appeals within 60 days after the Administrator advises the Board of the emergency character of the order appealed from.

It further appeared to the Board that, in addition to making amendments required by these statutory changes, Part 301 should be revised to improve its form; that certain amendments, dictated by experience, should be made; and that the provisions regarding safety rule making (whose scope of application

is greatly reduced under the Federal Aviation Act) should be omitted from revised Part 301.

To accommodate the amendment to Section 602 in the new Act, Section 301.18 (b) provides for motions to dismiss petitions for review for lack of standing of the petitioner. The statutory changes in Section 609 are reflected in the provisions on pleadings (301.12 to 301.15), procedure on emergency orders (301.50) and other provisions. These provisions preserve the character of the proceeding before the Board under Section 609 as a *de novo* proceeding in which the Board is not bound by the Administrator's findings or order and in which the Administrator as complainant has the burden of proof.

Thus the revised procedure before the Board under Section 609 remains quasi-judicial in nature and based on pleadings, namely, the Administrator's complaint and the respondent's answer. However, in order to save time and avoid unnecessary duplication, it is provided that the Administrator's order may take the place of the complaint if it (1) complies with the requirements as to the contents of a complaint, (2) was served upon the respondent with a notice that, in case he wishes to appeal, it is also to be considered as the Administrator's complaint before the Board requesting affirmation of his order and (3) postpones its effective date until after expiration of the time for appeal provided in this Part. In such a case the respondent may combine his notice of appeal with his answer or, in proper cases, with some appropriate motion. Thus, where this procedure is followed one duplicative procedural step on each side may be avoided.

Section 609 of the Act provides that the "filing" of the appeal with the Board shall stay the effectiveness of the Administrator's order. Thus effectiveness of the order during the time required for filing the appeal can be avoided only if the Administrator postpones the effective date of his non-emergency orders until after expiration of the time allowed for filing an appeal under this Part. As to emergency orders, section 609 provides that the Order shall remain effective if the Administrator advises the Board "that an emergency exists and safety in air commerce or air transportation requires the immediate effectiveness of his order". A hiatus during which the emergency order might be deemed stayed by an appeal is avoided because where the combination pleading method is used, the appeal and the Administrator's order, which contains the designation as an emergency order, will be docketed by the Board at the same time (301.14, 301.15 (a)). Where combination pleading is not used, there is nothing to prevent the Administrator from advising the Board of the emergency character of his Order on the very day the appeal is received by him and docketed by the Board under 301.15 (a).

The provisions implementing the Board's substantive policy against imposing disciplinary sanctions for violations not prosecuted within six months are retained and clarified in the revised Part, and such matters may be dismissed upon motion (301.18 (c)). There is, of course, no limitation in respect of matters bearing upon a certificate holder's qualifications where qualification is properly put in issue.

The provision which insured that a record of prior violations of the respondent would be brought to the examiner's attention only after the examiner had made his determination on the issue of guilt, was omitted. It seems doubtful whether such a rule would be practical under amended section 609 since the prior violations, if any, may be recited in the Administrator's order appealed from which would be part of the record in the proceeding before the examiner. Comments submitted pursuant to the invitation expressed below should also be addressed to the issue whether and in what manner the omitted provision should be re-incorporated in this Part.

Since Part 301 contains rules of agency procedure, notice of rule making and public procedure thereon are not required. Since this Part must be applicable to all proceedings arising under sections 602 and 609 of the Federal Aviation Act which were not pending at the time section 1501 (b) of said Act took effect, good cause is found to exist for making it effective prior to 30 days from the publication thereof. Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before February 15, 1959. All communications so received will be considered by the Board and the rules herein adopted will be re-evaluated in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates a revised Part 301 of the Procedural Regulations, effective December 31, 1958, except as to proceedings pending at that time, to read as follows:

GENERAL PROVISIONS

INITIAL PROCEDURE

HEARINGS

INITIAL DECISION

APPEALS TO THE BOARD

PROCEDURE ON EMERGENCY ORDERS

AUTHORITY: §§ 301.1 to 301.50 issued under secs. 204 (a), 609, 1001, 1004, 1005, 1104; 72 Stat. 743, 779, 788, 792–794, 797; 49 U. S. C. 1324, 1481, 1484, 1485, 1504.

GENERAL PROVISIONS

§ 301.1 Definitions.

As used in this part,

(a) "Act" means the Federal Aviation Act of 1958, P. L. 85–726;

(b) "Administrator" means the Administrator of the Federal Aviation Agency;

(c) "Air safety certificate" means any certificate to which the provisions of section 609 of the Act apply;

(d) "Board" means the Civil Aeronautics Board;

(e) "Complaint" means a complaint filed by the Administrator for an order of the Board affirming an order of the Administrator which was appealed to the Board;

(f) "Emergency order" means an order of the Administrator made under section 609 of the Act which recites that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of such order;

(g) "Examiner" means the Board's hearing examiner assigned to the respective case;

(h) "Petition for review" means a petition for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

(i) "Petitioner" means a person who has filed a petition for review of the Administrator's action denying an application for issuance or renewal of an airman certificate, pursuant to section 602 (b) of the Act;

(j) "Respondent" means the holder of an air safety certificate, who has appealed to the Board from an order of the Administrator amending, modifying, suspending or revoking his certificate, pursuant to section 609 of the Act;

(k) "Terms defined in the Act" are used with the meaning of such definitions.

§ 301.2 Applicability of part.

The provisions of this part shall govern all proceedings before the Civil Aeronautics Board upon petition for review of a refusal by the Administrator to issue or renew an airman certificate to an applicant therefor; and upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any such certificate.

§ 301.3 Appearances.

Any party to a proceeding may appear and be heard in person or by attorney. No register of persons who may practice before the Board is maintained and no application for admission to practice is required. Any person practicing or desiring to practice before the Board may, upon hearing and good cause

shown, be suspended or prohibited from so practicing. Section 302.11 of the Procedural Regulations, "Representation of Private Parties by Persons Formerly Associated with the Board," shall be applicable to safety enforcement proceedings as well as to economic proceedings.

INITIAL PROCEDURE

§ 301.10 Initiation of proceedings.

(a) Where the Administrator has denied an application for the issuance or renewal of an airman certificate, the applicant may file with the Board a petition for review of the Administrator's action.

(b) Where the Administrator has made an order amending, modifying, suspending or revoking an air safety certificate, the holder thereof may file with the Board an appeal from the Administrator's order or, in proper cases, a combined appeal and answer or motion.

§ 301.11 Assignment and powers of examiners.

(a) *Assignment of examiner.* Upon the filing of a petition for review or appeal an examiner will be assigned to the case. Thereafter, all motions and procedural requests shall be addressed to the examiner. The examiner's authority in each case shall terminate when the time for appeal to the Board from his initial decision (whether or not extended) has passed.

(b) *Examiner's powers.* Examiners shall have the following powers:

(1) To give notice concerning, and hold, prehearing conferences and hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpoenas and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course of the hearing;

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues by consent of the parties;

(8) To dispose of procedural requests or similar matters;

(9) Within their discretion, or upon the direction of the Board, to certify any question to the Board for its consideration and disposition;

(10) To make initial decisions.

(c) *Appeals from examiner's rulings.* Except as otherwise provided in this part, rulings of examiners on motions may not be appealed to the Board prior to its consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Examiner. An appeal shall be disallowed unless the Examiner finds either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such period as the Examiner directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the Examiner on motion may be reviewed by the Board in connection with its final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(d) *Disqualification of examiner.* An examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial decision in the case, there is filed, in good faith, an affidavit of personal bias or disqualification with substantiating facts and the examiner does not withdraw, the Board will determine the matter as a part of the record and decision in the case, if an appeal is filed from the examiner's initial decision. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

§ 301.12 Pleadings; contents and form.

(a) *Petition for review.* The petition for review of the Administrator's denial of an application for issuance or renewal of an airman certificate shall contain a short, plain statement of the facts on which petitioner's case rests; and a statement of the action requested.

(b) *Appeal.* The appeal from an order of the Administrator affecting an air safety certificate shall identify the Administrator's order and the certificate thereby affected and shall recite the Administrator's action (amendment, modification, suspension, or revocation) by which the certificate holder is aggrieved and from which the appeal is taken. If the appeal is limited to one or more issues of fact or law, such issues shall be clearly identified. In such cases, only the facts pertinent to those issues need to be stated in the complaint, and the answer and the hearing shall likewise be limited to these issues: *Provided,* That where it appears necessary in the interest of justice, the Board or the examiner may, on their own motion, at any time prior to the conclusion of the hearing, order the entire case brought before them and may fix reasonable times for appropriate amendments of the pleadings and, where necessary, continuation of the hearing.

(c) *Complaint.* The complaint of the Administrator, filed following an appeal from his order, shall contain a plain and concise statement of the facts upon which he seeks affirmation of his order. If the Administrator claims that respondent lacks qualification as an airman, the complaint shall state on which of the facts pleaded this contention is based.

(d) *Answer.* The Administrator shall file an answer to the petition for review and the respondent shall file an answer to the Administrator's complaint. Failure to deny any allegations of the petition or complaint shall be deemed an admission of the allegations not answered.

(e) *Form of pleadings.* A petition for review or an appeal may be filed in the form of a letter to the Board, signed by the aggrieved party. An original and five copies, either in printed or typewritten form, of any complaint, answer, motion or combined pleading shall be filed with the Board.

§ 301.13 Time limitations.

(a) *Petitions for review, and appeals.* Petitions for review shall be filed within 60 days, and appeals shall be filed within 10 days, from the time of service of the Administrator's action on the aggrieved party.

(b) *Complaints following appeals.* Upon appeal from an order of the Administrator, the Administrator's complaint shall be filed within 20 days of service upon him of the appeal.

(c) *Answers.* Answers to petitions for review and complaints shall be filed within 20 days of service thereof.

(d) *Extension of time.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period. Upon good cause shown in motions filed and served upon all parties, the Board or examiner may grant extensions of time.

§ 301.14 Combination of pleadings.

In cases where (a) the Administrator's order contains the statements required for a complaint by § 301.12 (c), (b) the Administrator has advised the respondent that the order is being forwarded to the Board and that in case respondent appeals, the said order shall be considered the Administrator's complaint for affirmation thereof by the Board, and (c) the order (unless it is an emergency order) postpones its effective date until after the expiration of the time for appeal provided in this section, the order shall be deemed to be the Administrator's complaint and the order and appeal shall be docketed at the same time (§ 301.15 (a)). Where this procedure is followed, the respondent may either file and serve a separate appeal within 10 days and answer within 20 days thereafter, or he may file and serve a combined "Appeal and Answer" within 10 days of service upon him of the Administrator's order. The "Appeal and Answer" shall comply with the provisions applicable to separate appeals and answers. In cases where the Administrator's order, used as a complaint, would be subject to a permissible motion the appeal may be combined with such a motion in lieu of the answer.

§ 301.15 Service and filing.

(a) *Petitions for review and appeals.* Petitions for review and appeals may be mailed to the Board and shall be deemed timely if postmarked before the end of the time limitation therefor. The Board will forthwith forward two copies thereof to the Administrator, and will docket petitions and appeals as of the time the copies are received by the Administrator.

(b) *Other pleadings, motions or documents.* All other pleadings, motions or documents, including those on appeal from the examiner's initial decision, shall be served before filing with the Board, by personal service or registered mail. Service by registered mail shall be complete upon mailing to the representative of record of the party to be served in the proceeding, or, if no such representative has entered an appearance, to the last known address of the party. Where no other address has been furnished, service by mail may be directed to the address last furnished by the petitioner or respondent to the Federal Aviation Agency.

§ 301.16 Amendment of pleadings.

At any time more than 15 days prior to the time of hearing, a party to a proceeding may amend his pleadings by serving a copy of the amended pleadings on the adverse party and by filing five copies with the Board. After that time, amendment shall be allowed at the discretion of the examiner assigned to the case. Where amendment to an answerable pleading has been allowed, the examiner shall allow the adverse party a reasonable opportunity to answer.

§ 301.17 Withdrawal of pleadings.

A party may withdraw his pleadings only upon approval of the examiner or the Board.

§ 301.18 Motions to dismiss.

(a) *In general.* Motions to dismiss may be made within the time limitation for filing an answer. In case the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the order on the motion.

(b) *Motion to dismiss petition for review because of lack of standing.* Upon motion by the Administrator a petition for review shall be dismissed if it was filed by a person whose certificate was, at the time of denial of his application, under order of suspension or whose certificate had been revoked within one year of the date of such denial.

(c) *Motion to dismiss stale complaint.* Where the complaint states allegations of offenses which occurred more than six months prior to the Administrator's advising respondent as to reasons for proposed action under section 609 of the Act, respondent may move to dismiss such allegations pursuant to the following provisions:

(1) In those cases where a complaint does not allege lack of qualification of the certificate holder:

(i) The Administrator shall be required to show in response to the motion, that good cause existed for the delay.

(ii) If the facts alleged by the Administrator to establish good cause are inadequate, in the Examiner's judgment, he shall thereupon dismiss the stale allegations and proceed to adjudicate only the remaining portion of the complaint, if any.

(iii) If the Examiner wishes some clarification as to complainant's factual assertions of good cause, he shall obtain this from the Administrator in writing, with due service made upon the respondent, and proceed to an informal determination of the good cause issue without a hearing. A hearing to develop facts as to good cause shall be held only where the respondent raises an issue of fact in respect of the Administrator's good cause issue allegations.

(2) In those cases where the complaint alleges lack of qualification of the certificate holder:

(i) The Examiner shall first determine whether an issue of lack of qualification would be presented if any or all of the allegations, stale and timely, are assumed to be true. If not, the Examiner shall proceed as in "A" above.

(ii) If the Examiner deems that an issue of lack of qualification would be presented by any or all of the allegations, if true, he shall proceed to a hearing on the lack of qualification issue only and he shall so inform the parties. The respondent shall be put on notice that he is to defend against alleged lack of qualification as an airman and not merely against a proposed remedial sanction.

(d) *Appeals to the Board.* To the extent that orders of examiners grant motions to dismiss, they may be appealed to the Board. The procedure for appeals from initial decision shall apply to such appeals. In case of dismissals in part the appeal may be deferred until after the initial decision has been made, provided that notice of intent to do so has been given to the examiner and all parties within 20 days of the examiner's order.

§ 301.19 Motion for more definite statement.

The Administrator or the respondent may file in lieu of his answer a motion that the allegations in the petition for review or complaint be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the examiner is not complied with within 15 days after notice is given, the examiner shall strike the allegation or allegations in any petition for review or complaint to which the motion was directed. If the motion is denied the moving party shall file its answer within 10 days thereafter.

§ 301.20 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the examiner finds that such person may be bound by the order to be entered in the proceeding or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided,* That such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing.

§ 301.21 Depositions.

After a petition for review or complaint is filed, testimony may be taken by deposition at the instance of any part to the proceedings in accordance with the provisions of section 1004 of the Act or Rule 26 of the Federal Rules of Civil Procedure.

HEARINGS

§ 301.30 Notice of hearing.

The examiner to whom the case is assigned or the Board will give the parties adequate notice of the date and place where a hearing will be held and the nature of such hearing. In fixing the time and place for hearing, due regard will be had for the convenience of petitioner or respondent and their representatives.

§ 301.31 Subpoenas and witness fees.

(a) Subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the examiner to whom the case is assigned upon application by any party to a proceeding; the application for production of documentary or tangible evidence shall show the general relevance and reasonable scope of the evidence sought.

(b) Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpoenaed or appears.

(c) The provisions of paragraph (a) of this section are not applicable to the attendance of Board Members, officers or employees or the production of documentary evidence in the custody of such persons at a hearing. Applications therefor shall be addressed to the examiner in writing and shall set forth the need of the moving party for such evidence and its relevancy to the issues in the proceeding. Such applications shall be processed as motions. The grant of such a motion by an examiner, in whole or in part, shall be immediately reviewed by the Board on its own initiative and shall be subject to final Board action.

§ 301.32 Evidence.

(a) *Right to full and true disclosure of the facts.* Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Burden of proof.*

In proceedings under section 609 of the Act the burden of proof shall be upon the Administrator. In proceedings under section 602 of the Act the burden of proof shall be on the petitioner.

§ 301.33 Argument and submittals.

At the hearing, the examiner shall give the parties adequate opportunity for the presentation of arguments in support of motions, objections, and exceptions to his rulings. Prior to each initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

§ 301.34 Record.

The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding, shall constitute the exclusive record for the initial decision. The record shall include any proceeding upon an affidavit of personal bias or disqualification of an examiner. Copies of the transcript may be obtained by any party from the official reporter upon payment of the fees fixed therefor.

INITIAL DECISION

§ 301.40 Initial decision.

(a) The examiner may render his initial decision orally at the close of the hearing or he may render such decision in writing at a later date.

(b) The initial decision shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all material issues of fact (includ-

ing the credibility of witnesses where such finding is material), law, or discretion presented on the record and the appropriate sanction or denial thereof.

(c) If the initial decision is in writing, it shall be served upon the parties. At any time before the date for filing appeal has passed, the examiner or the Board may, for good cause shown, extend the time within which to file an appeal to the Board and the examiner may also reopen the case for good cause upon notice to the parties.

(d) If no appeal to the Board from either party nor motion by the Board to review the initial decision is filed within the time allowed, such initial decision shall become final. The timely filing of such appeal or motion shall stay the order in the initial decision.

§ 301.41 Decisions involving official notice.

Where any decision of the examiner or the Board rests on official notice of a material fact not appearing in the evidence in the record, any party shall, upon filing a petition within 10 days after notice thereof, be afforded a reasonable opportunity to show to the contrary.

APPEALS TO THE BOARD

§ 301.45 Notice of appeal.

A party may appeal from an examiner's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 301.15 (b)) a notice of appeal within 10 days after an oral initial decision or service of a written initial decision. Exceptions are not required. Upon good cause shown the Board may extend the time for filing a notice of appeal.

§ 301.46 Consideration of issues on appeal.

In considering issues raised on appeal which relate to findings of fact or the remedial order of the examiner, the Board will consider only (a) whether any finding appealed from is supported by substantial, reliable, and probative evidence or (b) whether the remedial order is consistent with the Board's policy. If the Board determines that the examiner erred in any matter, the Board may then make any proper findings or order in lieu thereof or remand the case for further hearing. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

Any party may file a brief, and shall promptly serve copies on all other parties. Appellant's brief must be filed and served within 20 days after the initial decision is rendered orally, or, if in writing, is served. Appellee's brief shall be filed and served within 15 days of service of appellant's brief. Five copies of briefs shall be filed with the Board. Motions for additional time for filing briefs or for the privilege of filing additional briefs may be granted by the Board upon good cause shown. Oral argument before the Board will not be granted unless it is specifically requested and a need therefor is shown.

§ 301.48 Petition for rehearing, reargument, reconsideration, or modification of Board order.

(a) Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order. Initial decisions which have become final because they were not appealed from shall not be deemed Board orders for this purpose. The petition shall be in writing. Nine copies shall be filed with the Board, and it shall be served upon all other parties within 30 days after service of the Board's order. It shall contain a brief statement of the matters claimed to be erroneously decided. If the petition requests consideration of additional evidence, the nature and purpose of the new evidence and the reasons why such evidence was not presented at the time of the hearing must be stated. Repetitious petitions will not be entertained by the Board.

(b) Replies to petitions filed pursuant to this section shall be filed and served upon petitioner within 10 days after the receipt of the petition.

(c) Upon good cause shown, the Board may extend the time for filing petitions or replies.

(d) The filing of a petition under this section shall not operate to stay the effectiveness of the Board's order, unless otherwise ordered by the Board.

PROCEDURE ON EMERGENCY ORDERS

§ 301.50 Proceedings where the Administrator has made an emergency order.

(a) When the Administrator has made an emergency order, as provided for in section 609 of the Act, and it has been appealed to the Board, the provisions of this part shall apply with the following modifications: Where the procedure of § 301.14 is not used, the Administrator shall serve and file his complaint within 5 days after advising the Board of the emergency character of his order, and the respondent shall serve and file his answer within 8 days. Where the procedure of § 301.14 has been used, the Administrator's advice of the emergency character of his order shall be deemed received by the Board at the time his order is docketed and the respondent's answer, if separate from the appeal, shall be filed and served within 5 days of the filing of the appeal.

(b) No motion to dismiss or for more definite statement shall be made but the substance thereof may be stated in the answer. The examiner may permit or require a more definite statement or other amendment to any pleading at the hearing upon just and reasonable terms.

(c) The examiner shall, immediately upon the filing of the answer, set the date and place for hearing upon not to exceed 8 days' notice to the parties. The initial decision shall be made orally on the record at the termination of the hearing and after opportunity for oral argument.

(d) Notice of appeal shall be given within 2 days of the initial decision. No exceptions shall be filed but each party shall file one brief with the Board within 5 days of the notice of appeal. The Board will give 3 days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument or modification of its order except on the ground that new evidence has been discovered which could not have been discovered before by the exercise of due diligence.

(e) Where an order of the Administrator not designated as an emergency order has been appealed and the Administrator advises the Board at any time prior to final disposition of the appeal that an emergency exists in respect of such order, the examiner or the Board shall determine from what time on the proceeding shall be governed by this section.

Effective: December 31, 1958.

Adopted: December 31, 1958.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 59-101; Filed, Jan. 5, 1959; 8:51 a.m.]

[Reg. PR-32]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Applicability to Proceedings Involving Alaskan Air Taxi Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December, 1958.

By concurrent action, the Board has this date adopted a new Part 293 of the Economic Regulations which, *inter alia*, reclassifies "Alaskan pilot-owners" as "Alaskan air taxi operators" and has adopted an amendment to Part 292 of the Economic Regulations which deletes therefrom the "Alaskan pilot-owner" provisions.

The current applicability provisions of Part 302 state at § 302.1 (a) (1) that proceedings involving "Alaskan pilot-owners" are governed by these rules, but only as modified by Part 292 of this chapter.

In view of the foregoing, the Board has concluded that § 302.1 should be amended to remove therefrom any reference to "Alaskan pilot-owners" and to make the rules of Part 302 applicable to proceedings involving Alaskan air taxi operators except as modified by Part 293 of this chapter.

Since this amendment is not a substantive rule but one of agency procedure notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective February 3, 1959.

1. By amending § 302.1 by deleting the present paragraph (a) (1) and by adding a new paragraph (a) (1) to read as follows:

(1) Proceedings involving "Alaskan Air Carriers" and "Alaskan air taxi

operators" are governed by these rules, but only as modified by Parts 292 and 293 of this chapter, respectively;

(Section 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply section 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 59-100; Filed, Jan. 5, 1959; 8:51 a. m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F. R. 6421) are amended as indicated below:

In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) (36) is amended by changing "0.025 percent" to read "0.04 percent".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be contrary to public interest to delay providing for the amendment incorporated in this order.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (*l*) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: December 30, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 59-87; Filed, Jan. 5, 1959; 8:49 a. m.]

Title 24—HOUSING AND HOUSING CREDITS

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Designations as Acting Commissioner

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner, the Assistant Commissioner for Technical Standards, the General Counsel and the Assistant Commissioner for Field Operations, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703. Interprets or applies sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U. S. C. 1715b, 1742, 1750f, 1748f)

Issued at Washington, D. C., December 30, 1958.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 59-91; Filed, Jan. 5, 1959; 8:50 a. m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T. D. 6349]

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

Temporary Rules Relating to Payment of Documentary Stamp Transfer Taxes by Check in Lieu of Stamp and Payment of Club Dues Tax by Life Members

The following rules, prescribed under the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, approved September 2, 1958), relate to the payment of documentary stamp transfer taxes by clearing houses for national securities exchanges, and the payment of club dues tax by life members.

The rules set forth herein are to remain in force and effect until superseded by regulations relating to documentary stamp taxes and the tax on club dues conforming with the amendments affecting such taxes 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 sections 4241 (a) (3) and 4353 of the Internal Revenue Code, as amended by sections 132 (a) and 141 (a), respectively, of the Excise Tax Technical Changes Act of 1958, to assist them in the performance of such acts and in complying with the amended provisions of the Internal Revenue Code.

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

§ 148.1-1 Payment of documentary stamp tax through clearing houses of national securities exchanges without use of stamps.

(a) *In general.* Section 4353 of the Internal Revenue Code of 1954, as amended, provides that if a member of a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange appoints such exchange, or the clearing house for such exchange, as his agent for purposes of paying the taxes imposed by sections 4321 and 4331 of such Code in respect of his transactions, the taxes imposed by such sections in respect of such transactions may be paid through such agent without the use of stamps.

(b) *Method of payment.* (1) A clearing house for a securities exchange referred to in paragraph (a) of this section which has been appointed by a member of the securities exchange to act as his agent in accordance with the provisions of paragraph (c) of § 113.41 or paragraph (b) of § 113.71 of Regulations 71 (1941 edition, as amended, 26 CFR (1939)) may, on and after January 1, 1959, in lieu of affixing and canceling stamps as provided in subparagraph (4) of such paragraph (c), make payment to the district director for the district in which the clearing house is located of the total tax due. Any such payment of tax shall be made on the day on which the report specified in paragraph (c) (2) of § 113.41 of Regulations 71 (26 CFR (1939)) is received by the clearing house.

(2) Each daily payment of tax shall be accompanied by a statement in substantially the following form:

The accompanying check No. _____ in the amount of $_____ is in payment of the total documentary stamp transfer tax liability as shown to be due on the reports received by the clearing house for _____
(Date)

_____
(Name of Clearing House)

by _____
(Name) (Title)

§ 148.1-2 Life memberships.

(a) *Basic tax.* Section 4241 (a) (3) of the Code provides that a life member shall be liable, except as provided in paragraph (b) of this section, for a tax equivalent to the tax upon the amount paid on or after January 1, 1959, as dues or membership fees to any social, athletic, or sporting club or organization by those members (other than life members) having privileges most nearly com-

parable to the privileges of the person holding the life membership. Thus, if the life member has limited privileges comparable to the privileges of certain other members who pay dues in a lesser amount than members having full privileges, the tax of the life member shall be computed on the basis of such lesser amount. The tax must be paid by the life member at the time for payment of dues or fees by members having comparable privileges. No tax under section 4241 shall be imposed in respect of any life membership for which no charge is made to any person, such as an honorary membership. Further, if the tax liability of a life member is determined pursuant to section 4241 (a) (3) (A) and this paragraph, no tax shall be paid by the life member on the amount paid by him for his life membership.

(b) *Election by life member to pay tax on cost of life membership*—(1) *In general.* In lieu of paying tax as provided in paragraph (a) of this section, a life member may elect to pay tax only on the amount paid in respect of his life membership computed as provided in subparagraph (3) of this paragraph. The election in respect of a life membership may be made only by the life member. An election made in accordance with the provisions of this paragraph may not be revoked.

(2) *Conditions for election.* In the case of a life membership purchased before July 1, 1959, all amounts paid on or before June 30, 1959, for such life membership are treated as having been paid on July 1, 1959. If a payment was made before July 1, 1959, for a life membership and if the life member desires to make the election provided in subparagraph (1) of this paragraph, he must make the election during the period beginning January 1, 1959, and ending July 1, 1959. If a life membership is purchased after June 30, 1959, the life member, if he wishes to pay tax computed on the amount paid for such life membership, must make his election not later than the day on which the first amount is paid for the life membership. The election by a life member to pay tax in respect of the amount paid for his membership shall be evidenced by a statement signed by such member and furnished to the club or organization in which he has such life membership. Such statement shall include:

(i) The name and address of the life member.

(ii) The total amount paid or to be paid for the life membership.

(iii) The date on which the first payment for the life membership was made and the amount of such payment.

(iv) An assertion by the life member that he elects to pay tax in respect of his life membership computed on the basis of the amount of the payment or payments made or to be made for the life membership.

The statement shall be retained by the club and shall be available for inspection by internal revenue officers.

(3) *Measure of tax.* (i) If a life member elects to pay tax in respect of the amount paid for his life membership, the amount of the tax, except as provided in subdivision (ii) of this subparagraph, shall be 20 percent of the amount of each payment made for the life membership. The amount on which the tax is computed shall be based on payments made for the life membership by either the life member or any other person.

(ii) If an election is made in respect of a life membership for which a payment is made prior to July 1, 1959, the amount computed as tax pursuant to subdivision (i) of this subparagraph shall be reduced by any tax imposed and paid on or after January 1, 1959, pursuant to the provisions of section 4241 (a) (3) (A) and paragraph (a) of this section. However, any tax imposed by section 4241 for any period prior to January 1, 1959, shall be disregarded in computing the tax in respect of a life membership.

(4) *Collection of tax.* If an election is made in accordance with the provisions of this paragraph, the tax, computed as provided in subparagraph (3) of this paragraph, attaches at the time each payment for the life membership is made and the tax shall be collected at such time by the club or organization from the life member. For this purpose amounts paid on or before June 30, 1959, for a life membership are treated as having been paid on July 1, 1959.

Because of the need for temporary rules under which clearing houses for national securities exchanges may, on and after January 1, 1959, pay the documentary stamp tax by check in lieu of stamps, and in order to provide the procedure by which a life member may, on and after January 1, 1959, make the election to pay club dues tax as authorized in section 4241 (a) (3), as amended by section 132 (a) of the Excise Tax Technical Changes Act of 1958, 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 31, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 59-140; Filed, Jan. 2, 1959; 3:36 p. m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

[CGFR 58-55]

PART 185—OPERATIONS

Subpart 185.20—Miscellaneous Operating Requirements

PILOT RULES

The Coast Guard's attention has been directed to the text of 46 CFR 185.20-5, which states that persons navigating small passenger vessels shall comply with the applicable sections of the Pilot Rules covering the route stipulated in the certificate of inspection. The present wording of this regulation could be misleading in that an ocean route may be stipulated on the certificate of inspection, while the vessel could be navigating on certain inland waters.

By virtue of the authority transferred to me as Commandant, United States Coast Guard, by Treasury Department Order 167-20, dated June 18, 1956 (21 F. R. 4894), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 185.20-5 (a) is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

§ 185.20-5 Pilot Rules.

(a) Persons operating these vessels shall comply with the applicable sections of the Pilot Rules covering the waters on which the vessel is navigated.

(Sec. 3, 70 Stat. 152; 46 U. S. C. 390b)

Dated: December 30, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 59-65; Filed, Jan. 5, 1959; 8:46 a. m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1771]

[Fairbanks 012026]

ALASKA

Withdrawing Lands Near Unalakleet for use of the Department of the Air Force for Military Purposes

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 Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals under the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Department of the Air Force for military purposes:

UNALAKLEET AREA

Parcel 1. Beginning at a point in latitude 63°55'30" N., longitude 160°46' W., which bears N. 77°20'38" E., 2,992.17 feet from U. S. C. & G. S. Station "Traeger", thence by metes and bounds.

East, 4,024 feet;
South, 6,095.72 feet;
West, 4,026.81 feet;
North, 6,095.72 feet to the point of beginning.

The tract described contains 563.32 acres.

Parcel 2. Beginning at a point which bears N. 22°51'17" W., 350 feet; and N. 73°15'00" E., 315 feet more or less from Corner No. 2 of Air Navigation Site Withdrawal No. 185; thence by metes and bounds,

West, 250 feet, more or less, to a point on the line of mean high tide of Norton Sound;
N. 14°00'' W., 2,200 feet more or less in a meandering line along said mean high tide line;
East, 1,650 feet, more or less;
South, 2,000 feet, more or less;
West, 720 feet, more or less to the point of beginning.
The tract described contains 59.53 acres.

The total area withdrawn by this order aggregates 622.85 acres,

2. The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources, of the lands. No disposal of such resources will be made except under applicable public land laws with the concurrence of the Department of the Air Force and, where necessary, only after appropriate modification of the provisions of this order.

3. Within the limits of military security as prescribed by the Commanding Officer in Charge, this withdrawal is not intended to interfere with the natives in their customary habits of hunting, fishing and berry picking in the general area, nor to inhibit continued public use of the existing road in the area described in this order.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 24, 1958.

[F. R. Doc. 59-67; Filed, Jan. 5, 1959; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 13]

EVERGLADES NATIONAL PARK

Establishment of Fees for Commercial Passenger-Carrying Vehicles

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C. 3), it is proposed to amend 36 CFR Part 13 by adding a new section (13.19) as set forth below. The purpose of this amendment is to establish fees for commercial passenger-carrying vehicles in Everglades National Park, Florida.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the National Park Service, Washington 25, D. C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 24, 1958.

A new section is added to Part 13, to read as follows:

§ 13.19 Commercial passenger-carrying vehicles, Everglades National Park.

Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Park road in Everglades National Park. The fees for such permits shall be as follows:

(a) Annual permit for calendar year: $3.00 for each passenger-carrying seat in the vehicle to be operated.

(b) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: $1.00 for each passenger-carrying seat in the vehicle to be operated.

(c) Permit good for one day, 7-passenger vehicle or less: $1.00 per vehicle.

(d) Permit good for one day, more than 7-passenger vehicle: $10.00 per vehicle.

[F. R. Doc. 59-68; Filed, Jan. 5, 1959; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that there is being considered a proposal to amend the administrative rules and regulations, as amended (Subpart—Rules and Regulations, 7 CFR 1003.100 to 1003.127), for operations under, and pursuant to, Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003; 23 F. R. 6904), regulating the handling of domestic dates produced or packed in a designated area of California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the twelfth day after the date of publication of this notice in the FEDERAL REGISTER.

The rules and regulations (Subpart—Rules and Regulations, 7 CFR 1003.100 to 1003.127) are proposed to be amended to read as follows:

Subpart—Administrative Rules and Regulations

DEFINITIONS

§ 1003.100 Inspection agency.

The inspection agency shall be the U. S. Department of Agriculture Processed Products Standardization and Inspection Branch, or such other inspection agency as is selected by the committee with the approval of the Secretary.

DATE ADMINISTRATIVE COMMITTEE

§ 1003.131 Confirmation of telephone vote.

All votes made by telephone pursuant to § 1003.31 shall be confirmed in writing within 48 hours after the telephone vote is cast.

GRADE AND SIZE REGULATION

§ 1003.141 Inspection certificate.

(a) *Furnishing of inspection certificate to committee.* Each handler shall furnish to the committee a copy of each inspection certificate issued to him by the inspection agency within 24 hours after receipt or issuance. This may be accomplished by authorizing in writing the inspection agency to send directly to the committee a copy of each certificate which it issues. A copy of such authorization shall be furnished to the committee.

(b) *Information to be shown on inspection certificate.* Each inspection certificate issued by the inspection agency with respect to a particular lot of dates shall, among other information pertinent to the inspection of such lot, contain the following: (1) The date of the inspection and the name of the handler; (2) the variety, and lot number, of the dates inspected; (3) the weight of the dates contained in the lot; (4) the number, and the type, of the containers of the inspected dates; and (5) if (i) the dates are other than field-run dates, a certification as to the grade of such dates and whether such dates meet the applicable grade and size requirements and regulations effective pursuant to this part for free dates, marketable dates for products, dates for further processing, or substandard dates, or (ii) if the dates are field-run dates, a certification as to whether the dates meet the minimum standards for field-run dates set forth in § 1003.145 (f) and as to the percentage, by weight, of eligible sound dates in the lot.

VOLUME REGULATION

§ 1003.145 Volume regulation.

(a) *Weight equivalent on dates certified for further processing.* Dates certified for further processing may be shipped for packing outside the area of production and when so shipped and packed shall be subject to the packed date grade and inspection requirements before being further placed in the channels of commerce, but need not meet fur-

ther assessment or restricted withholding obligations due to weight variations. Dates for further processing packed within the area of production and on which assessment and restricted withholding obligations have been met pursuant to § 1003.45 (c) shall be subject to the packed date grade and inspection requirements and to assessment and withholding obligations on any poundage in excess of that shown on the inspection certificate issued at the time such dates were certified for further processing.

(b) *Identification of dates to be handled*—(1) *Packed dates.* Each handler shall mark all shipping cartons (not including subcontainers) of whole or pitted dates packed for handling in such a manner as to indicate the lot number and the name of the handler or distributor. Such marking shall be with letters which are legible and of a size acceptable to the committee and shall be done prior to or at the time the dates are inspected. Upon the dates being inspected and certified as meeting the applicable grade and size requirements and regulations prescribed or provided for in §§ 1003.39 and 1003.40, the handler shall mark, or otherwise identify, under the supervision of the inspection agency, each such shipping carton with the date of the inspection, the insignia or name of the inspection agency and the words "Meet 103M". The handler shall remove or delete from each such carton all former identifying marks.

(2) *Dates for further processing.* Each handler shall mark all shipping containers of dates for further processing with his name and the lot number. Upon the dates being inspected and certified as meeting the applicable grade and size requirements and regulations for such dates effective pursuant to §§ 1003.39 and 1003.40, the handler shall mark or otherwise identify under the supervision of the inspection agency, each such shipping container with the date of the inspection and the words "Meet 103 F. P." if the dates are to be moved from the handler's plant. The handler shall remove or delete from each such container all former identifying marks. If the dates are to be held in the handler's plant, they shall be stored separate from all other dates and the stacks shall be marked to show that the dates have been certified as meeting the said applicable requirements and regulations effective pursuant to §§ 1003.39 and 1003.40.

(c) *Dates withheld or set aside*—(1) *Identification.* Each lot of dates withheld from handling or set aside pursuant to, or for disposition in accordance with, § 1003.45 (a) and (f) or § 1003.55 shall, upon inspection, be marked or otherwise identified by the handler under the supervision of the inspection agency to show: (i) The date of inspection; (ii) the number of containers in the lot; and (iii) that the dates have been inspected by the inspection agency and the number of the inspection certificate covering the lot. If such dates meet the effective requirements and regulations for marketable dates prescribed or provided for in §§ 1003.12, 1003.39 and 1003.40, they shall also be marked "Marketable for products". If such dates are field-run dates, they shall also be marked "Field-run". If uninspected graded dates are set aside under § 1003.45 (e), they shall be identified as "Graded dates set aside". Each of such categories of dates (i. e., "Marketable for products", "Field-run", and "Graded dates set aside") shall be held separate and apart from other dates and from each other. Dates identified as "Marketable for products" and so held by a handler shall be eligible as restricted dates. The committee shall, at such time as the handler incurs an obligation to withhold a quantity of marketable dates, credit him with satisfaction of such obligation to the extent of the quantity of such dates identified as "Marketable for products" but not exceeding such obligation. All such dates so credited shall thereupon become restricted dates and be subject to all of the provisions of this part with respect to restricted dates.

(2) *Reinspection upon disposition of dates withheld or set aside.* Any lot of dates which has been inspected and certified as meeting the effective requirements for marketable dates or field-run dates, whose identity has been preserved, and which has not been moved without the approval of the committee, may be disposed of into eligible outlets without reinspection, except that, the committee may require a reinspection when it has reason to believe that any lot of marketable dates intended for an outlet for restricted dates has so deteriorated as to be eligible only for substandard or cull date outlets. Lots not in conformity with the foregoing shall be reinspected.

(d) *Change in outlet of certified dates.* Each handler, prior to placing any lot of dates in an outlet other than that indicated on the inspection certificate, shall notify the committee of such intention in writing and inform it of (1) the net weight of such dates, (2) the number of containers, (3) the handler's lot number, (4) the inspection certificate number applicable to such certified dates, and (5) the new outlet into which the dates will be placed. Upon the committee's approval of the proposed change and the completion of any necessary recertification, the handler shall, under the supervision of the committee, bring the identification marks on the containers in the lot into conformance with those required for the new outlet.

(e) *Deferment by setting aside graded dates.* In order for a handler to defer, as provided in § 1003.45 (e), the meeting of any portion of his obligation to withhold restricted dates by setting aside graded dates, he shall file an application therefor with the committee. Such application shall be submitted in DAC Form 12 and shall contain the following information: (1) Name and address of the handler; (2) the variety and location of the graded dates to be set aside; (3) the net weight, and the number of containers, of the dates to be set aside; and (4) the lot number. The application shall also set forth the agreement prescribed in § 1003.45 (e); and the application, including the agreement, shall be signed by the handler or his authorized representative. Such application may be approved by the committee manager.

(f) *Withholding and disposition of field-run dates.* (1) Any handler may, as provided in § 1003.45 (f), satisfy all or any part of his obligation to withhold restricted dates by setting aside or disposing of eligible field-run lots of dates in the prescribed outlets. The direct disposition as well as the disposition of lots set aside shall occur prior to July 31 of the crop year.

(2) Filing of agreement: In connection with a handler's setting aside, as provided in § 1003.45 (f), of field-run dates to satisfy all or any part of his obligation to withhold restricted dates, the handler shall file with the committee on DAC Form 13 an agreement, as specified in § 1003.45 (f), which shall be signed by the handler or his authorized representative.

(3) Disposition of field-run dates: Prior to disposition by a handler of field-run dates in any outlets, the handler shall notify the committee of his intention to do so. If any such disposal of field-run dates (including the disposition of set-aside field-run dates) is in cull outlets and involves dates used pursuant to § 1003.45 (f) in satisfaction of any of such handler's obligation to withhold restricted dates, such disposition shall be under the supervision of the committee and through approved manufacturers or feeders. If any handler has not so disposed of his set-aside field-run dates by July 30 of the crop year in which set aside, such handler shall, as provided in § 1003.45 (f) and not later than said July 30, (i) have such set-aside dates graded and the graded dates certified as marketable dates or substitute for the set-aside field-run dates an equivalent quantity of marketable dates, and (ii) withhold or dispose of all such marketable dates as restricted dates.

(4) Eligible field-run lots shall be limited to those which, on the basis of the representative sample drawn by the inspection agency and inspected on an individual date basis, meet the following requirements:

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which would, after normal processing, meet the effective minimum requirements for the factors of color, uniformity of size, and character for restricted dates (sound dates means dates which are free of defects other than those removable by washing, scored pursuant to the effective United States Standards for Grades of Dates), and

(ii) Not more than a total of 10 percent, by weight, of the dates in the sample are culls of which hidden culls do not exceed five percent, by weight, of the sample ("Hidden culls" are dates which have internal defects not visible on the surface, including souring, mold, insect infestation, fermentation and related defects).

(5) Any handler who sets aside any such lot of dates, or disposes of such lot in the cull outlets, shall be credited with satisfaction of all or any part of his restricted obligation to the extent of the eligible weight of the lot. The eligible weight of a lot shall be computed by

multiplying the net weight of the dates in the lot by the percentage (as set forth in the inspection certificate applicable to such lot) of the sound dates in the lot which meet the requirements in subparagraph (4) (i) of this paragraph.

§ 1003.151 Interhandler transfers of dates.

Each handler who transfers dates to another handler pursuant to § 1003.51 shall give written notice to the committee of the transfer not later than the next business date after such transfer. Such notice shall be on DAC Form No. 1 and shall specify: (a) The names and addresses of the transferring or selling handler and of the receiving or buying handler; (b) the number, and types, of containers; (c) the quantities, and varieties, of dates transferred; (d) whether the dates are packed dates, dates for further processing, field-run dates, or graded dates; and (e) the lot numbers and the numbers of the inspection certificates if any, covering the dates. If the transfer is wholly within the area of production, any assessment and withholding obligations incident to the dates being transferred shall be placed on the handler agreeing to assume them except that, if the committee fails to receive notice of the agreement on such obligations, the buying handler shall be held accountable. Notice of any such agreement shall be given by furnishing the committee a signed copy.

§ 1003.152 Exemption from regulations.

(a) *Producer exemptions.* Any date producer, upon obtaining written approval of the committee, may sell dates of his own production directly to consumers, free of the requirements of §§ 1003.45, 1003.72, and 1003.73 in the following outlets:

(1) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at locations specifically approved by the committee.

(2) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

(b) *Handler exemptions.* Any date handler, upon obtaining written approval of the committee, may obtain the following partial exemptions in the following outlets:

(1) *Specialty outlets.* Any quantity if sold to such specialty outlets as health stores or outlets specializing in health foods, as shall be approved by the committee, may be exempt from the moisture requirements of the effective minimum grade.

(2) *Specialty packs.* Any quantity if sold in specialty packs such as glass, tin, wood, plastics, film or other types of containers approved by the committee, may be exempt from the provisions of § 1003.41 (a): *Provided,* That such dates shall have been packed from dates that have been certified as meeting the effective grade regulations and have not been commingled with other dates.

(3) *Minimum quantity shipments.* Shipments by common carrier not to exceed ten flats of fifteen pounds each, or the equivalent weight in other packs, to any one purchaser in any one day may be exempt from the provisions of § 1003.41 (a): *Provided,* That such dates shall have been packed from dates that have been certified as meeting the effective grade regulations and have not been commingled with other dates.

(c) *Sales not eligible for exemption.* Except as provided in paragraph (b) (1), (2), and (3) of this section, no exemption shall be granted on dates sold by producers or handlers to truckers, dealers, retail stores or any other outlets for resale. The committee may, however, upon a finding that inspection is unnecessary, exempt any producer receiving other exemptions hereunder from the requirements of § 1003.41.

(d) *Application to be filed.* Applications for exemption from regulation shall be filed with the committee on producer DAC Form No. 9 or handler DAC Form No. 10, whichever is applicable, at the beginning of each marketing year or as soon thereafter as is practicable. The applications shall show, as applicable: (i) Name and address of producer or handler; (ii) if dates are to be sold from roadside stands or date shops, the location and description of the place at which the sales are to be made, the estimated quantity to be sold at such location during the marketing year, and the grade of the dates to be sold; (iii) if dates are to be sold by mail order, the estimated quantity and grade of the dates to be sold; (iv) if dates are to be sold in specialty packs, a detailed description of the type of container in which dates are to be packed, the estimated quantity to be sold in each type of pack, and the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates; (v) if dates are to be sold to specialty outlets, the name, address and nature of business of the person or company to whom the dates will be sold, and the estimated quantity of dates that will be sold during the marketing year in such outlets; (vi) if dates are to be sold in minimum quantity shipments, the application shall set forth the procedure for having such dates inspected prior to packing and set aside to prevent commingling with other dates, and shall state the estimated quantity to be marketed in this manner during the marketing year. The application shall also contain a certification to the committee and the United States Department of Agriculture, signed by the applicant, that all date sales will conform with the requirements of this part except to the extent that exemption is specifically granted. The applicant shall agree to submit on DAC Form No. 2 such information concerning his exempt sales of dates as may be requested by the committee.

§ 1003.155 Diversion or disposition of restricted and other marketable dates.

(a) *By export.* (1) Each handler shall, prior to exporting pursuant to § 1003.55 any restricted dates or dates other than free dates that have been inspected and certified as meeting the requirements for marketable dates, certify to the United States Department of Agriculture and the Date Administrative Committee on DAC Form No. 11 that he will include in his export sales contract, or other contract relating to the sale of the dates, a provision whereby the buyer agrees that such dates will not reenter the United States (including territories or possessions) or be reshipped to Canada or other countries not included in the list of countries approved by the committee for export and set forth in subparagraph (2) of this paragraph.

(2) The following country is approved by the committee for export pursuant to § 1003.55: Mexico.

(b) *By diversion into products.* Restricted dates and any other dates that have been inspected and certified as "Marketable for products" may, pursuant to §§ 1003.55 and 1003.57, be diverted by any handler or sold to any divertor who is an approved manufacturer for diversion into such products as: rings, chunks, pieces, butter, paste, macerated dates, syrup, or any other product which the committee concludes to be appropriate pursuant to § 1003.55.

§ 1003.157 Approved manufacturers and feeders.

(a) *Application.* In order for any manufacturer, including any handler, to become an approved manufacturer or for any person to become an approved feeder pursuant to § 1003.57, he shall submit to the committee an application on DAC Form No. 3, which shall contain the following information: (1) Name and address of applicant; (2) the particular categories or grades of such dates the applicant proposes to use; (3) the particular products the applicant proposes to make or derive from such dates (need not be answered by feeder applicants); (4) the respective quantities of such dates which applicant intends to obtain during the particular crop year; (5) location of applicant's products plants or feeding pens, as the case may be; (6) a certification to the Date Administrative Committee and the United States Department of Agriculture that all dates the applicant obtains for use in the manufacture of the specified products or for livestock feeding will be used only for the purposes stated in the application, and that none of these dates will be resold or disposed of as whole or pitted dates; (7) an agreement to furnish such information on the disposition of dates as required on DAC Form Nos. 4 and 8 and to otherwise comply with the requirements and restrictions relative to the use and disposition of dates, as set forth in this part.

(b) *Approval.* Based upon the information submitted in the application, and upon any other information obtained by the committee upon investigation, the committee shall approve or disapprove the application. If the application is approved, the applicant's name shall be placed on the list of approved manufacturers or the list of approved feeders, as the case may be, but shall be subject to the continuing right of disapproval for cause. Such lists shall be maintained in the office of the committee for examination by handlers upon request. The list of approved manufacturers shall set forth the products the respective approved manufacturers produce.

§ 1003.158 Dates set aside pursuant to § 1003.58 and marked for disposition.

Each handler who on September 30 of each year holds a quantity of dates set aside and marked pursuant to § 1003.58 for disposition in accordance with § 1003.55 or § 1003.56, shall report to the committee on or before the following October 5, the quantity so set aside, the location of the dates, and the lot numbers applicable thereto. At any time that such dates are physically removed from the handler's premises for delivery to an approved manufacturer or approved feeder, the handler shall notify the committee of the quantity so removed on DAC Form No. 8.

REPORTS

§ 1003.161 Handler carry-over reports.

Handler carry-over reports required under § 1003.61 shall be submitted on DAC Form No. 5, and shall show the respective quantities, by varieties, of dates held within the area of production and dates held outside the area of production, which are (a) certified as free (certified for handling), (b) certified for further processing, (c) certified as "Marketable for products" and the quantity of restricted dates included therein, (d) graded or packed but not certified, (e) substandard dates and culls, and (f) estimated by the handler to be marketable dates in all field-run lots and the balance of the dates in such lots which are not marketable dates.

§ 1003.162 Monthly report of acquisition, shipments, and disposition of dates.

Each handler shall file with the committee by the 10th day of each month on DAC Form No. 6 a report for the preceding month of the respective quantities by varieties of (a) field-run dates received, (b) receipts of dates from other handlers, (c) free dates shipped, (d) free dates sold, (e) dispositions of restricted dates and other dates that are "Marketable for products", substandard dates, and cull dates, and (f) dispositions by handler exempt sales.

§ 1003.164 Reports on disposition of restricted, other marketable, and substandard dates.

Upon completion of each disposition by a handler of dates of any of the following categories, the handler shall report such completion to the committee on DAC Form No. 8: Restricted dates, other marketable dates (except free dates), and substandard dates. Such report shall show the (a) variety, (b) category, (c) lot number(s) and certificate number(s), if any, (d) number of boxes and net weight of the dates disposed of, and the outlet of disposition. If the dates were exported, the report shall be accompanied by a copy of the on-board bill of lading covering the shipment or such other documentary evidence as is satisfactory to the committee that the dates were exported. If dates are disposed of to an approved manufacturer or an approved feeder, a copy of the report shall be signed by the manufacturer or feeder as the case may be.

§ 1003.165 Other reports.

(a) *Report of exempt sales.* Each handler to whom an exemption has been granted shall, upon completion during the crop year of sales of the dates covered by the exemption or by July 31 of the crop year, whichever occurs first, submit to the committee on DAC Form No. 2 a report showing the respective total quantities by variety, of dates handled under such exemption during the crop year.

(b) *Reports by approved manufacturers.* Each approved manufacturer shall file with the committee no later than August 31 a report on DAC Form No. 4 showing the following respective quantities, by varieties, for the preceding crop year: (1) The carry-in and carry-out of dates and date products, each separately, (2) dates received for manufacture, (3) dates utilized, and (4) date products manufactured, separately as to types.

Dated: December 30, 1958.

[SEAL] G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 59-80; Filed, Jan. 5, 1959; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Filing of Petition for Establishment of Tolerance for Residues of Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of tolerances of 5 parts per million for residues of chlortetracycline in or on the following raw agricultural commodities: Fish (vertebrate) and any cuts therefrom, oysters (shucked), scallops (shucked), shrimp (peeled), shrimp (unpeeled), each in uncooked form.

The analytical method proposed in the petition for determining residues of chlortetracycline is that published in the Antibiotics Annual 1953–1954, page 409, Medical Encyclopedia, New York, New York.

Dated: December 23, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 59-64; Filed, Jan. 5, 1959; 8:46 a. m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice Extending Time for Filing Comments on Proposed Definitions and Procedural Regulations

Requests have been received for an extension of the time allowed for filing views and comments upon the proposal to establish definitions and procedural regulations governing food additives published in the FEDERAL REGISTER on December 9, 1958 (23 F. R. 9511).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 948, 52 Stat. 1055, as amended; 21 U. S. C. 348, 371) and delegated to him by the Secretary (23 F. R. 9500), the Commissioner of Food and Drugs hereby extends until February 7, 1959, the time for filing views and comments upon the proposal to establish definitions and procedural regulations governing food additives.

Dated: December 30, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 59-88; Filed, Jan. 5, 1959; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs., Draft Release No. 104]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Schedule B–2—Notes to Balance Sheet

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to subsection (c) to Schedule B–2—"Notes to Balance Sheet", under § 241.23, which would require certain flight equipment on order to be noted in each quarterly report. The principal features of the proposed amendment are set forth in the Explanatory Statement below, as is the proposed amendment to Part 241.

This regulation is proposed under authority of sections 204 (a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766).

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before February 4, 1959 will be considered by the Board before taking final action on the proposed rule.

Dated: December 31, 1958.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Under presently effective subsection (c) of Schedule B–2—"Notes to Balance Sheet", it is intended that certificated air carriers file with the Board information as to those airframes and aircraft engines on order which are commitments of material size and not of a recurrent routine nature. However, under the present provisions of subsection (c), each air carrier is required to include such information only in the last Schedule B–2 report filed for each calendar year.

The Board is of the opinion that specific information as to airframes and aircraft engines on order should be reported on a quarterly basis.

During the past three years, the Board and its staff have had innumerable occasions in connection with formal proceedings as well as informal studies to seek, both on an individual and on an industry basis, information as to the number of units and cost of flight equipment on order.

Since the information received annually by the Board may be rendered obsolete due to changes in facts without the Board having knowledge thereof from one year to the next, such information has never been considered of satisfactory reliability. This insufficiency of reported information has compelled the Board on numerous occasions to assemble additional data on short notice from a variety of public sources. Such a procedure, however, is unduly burdensome and hampers the Board in the prompt performance of its statutory functions. Furthermore, information obtained from public sources is no more reliable than that reported annually by the carriers for the reason that it too may become obsolete due to a change in underlying facts without the Board having knowledge of such a change.

On the other hand, statements as to airframes and aircraft engines on order submitted with greater frequency to the Board by certificated air carriers would provide the Board with more current information. Therefore, in view of the need which the Board has had, and can reasonably expect to have during the next several years of anticipated equipment transition, for reliable information pertaining to airframes and aircraft engines on order by certificated air carriers, it is proposed to amend Part 241 to prescribe a quarterly reporting of such information, specifying the data to be noted.

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) by deleting subsection (c) of Schedule B–2—"Notes to Balance Sheet" and substituting the following:

§ 241.23 Balance sheet elements. * * *

SCHEDULE B–2—NOTES TO BALANCE SHEET

* * * * *

(c) The amounts of any purchase commitments of material size and not of a recurrent routine character, shall be explained on this schedule, including identification of airframes and aircraft engines on order as to number of units, cost, and estimated delivery dates of each type and model. Commitments for other than flight equipment, at the option of the carrier, may be noted only in the December 31 report of each calendar year.

[F. R. Doc. 59–102; Filed, Jan. 5, 1959; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 145, 186]

[Ex Parte No. 216]

POSTING OF NOTICES OF INCREASED SUBURBAN FARES

Extension of Time for Filing Representations

DECEMBER 24, 1958.

In response to a request, dated December 19, 1958, from A. J. Winkler, Chairman, Trunk Line—Central Passenger Committee, for an extension of 30 days in the time for filing written statements of facts, opinions, or arguments concerning the rules proposed in this proceeding, which in the notice dated October 27, 1958, was on or before January 8, 1959, the time for filing such representations is hereby extended for an additional 15 days or until January 23, 1959.

Notice to the public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for inspection and by filing a copy with the Director, Federal Register Division.

By Commissioner Winchell.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 59–70; Filed, Jan. 5, 1959; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Regional Administrative Order 4D]

OFFICIALS IN REGION IV

Redelegations of Authority To Execute Contracts

1. In accordance with the provisions of subparagraph 205.2.4A (4), Bureau of Mines Manual, the following officials of the Bureau of Mines Region IV 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 Director, Bureau of Mines or the Regional Director, Region IV (see subparagraph 205.2.4A (1)):

(a) Any for more than $2,500.

(b) Purchase of land.

(c) Printing and binding in excess of $500.

(d) Automobiles and trucks.

(e) Microfilm equipment and services in excess of $100.

(f) Construction.

(g) Alterations and repairs to buildings in excess of $2,500.

(h) Drilling.

(i) Working fund and reimbursable agreements with other Government agencies under Section 601 of the Economy Act of June 30, 1932, as amended (47 Stat. 417, 31 U. S. C. 686).

(j) Cooperative agreements on research programs.

Chief, Division of Administration, Region IV, provided that the fiscal limitation in item (a) above shall be $10,000.

Chief, Division of Petroleum Technology, Region IV.

Chief, Division of Mineral Technology, Region IV.

Property Officer, Region IV, provided that the fiscal limitation in item (a) above shall be $10,000.

Administrative Assistant, Division of Petroleum Technology, Region IV.

Administrative Assistant, Division of Mineral Technology, Region IV.

Chief, Dallas Field Office, Division of Petroleum Technology, Region IV, provided that the fiscal limitation in item (a) above shall be $500.

Designated Engineers in charge of field projects, provided that the fiscal limitation in item (a) above shall be $100.

2. Change orders and extra work orders: With respect to any contract (including a contract approved by the Director, Bureau of Mines or the Regional Director, Region IV), the following officials of Bureau of Mines Region IV may, in accordance with subparagraph 205.2.4A (4), issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments to the contract, and terminate the contract if such action is legally authorized:

Chief, Division of Administration, Region IV.

Chief, Division of Petroleum Technology, Region IV.

Chief, Division of Mineral Technology, Region IV.

3. Further redelegation: The authority contained in this order may, with the approval of the Regional Director, Region IV, be redelegated by a written order, which shall be published in the FEDERAL REGISTER.

4. Revocation: This order revokes Regional Administrative Order 4C in its entirety.

HAROLD M. SMITH,
Regional Director,
Region IV.

DECEMBER 30, 1958.

[F. R. Doc. 59–29; Filed, Jan. 5, 1959; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Virginia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

VIRGINIA

Accomack.
Northampton.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 30th day of December 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 59–81; Filed, Jan. 5, 1959; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S–81]

PRUDENTIAL STEAMSHIP CORP.

Notice of Hearing

Notice is hereby given that a public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of Prudential Steamship Corporation, for an operating-differential subsidy agreement on the following described service: A minimum of 20 and a maximum of 32 sailings per year between United States North Atlantic ports (Maine–Virginia, inclusive), and ports in the Mediterranean Sea, Black Sea, Portugal, Spain south of Portugal, and Spanish and French Morocco (Tangier to southern border of French Morocco) with calls in the Azores enroute.

The purpose of the hearing under section 605 (c) of the Act is to receive evidence relevant to the following: (1) Whether the application with respect to the operations hereinabove described is one with respect to a vessel or vessels to be operated on a service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the application covering these operations is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an agreement covering these operations in order to provide adequate service by vessels of United States registry.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D. C., in writing, in triplicate, by the close of business on January 20, 1959.

Dated: December 31, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 59–28; Filed, Jan. 5, 1959; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alamo Shirt Co., Alamo, Ga.; effective 1–1–59 to 12–31–59 (men's and boys' sport shirts).

R. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12–27–58 to 12–26–59 (work pants and shirts).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12–17–58 to 12–16–59 (women's blouses and shirts).

Blue Bell, Inc., Tishomingo, Tishomingo County, Miss.; effective 1–1–59 to 12–31–59 (men's and boys' work pants).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1–1–59 to 12–31–59 (dress shirts).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1–1–59 to 12–31–59 (men's cotton work shirts).

I. D. S. Manufacturing Co., New Albany, Miss.; effective 1–1–59 to 12–31–59 (men's and boys' cotton sport shirts).

The H. D. Lee Co., Inc., 600 East State Street, Trenton, N. J.; effective 12–19–58 to 12–18–59 (men's work clothing).

R. Lowenbaum Manufacturing Co., Sparta, Ill.; effective 12–18–58 to 12–17–59 (junior dresses).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 12–18–58 to 12–17–59 (junior dresses).

New England Shirt Co., Inc., 7–9 Montgomery Street, Danbury, Conn.; effective 1–1–59 to 12–31–59 (men's dress and sport shirts).

The Raleigh Corp., Raleigh, Miss.; effective 12–23–58 to 12–22–59 (ladies' dungarees and slacks).

Reliance Manufacturing Co., Tyrone, Pa.; effective 1–1–59 to 12–31–59 (men's shirts).

Rhea Manufacturing Co., Joan Miller Division, Bainbridge, Ga.; effective 1–11–59 to 1–10–60 (women's dresses).

Richfield Shirt Factory, Monroe Township Juniata County, Richfield, Pa.; effective 12–28–58 to 12–27–59 (men's and boys' dress and sport shirts).

Scottsboro Manufacturing Co., 102 South Houston Street, Scottsboro, Ala.; effective 12–22–58 to 12–21–59 (children's sport clothes).

Square Apparel Co., 181 Darling Street, Wilkes-Barre, Pa.; effective 12–15–58 to 12–14–59 (women's blouses).

Superb Garments, Inc., Forest City Manufacturing Co., Pinckneyville, Ill.; effective 12–21–58 to 12–20–59 (misses' and women's dresses).

United Pants Co., Inc., 222–228 Beade Street, Plymouth, Pa.; effective 1–1–59 to 12–31–59 (jackets).

United Pants Co., Inc., Shoemaker and Simpson Streets, Swoyerville, Pa.; effective 1–1–59 to 12–31–59 (pants, jackets).

The Warner Brothers Co., Marianna, Fla.; effective 12–22–58 to 12–21–59 (corsets and brassieres).

The Warner Brothers Co., Thomasville, Ga.; effective 12–22–58 to 12–21–59 (corsets and brassieres).

Waverly Garment Co., Waverly, Tenn.; effective 12–27–58 to 12–26–59 (men's work shirts).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 12–28–58 to 12–27–59 (infants' cotton apparel).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1–1–59 to 12–31–59; 10 learners (men's washable coats, etc.).

Columbo Garment Co., Inc., 158 West Harrison Street, Columbus, Wis.; effective 12–22–58 to 12–21–59; 10 learners (ladies' slacks).

Jersey Shore Sylvania Manufacturing Co., Plant No. 2, Bellefonte and Commerce Streets, Lock Haven, Pa.; effective 12–22–58 to 12–21–

59; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Klos Manufacturing Co., 214 Denison, Muskogee, Okla.; effective 12-22-58 to 12-21-59; 10 learners (children's clothing—cotton sailcloth shorts and slim-jim pants).

R. Lowenbaum Manufacturing Co., Red Bud, Ill.; effective 12-20-58 to 12-19-59; five learners (junior dresses).

Lucy Frock, Inc., 208 North Main, Hillsboro, Kan.; effective 12-31-58 to 12-30-59; six learners (girls' dresses; snap-on diapers).

M. Nirenberg Sons, Inc., 750 Second Avenue, Troy, N. Y.; effective 12-16-58 to 12-15-59; 10 learners (men's shirts).

Ross Garment Co., Inc., 2030 Pennsylvania Avenue, Hagerstown, Md.; effective 12-22-58 to 12-21-59; 10 learners (ladies' dresses).

Shreveport Garment Manufacturers, 1023 Polk Street, Mansfield, La.; effective 12-18-58 to 12-17-59; 10 learners (cotton work shirts).

Westway Manufacturing Co., 212 West Main Street, Fredericksburg, Tex.; effective 12-22-58 to 12-21-59; five learners (boys' shirts and jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 12-22-58 to 6-21-59; 20 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (dresses, women's sportswear).

Blackwelder Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N. C.; effective 1-1-59 to 6-30-59; 10 learners (ladies' pajamas).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 12-22-58 to 6-21-59; 10 learners (men's single pants, shirts, coveralls, jackets).

Indiana Sportswear Co., Indiana, Pa.; effective 12-22-58 to 6-21-59; 40 learners (men's and boys' zipper, snap and button outerwear).

Jersey Shore Sylvania Manufacturing Co., Plant No. 2, Bellefonte and Commerce Streets, Lock Haven, Pa.; effective 12-22-58 to 6-21-59; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Rhea Manufacturing Co., Joan Miller Division, Bainbridge, Ga.; effective 12-17-58 to 6-16-59; 20 learners (women's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Gann Hosiery Mills Co., 309 South Alston Avenue, Durham, N. C.; effective 12-17-58 to 12-16-59; five learners for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

International Shoe Co., Batesville Factory, Batesville, Ark.; effective 12-17-58 to 12-16-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's stitchdown shoes).

International Shoe Co., Kirksville, Mo.; effective 12-17-58 to 12-16-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's leather Goodyear Welt shoes).

International Shoe Co., Salem Factory, Salem, Mo.; effective 12-17-58 to 12-16-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's slip-lasted shoes of leather or cloth construction).

International Shoe Co., West Plains Factory, West Plains, Mo.; effective 12-22-58 to 12-21-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's welt dress shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Herman D. Oritsky and Co., 106 Grape Street, Reading, Pa.; effective 12-22-58 to 6-21-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, final presser, hand sewing, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours. No learner may be employed in more than two learner occupations at special minimum wage rates under the terms of this certificate, providing that training in the second occupation shall not exceed a total of 320 hours at a rate not less than 90 cents an hour for the first 160 hours of employment and not less than 95 cents an hour for the remaining 160 hours (men's suits and sport coats).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Flora Manufacturing Corp., Guayama, P. R.; effective 12-4-58 to 12-3-59; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (blouses).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C. this 23d day of December 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 59-69; Filed, Jan. 5, 1959; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-112]

UNIVERSITY OF OKLAHOMA

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on December 11, 1958, the Atomic Energy Commission has issued Facility License No. R-53 authorizing the University of Oklahoma to acquire and operate nuclear reactor Model AGN-211, Serial No. 102 at thermal power levels not in excess of fifteen kilowatts on its campus in Norman, Oklahoma. Notice of the proposed action was published in the FEDERAL REGISTER on December 12, 1958, 23 F. R. 9645.

Dated at Germantown, Maryland, this 29th day of December 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 59-66; Filed, Jan. 5, 1959; 8:46 a. m.]

[Docket 27-9]

INDUSTRIAL WASTE DISPOSAL CORP.

Notice of Hearing

In the matter of Industrial Waste Disposal Corporation application for waste disposal license, Docket No. 27-9.

By application dated January 13, 1958, and amendments thereto, the Industrial Waste Disposal Corporation applied to the Commission for a license authorizing it to receive, possess and package waste byproduct material and to dispose of such byproduct material into the Gulf of Mexico. Pursuant to the Commission's rules of practice (10 CFR Part 2), a notice of the proposed issuance of a license for this purpose was published in the FEDERAL REGISTER on December 5, 1958. In view of the public interest which resulted from the notice of the proposed issuance of this license, the Commission upon its own initiative finds it appropriate to direct the holding of a formal hearing to consider the issues in this matter.

Pursuant to the Atomic Energy Act of 1954, as amended, and to the regulations in Part 2 and Part 30, 10 CFR, notice is given that a hearing will be held on January 22, 1959 in Houston, Texas, at 10:00 a. m. in Courtroom No. 3, United States Court House and Post Office.

Samuel W. Jensch, Esquire, will be the presiding officer.

SPECIFICATION OF ISSUES

The matters to be considered at the hearing are:

(a) Whether the applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life and property;

(b) Whether the applicant is qualified by training and experience to conduct the proposed waste disposal service in such a manner as to protect health and minimize danger to life and property;

(c) Whether the applicant's waste disposal operations will be performed in accordance with the provisions of 10 CFR 20, 10 CFR 30, and other applicable Commission regulations and the conditions of the proposed license; and

(d) Whether the issuance of the proposed byproduct material license to the Industrial Waste Disposal Corporation would be inimical to the health and safety of the public.

Answers to this Notice shall be served and filed by the Industrial Waste Disposal Corporation pursuant to § 2.736, Part 2, on or before January 12, 1959. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the hearing that the Commission issue the proposed byproduct material license substantially in the form set forth in the Notice published in the FEDERAL REGISTER on December 5, 1958.

Dated at Germantown, Maryland, this 31st day of of December 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of
Licensing and Regulation.

[F. R. Doc. 59-90; Filed, Jan. 5, 1959; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RESEARCH IN USE OF NEW MEDIA OF COMMUNICATION FOR EDUCATIONAL PURPOSES

Dates for Filing Proposals

Under title VII of the National Defense Education Act of 1958 (Pub. Law 85-864; 72 Stat. 1595), the Commissioner of Education is authorized to make grants approved by the Advisory Committee on New Educational Media for research and experimentation in the more effective utilization of television, radio, and motion pictures and related media of communication for educational purposes.

The Advisory Committee will meet early in March 1959 and again early in May 1959 to consider proposals for such research and experimentation. Notice is hereby given that in order to permit time for analysis and other processing, proposals should be postmarked or otherwise submitted on or before February 1, 1959, in order to insure that they will be placed before the Committee at its March 1959 meeting or on or before April 1, 1959, in order to insure that they will be placed before the Committee at its May 1959 meeting.

Proposals must be submitted to:

Program Consultant, New Educational Media Branch, Division of Statistics and Research, Office of Education, Department of Health, Education, and Welfare, Washington 25, D. C.

"Instructions for Preparation of Research Proposals" may be obtained from the above address.

Dated: December 24, 1958.

[SEAL] LLOYD E. BLAUCH,
Acting Commissioner of Education.

[F. R. Doc. 59-86; Filed, Jan. 5, 1959; 8:49 a. m.]

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 to Public Health Service Act, as amended (42 U. S. C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 16, 1958 to October 15, 1958, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1958, published in 23 F. R. 5512 on July 19, 1958, as amended by the lists of license actions taken from April 16, 1958, through July 15, 1958, published in 23 F. R. 6798 on September 4, 1958.

Establishment licenses issued:

Establishment	License No.	Date
Terrell's Laboratories, Fort Worth, Tex.	84	Aug. 6, 1958
Wellcome Research Laboratories, Beckenham, Kent, England	129	Aug. 21, 1958
Purex Laboratories, Inc., Staten Island, N. Y.	306	Aug. 22, 1958
Cappel Laboratories, Inc., West Chester, Pa.	307	Sept. 15, 1958
Greer Drug & Chemical Corp., Lenoir, N. C.	308	Do.

Product licenses issued:

Product	Establishment	License No.	Date
Anti-k Serum (Anti-Cellano)	Knickerbocker Blood Bank	164	July 25, 1958
Citrated Whole Blood (Human)	Terrell's Laboratories	84	July 31, 1958
Streptokinase-Streptodornase	Wellcome Research Laboratories	129	Aug. 21, 1958
Packed Red Blood Cells (Human)	Community Blood Bank of the Kansas City Area, Inc.	302	Do.
Single Donor Plasma (Human)	Community Blood Bank of the Kansas City Area, Inc.	302	Do.
Allergenic Extracts	Purex Laboratories, Inc.	306	Aug. 22, 1958
Anti-Rh Typing Serum Anti-rh' (Anti-C')	Hyland Laboratories	140	Sept. 13, 1958
Anti-Human Serum	Cappel Laboratories, Inc.	307	Sept. 15, 1958
Allergenic Extracts	Greer Drug & Chemical Corporation	308	Do.
Anti-Rh Typing Serum Anti-Rh_0rh'rh'' (Anti-CDE).	Milwaukee Blood Center, Inc.	187	Sept. 23, 1958
Plasma Protein Fraction (Human)	Cutter Laboratories	8	Oct. 2, 1958

Establishment licenses revoked:

Establishment	License No.	Date
Terrell Laboratories	84	Aug. 6, 1958
The Wellcome Physiological Research Laboratories	129	Aug. 21, 1958

Product licenses revoked: None.

Approved: December 2, 1958.

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U. S. Department of Health, Education, and Welfare.

Approved: December 19, 1958.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U. S. Department of Health, Education, and Welfare.

[F. R. Doc. 59-89; Filed, Jan. 5, 1959; 8:50 a. m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 674]

CERTAIN OFFICERS

Delegation of Authority To Act as Governor

DECEMBER 30, 1958.

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

(1) Harold T. Mason, Deputy Governor.

(2) Harold A. Miles, Deputy Governor and Director of Short-Term Credit Service.

(3) Fred W. Gilmore, Deputy Governor and Director of Land Bank Service.

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

(5) John C. Bagwell, General Counsel.

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

2. This order shall be effective January 1, 1959, and supersedes Farm Credit Administration Order No. 668, dated September 20, 1957 (22 F. R. 7717).

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 59-63; Filed, Jan. 5, 1959; 8:46 a. m.]

FEDERAL AVIATION AGENCY

[Administrative Order 2]

APPOINTMENT OF OFFICERS AND DELEGATIONS OF FINAL AUTHORITY

1. Administrative Order 1 of November 1, 1958 is amended by deleting paragraph numbered 3 and substituting in lieu thereof the following:

"3. The Executive Officer, Bureau of Research and Development, FAA, is authorized to perform for that Bureau those administrative functions which were performed for the Airways Modernization Board, by or under the supervision of the Executive Officer of the Air-

ways Modernization Board, on October 31, 1958."

2. The Personnel Officer, Civil Aeronautics Administration, is authorized to perform for FAA, except the Bureau of Research and Development, those personnel functions which were previously performed for the Civil Aeronautics Administration by or under the supervision of the Personnel Officer of CAA.

3. Subject to applicable provisions of law, regulation and such conditions or limitations as may hereafter be imposed, the above named officers are authorized to take final action on all matters pertaining to personnel programing and management, including the direction, administration and processing of all personnel and related activities, in their respective areas of responsibility. The authority delegated herein is also delegated to such subordinate officers of the Civil Aeronautics Administration as hold such authority on December 30, 1958, pursuant to appropriate delegations.

E. R. QUESADA,
Administrator.

DECEMBER 24, 1958.

[F. R. Doc. 59-84; Filed, Jan. 5, 1959; 8:49 a. m.]

[Administrative Order 3]

CONTINUATION OF POLICIES, DETERMINATIONS, ORDERS, AND DELEGATIONS OF AUTHORITY OF CIVIL AERONAUTICS ADMINISTRATION

The purpose of this order is to adopt and continue in effect for the Federal Aviation Agency all existing policies, directives, orders and delegations of authority currently in effect for the Civil Aeronautics Administration, insofar as they can reasonably be applied to the functions and responsibilities of this Agency, pending an opportunity for review and determination as to any changes that may hereafter prove advisable.

Pursuant to authority conferred by section 313 (a) of the Federal Aviation Act (Pub. Law 85-726), and until modified, terminated, superseded, set aside or repealed by the Administrator of the Federal Aviation Agency, or by a court of competent jurisdiction, or by operation of law, there are hereby adopted and continued in effect for the Agency, according to their terms, the following:

(1) Currently effective directives and pronouncements of the Administrator of Civil Aeronautics set forth in:

Manuals of Procedure, Civil Aeronautics Manuals, General Orders (except General Orders Nos. 2, 3, 5, 8, 10, 12, 13, 14, 16, 24, and 27), Administrator's Notices (except Notices Nos. 3 and 37).

(2) Currently effective delegations of authority issued by the Administrator of Civil Aeronautics.

(3) Currently effective delegations of authority issued by the Secretary of Commerce or the Civil Aeronautics Board pursuant to authority which is now vested in the Administrator of the Federal Aviation Agency by the Federal Aviation Act of 1958 or by any other law.

The CAA Standard Practice Manual is hereby adopted and made applicable to personnel of the Federal Aviation Agency, until superseded.

Directives and instructions issued by the Secretary of Commerce or the Administrator of Civil Aeronautics to personnel of the Civil Aeronautics Administration with respect to safety of personnel and protection of Government property, in case of fire alarm, air raid warning or disaster, are hereby adopted and made applicable to personnel of the Federal Aviation Agency, until superseded.

This order shall become effective on December 31, 1958.

E. R. QUESADA,
Administrator.

DECEMBER 30, 1958.

[F. R. Doc. 59-85; Filed, Jan. 5, 1959; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11314; FCC 58M-1516]

SPARTAN RADIOCASTING CO. (WSPA-TV)

Order Scheduling Further Conference

In re application of The Spartan Radiocasting Company (WSPA-TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT-2042; for modification of construction permit.

It is ordered, This 29th day of December 1958, pursuant to agreements and understandings reached by all parties to the above-entitled proceeding, that, on or before February 9, 1959, applicant will serve its direct written case upon the protestants, the Commission's Broadcast Bureau and the Hearing Examiner; and that, on February 18, 1959, a further hearing conference of all parties will be held in the offices of the Commission, Washington, D. C., commencing at 9:00 a. m.

Released: December 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-92; Filed, Jan. 5, 1959; 8:50 a. m.]

[Docket Nos. 12714, 12715; FCC 58-1239]

JOHN H. PHIPPS AND GEORGIA STATE BOARD OF EDUCATION

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John H. Phipps, Waycross, Georgia, Docket No. 12714, File No. BPCT-2423; Georgia State Board of Education, Waycross, Georgia, Docket No. 12715, File No. BPCT-2501; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of December 1958;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Waycross, Georgia; and

It appearing that these applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications, and were given an opportunity to reply; and

It further appearing that John H. Phipps has requested a waiver of § 3.613 (a) of the Rules in order to locate his main studio at the transmitter site, just outside the city limits of Waycross; and that a sufficient showing has been made that good cause exists for a grant of the waiver as requested; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary, and that each of the above-named applicants is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of John H. Phipps and the Georgia State Board of Education are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support

thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, John H. Phipps and the Georgia State Board of Education pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 31, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-93; Filed, Jan. 5, 1959; 8:50 a. m.]

[Docket Nos. 12716-12718; FCC 58M-1518]

ABACOA RADIO CORP. ET AL.

Order Scheduling Hearing

In re applications of Abacoa Radio Corporation, Arecibo, Puerto Rico, Docket No. 12716, File No. BPCT-2459; Western Broadcasting Corporation of Puerto Rico, Aguadilla, Puerto Rico, Docket No. 12717, File No. BPCT-2537; Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, Aguadilla, Puerto Rico, Docket No. 12718, File No. BPCT-2551; for construction permits for new television broadcast stations.

It is ordered, This 29th day of December 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 10, 1959, in Washington, D. C.

Released: December 31, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-94; Filed, Jan. 5, 1959; 8:50 a. m.]

[Canadian Change List No. 127]

CANADIAN BROADCAST STATIONS

Lists of Changes, Proposed Changes, and Corrections in Assignments

NOVEMBER 28, 1958.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing asignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		590 kilocycles				
VOCM	St. John's, Newfoundland	10 kw D/1 kw N	ND	U	III	Now in operation with increased daytime power.
VOCM (PO: 10 kw D/1 kw N ND).	St. John's Newfoundland	10 kw	DA-N	U	III	ETO 11-15-59.
		730 kilocycles				
CJNR	Blind River, Ontario	1 kw	DA-N	U	II	Now in operation.
		800 kilocycles				
CHAB (PO: 800 kc 10 kw D/5 kw N DA-N).	Moose Jaw, Saskatchewan	10 kw	DA-N	U	II	ETO 11-15-59.
CKOK (PO: 800 kc 1 kw D/0.5 kw N ND).	Penticton, British Columbia.	10 kw D/0.5 kw N	ND	U	II	Do.
		900 kilocycles				
CHNO (PO: 900 kc 1 kw DA-N).	Sudbury, Ontario	10 kw D/1 kw N	DA-2	U	II	Do.
		920 kilocycles				
CJCH	Halifax, Nova Scotia	10 kw D/5 kw N	DA-N	U	III	Now in operation with increased daytime power.
		1150 kilocycles				
CKWX (PO: 1130 kc 50 kw DA-1).	Vancouver, British Columbia.	50 kw	DA-N	U	I-B	ETO 11-15-59.
		1230 kilocycles				
CFCW	Camrose, British Columbia.	1 kw D/0.25 kw N	ND	U	IV	Now in operation with increased daytime power.
		1340 kilocycles				
New (location 45°20'42" N 80°01'23" W).	Parry Sound, Ontario	0.25 kw	ND	U	IV	ETO 11-15-59.
		1350 kilocycles				
CKLB (PO: 1350 kc 5 kw DA-2).	Oshawa, Ontario	10 kw D/5 kw N	DA-2	U	III	Do.
		1380 kilocycles				
CKPC (PO: 1380 kc 1 kw DA-N).	Brantford, Ontario	10 kw	DA-2	U	III	Do.
		1480 kilocycles				
New (location 44°22'39" N 79°46'21" W).	New Market, Ontario	1 kw	ND	D	III	Do.
		1540 kilocycles				
New (location 43°22'39" N 79°46'21" W).	Burlington, Ontario	1 kw	ND	D	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-95; Filed, Jan. 5, 1959; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 68]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 31, 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 61363. By order of December 17, 1958, The Transfer Board approved the transfer to Irma L. Henriksen, 922 N. Spring St., Beaver Dam, Wisconsin, of Certificate No. MC 44262, issued March 21, 1952, to Irvin H. Henriksen, doing business as Badger Transfer Line, 922 N. Spring St., Beaver Dam, Wisconsin, authorizing the transportation of household goods, between Beaver Dam, Wis., and points within 50 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

No. MC-FC 61496. By order of December 17, 1958, Division 4, acting as an

Appellate Division approved the transfer to Gauvey Rig & Trucking, Inc., Williston, North Dakota, of Certificate No. MC 98527 Sub 1, issued October 15, 1956, to Basin Rig & Trucking, Inc., authorizing the transportation of oilfield and pipe line machinery, materials, equipment and supplies, over irregular routes, between points in North Dakota, and points in described portions of South Dakota and Montana. Alan Foss, 502 First National Bank Building, Fargo, North Dakota.

No. MC–FC 61631. By order of December 19, 1958, The Transfer Board approved the transfer to Richards Transport, Inc., Glassport, Pa., of Certificate in No. MC 70296, issued June 18, 1956, to S. A. Bingaman, F. Leon Bingaman, and Marions S. Bingaman, a partnership, doing business as Pittsburgh-Latrobe Motor Express, Latrobe, Pa., authorizing the transportation of: *General commodities*, with the usual exceptions including household goods between specified points in Pennsylvania, and other specified commodities between various points in Pennsylvania, Ohio, and West Virginia. Arthur J. Diskin, 810 Frick Bldg., Pittsburgh 19, Pa., for applicants.

No. MC–FC 61662. By order of December 18, 1958, The Transfer Board approved the transfer to Commercial Oil Transport of Oklahoma, Inc., Fort Worth, Texas, of Certificates Nos. MC 112020 Sub 16 and MC 112020 Sub 39, issued February 24, 1958 and July 31, 1958, respectively, to Commercial Oil Transport, A Corporation, Fort Worth, Texas, authorizing the transportation of petroleum products, in bulk, in tank vehicles, and lubricating oils and greases, in containers from Columbus, Nebr., and points within ten miles thereof, to points in Bon Homme, Brule, Clay, Douglas, Charles Mix, Gregory, Hutchinson, Lincoln, Lyman, Mellette, Todd, Tripp, Turner, Union, and Yankton Counties, S. Dak.; and petroleum and petroleum products, (except liquid petroleum gases), in bulk, in tank vehicles, from Enid, Stroud, Cushing, Wynnewood, Okla., to points in Iowa and Nebraska. Restriction: Carrier shall not transport (1) agricultural insecticides, fumigants, and herbicides, in bulk, in tank vehicles, from Enid, Okla., to points in Nebraska, and (2) petroleum products, (which are also named as acids and chemicals) from Enid, Stroud, Cushing and Wynnewood, Okla., to Iowa City, Iowa, and points within 5 miles therof. Leroy Hallman, 617 First National Bank Bldg., Dallas, Texas, for applicants.

No. MC–FC 61666. By order of December 17, 1958, The Transfer Board approved the transfer to Terminal Van Lines, Inc., St. Petersburg, Fla., of Certificate No. MC 29550, issued September 14, 1940, to H. W. Scramlin, doing business as Terminal Van Lines, St. Petersburg, Fla., authorizing the transportation of: Household goods, between points in Florida, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. W. K. Zewadski, 814 First Federal Bldg., St. Petersburg 1, Fla., for applicants.

No. MC–FC 61671. By order of December 17, 1958, The Transfer Board approved the transfer to Isaac F. Dunn, doing business as Ike Dunn, Chrisman, Ill., of Certificate No. MC 114293, issued March 12, 1957, to Isaac F. Dunn and John O. Stacy, doing business as Dunn and Stacy Trucking Service, Chrisman, Ill., authorizing the transportation of: Limestone, gravel, sand, rock, dirt, and coal, from points in Montgomery, Parke, Fountain, Putnam, Vigo, and Clay counties, Ind., to points in Vermillion, Champaign, Douglas, Edgar, Clarke, Cumberland, and Cole Counties, Ill., livestock, from points in Edgar County, Ill., to Indianapolis, Ind., Agricultural Limestone, from points in Putnam County, Ind., to points in Edgar County, Ill., Agricultural implements, from La Porte, Ind., to points in Edgar County, Ill., grain from Montezuma, West Union, Hillsdale, and Dana, Ind., to Paris, Ill., gravel, from Montezuma, Ind., to points in Edgar County, Ill., cinders, from Terre Haute, Ind., to points in Edgar County, Ill., Stock Feed, from Indianapolis, Ind., to points in Edgar County, Ill., Brick and clay products, from Brazil and Putnamville, Ind., to points in Edgar County, Ill., coal, from points in Clay, Vermillion, and Vigo Counties, Ind., to points in Edgar County, Ill., and sand and gravel, from points in Vigo and Vermillion Counties, Ind., to points in Edgar County, Ill. Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill., for applicants.

No. MC–FC 61681. By order of December 19, 1958, The Transfer Board approved the transfer to Wm. B. Kent & Sons, Inc., North Andover, Mass., of certificate in No. MC 95398, issued November 17, 1958, to William B. Kent, doing business as Wm. B. Kent & Sons, North Andover, Mass., authorizing the transportation of: Household goods, between North Andover, Mass., and points in Massachusetts within 10 miles of North Andover, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Joseph A. Kline, 185 Devonshire St., Boston 10, Mass., for applicants.

No. MC–FC 61761. By order of December 18, 1958, The Transfer Board approved the transfer to Arizona Hall, doing business as Hall Moving & Storage Co., Cincinnati, Ohio, of Certificate No. MC 100359 Sub 1 issued October 14, 1957, to Henry D. Danforth and Joseph L. Ballow, a partnership, doing business as Hall Moving and Storage Co., Cincinnati, Ohio, authorizing the transportation of household goods, as defined by the Commission, between Cincinnati, Ohio, and points within ten miles thereof, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Tennessee. Sol Provisor, 201 Atlas Bank Bldg., Cincinnati 2, Ohio.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 59–72; Filed, Jan. 5, 1959; 8:47 a. m.]

[No. 32385]

INCREASED RATES; CENTRAL STATES TERRITORY, 1958

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of December A. D., 1958.

It appearing that by order dated May 13, 1958, this proceeding was instituted by the Commission into the lawfulness of class and commodity rates and classification and rules relating thereto of motor common carriers in Central States Territory, as defined in said order;

It further appearing that on September 22, 1958, the Commission, among other things, amended the commodity description insofar as it applied to No. 32385, by including the rates on iron and steel articles, in less-than-truckloads, and glassware;

It further appearing that the issues in this proceeding are such that a proper determination thereof may be had only by obtaining from the motor carriers in Central States Territory certain basic traffic data for use in determining the cost of performing the service rendered by such carriers;

And it further appearing that the territorial scope of these proceedings as set forth in the order of May 13, 1958, is inadequate for the purposes of this proceeding and should be amended:

It is ordered, That Central Territory as described in the order of May 13, 1958, be, and it is hereby, modified so as to be described as set forth in Appendix A to this order.

It is further ordered, That each motor carrier of property, which had gross revenues of $500,000 or more during the year 1957 and had operating rights as a common motor carrier and performed transportation services in the Central territory as shown in Appendix A., be, and it is hereby, required to compile the data called for by Forms 1 and 2, which are attached hereto.[1]

It is further ordered, That each common carrier of general freight that participated in the Central States Motor Carrier Cost Study, Statement No. 3–57, and designated with an asterisk in Appendix A, be, and it is hereby, required to compile the data called for by Forms 3 and 4, attached hereto.[1]

It is further ordered, That the completed forms shall be filed with the Bureau of Accounts, Cost Finding and Valuation on or before March 15, 1959.

And it is further ordered, That a copy of this order with the attached blank forms[1] shall be served on each motor carrier of property subject to its provisions, and that notice be given to the general public by depositing a copy of the order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Federal Register Division.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

APPENDIX A

Description of Central Territory and List of Class I and Class II Motor Common Carriers of Property.

[1] Filed as part of original document.

For the purpose of this order, Central Territory is described as including all points in Illinois, Indiana, Lower Peninsula of Michigan and Ohio and certain points in Iowa, Kentucky, Missouri, Wisconsin, West Virginia, Pennsylvania and New York as follows: In Iowa and Missouri only those points and the commercial zones thereof located on the west bank of the Mississippi River; in Kentucky, points and commercial zones thereof on the Ohio River and points in a sector of that state formed by a line drawn from Newport to Lexington to Jenkins, thence following the Kentucky-Virginia and Kentucky-West Virginia lines and the Big Sandy and Ohio Rivers to the starting point of Newport; in Wisconsin, that area bounded by Gills Rock-Marinette on the north, thence southward following highway 41 to Fond du Lac, thence highway 151 to Waupum, thence highway 26 to Watertown, thence highway 19 to Jamestown, thence highway 51 to Madison, thence highway 191 to Junction highway 39, thence highway 39 to Junction highway 78, thence highway 78 to Wisconsin-Illinois state lines, thence east on Wisconsin-Illinois state line to Lake Michigan; in West Virginia, points on the Ohio River and points in a sector formed by a line drawn from Parkersburg to Enon to Kingston to Mallory to Barnabus to Kenova, and thence along the Ohio River to Parkersburg; in Pennsylvania, points on and north and west of an irregular line drawn from Bradford through Custer City, Kinzua, Warren, Tidioute, Tionesta, Venus, Mahoning, Latrobe, Wickhaven, Coal Center, and thence U. S. Highway 40 to the West Virginia line; and in New York, points on and west of a line drawn from a point on Lake Ontario directly north of Hartland, through such point thence to Lockport, Williamsville, Lancaster, Porterville, Wales Center, East Aurora, West Falls, Glenwood, Springville, West Valley, Ashford, Great Valley, Salamanca, Carrollton, and Limestone to the Pennsylvania line.

LIST OF CARRIERS

*Denotes Study Carriers Statement No. 3-57

A. & A. Trucking, Inc., Post Office Box 143, Station A, Toledo 5, Ohio.

*A & B Transfer, Inc., Post Office Box 6, Mattoon, Ill.

*A & H Truck Line, Inc., 2125 West Maryland, Evansville, Ind.

Ace Doran Hauling & Rigging Co., 312 Lock Street, Cincinnati 2, Ohio.

Ace Lines, Inc., 2420 Minnehaha Avenue, Minneapolis, Minn.

Adkins Transfer Company, Inc., 615-23 Fourth Street, Nashville, Tenn.

*Advance Transportation Company, 2115 South First Street, Milwaukee 7, Wis.

Aetna Freight Lines, Incorporated, 2507 Youngstown Road, Warren, Ohio.

Akron-Chicago Transportation Company, Inc., 1016 Triplett Blvd., Akron 6, Ohio.

Geo. F. Alger Company, 3050 Lonyo Road, Detroit, Mich.

All-Ohio Express, Incorporated, 1805 East Market Street, Akron, Ohio.

All States Freight, Incorporated, 1250 Kelly Avenue, P. O. Box 7036, South Arlington Station, Akron, Ohio.

Alvan Motor Freight, 1015 W. Paterson Street, Kalamazoo, Mich.

American Cartage Company, Harold Fine d/b/a, 1575 Fairfield Avenue, Cleveland, Ohio.

*American Carloading Corporation, 261 Hastings Street, Detroit, Mich.

American Transit Lines, Inc., 4535 West Adams Street, Chicago 24, Ill.

*American Transport Co., Inc., 625 Lincoln Blvd., Marion, Ind.

*Anderson Motor Service, Inc., 1516 North 14th Street, St. Louis 6, Mo.

Arbet Truck Lines, Inc., 222 East 135th Place, Chicago 27, Ill.

Arkansas-Best Freight System, Inc., 401-23 South 11th Street, Ft. Smith, Ark.

Arledge Transfer Company, James C. Arledge d/b/a, 2210 Summer Street, P. O. Box 128, Burlington, Iowa.

*Arrow Motor Transit, August Dinovo, Salvatore Dinovo and Russel Dinovo d/b/a, 7016 South Wentworth Avenue, Chicago 37, Ill.

Associated Transport, Inc., 380 Madison Avenue, New York 17, N. Y.

*Associated Truck Lines, Inc., 15 Andre Street, S. E., Grand Rapids, Mich.

Atlantic Freight Lines, Inc., Post Office Box 32, Uniontown, Pa.

Atlas Truck Lines, Inc., 4719 West Chicago Avenue, Chicago 51, Ill.

Austgen Express & Storage Company, 47 East Hickory Street, Chicago Heights, Ill.

B & F Transfer Co., 1221 E. Bowman Street, Wooster, Ohio.

*B. B. & I. Motor Freight, Inc., 501 North Rogers Street, Bloomington, Ind.

B. & N. Transportation, Inc., 32 N. Main Street, Columbiana, Ohio.

Badger Freightways, Inc., Post Office Box 514, Sheboygan, Wis.

Baltimore & Pittsburgh Motor Express Co., 51st & A. V. R. R., Pittsburgh, Pa.

*Bancroft Trucking Co., 409 Smith, Flint, Mich.

Bell Lines, Inc., 6414 McCorkle Avenue, Charleston, W. Va.

Bell Motor Freight, Inc., 1016 Fourth Street, Kalamazoo, Mich.

Belim Freight Lines, Inc., 1819 North 17th Street, St. Louis, Mo.

*Be-Mac Transport Company, Inc., 7400 North Broadway, St. Louis 15, Mo.

*Bender & Loudon Motor Freight, Inc., 221 East Center, Akron 4, Ohio.

Ben-Lee Motor Service Co., 3314 South Lawndale Avenue, Chicago 23, Ill.

*Blair Transit Company, 142 Davenport Street, Saginaw, Mich.

Blair Transit Company, Operator of Hollywood Cartage Company, Inc. (Francis B. Crowley, Receiver), 142 Davenport Street, Saginaw, Mich.

*Blue Arrow Transport Lines, Inc., 525 Burton, S.W., Grand Rapids 7, Mich.

Bodge Lines, Inc., 5150 Bulwer, St. Louis 7, Mo.

*Bonifield Bros. Truck Lines, Inc., 1200 East Second Street, Metropolis, Ill.

Bos-Linco Lines, Inc., 226 Ohio Street, Buffalo, N. Y.

Bos Truck Lines, Inc., 508 South 12th Avenue, Marshalltown, Iowa.

Bowser Truck Lines, Inc., 1254 South West Street, Indianapolis, Ind.

Brada Cartage Company, 4001 Central Avenue, Detroit, Mich.

*Braddock Motor Freight, Inc., 305 West Market Street, Washington Court House, Ohio.

Brady Motor Frate, Inc., 443 S. W. Sixth Street, Des Moines, Iowa.

Breman's Express Company, 300 Canal Street, Leechburg, Pa.

Breman's Transfer Company, 300 Canal Street, Leechburg, Pa.

Briggs Transportation Co., 910 Broadway Street, Eau Claire, Wis.

Bringwald Transfer, Inc., 1419 Hart Street, Vincennes, Ind.

Brinker Truck Line, Inc., 210 Poplar Street, St. Louis 2, Mo.

*Brodbeck Trucking Co., Inc., 1415 South Olive Street, South Bend 21, Ind.

Budrek Truck Lines, 3435 South Racine Avenue, Chicago, Ill.

*Burlington Chicago Cartage, Inc., 604 North Tremont Avenue, Kewanee, Ill.

Burlington Truck Lines, Inc., 796 South Pearl Street, Galesburg, Ill.

*Burnside Motor Freight Lines, Inc., 106 Scioto Street, Urbana, Ohio.

Burren Transfer Company, 156 South Melrose Avenue, Elgin, Ill.

Buske Lines, Inc., 123 West Tyler Street, Litchfield, Ill.

C. A. B. Y. Transportation Company, 3141 St. Clair Avenue, Cleveland, Ohio.

*The C & D Motor Delivery Company, 1214-16 Central Parkway, Cincinnati 10, Ohio.

C. E. I. & I. Express, Inc., 1245 S. West Street, Indianapolis, Ind.

Campbell Sixty-Six Express, Inc., Post Office Box 390, Springfield, Mo.

Carroll Transport, Inc., 1250 Adams Street, Pittsburgh, Pa.

*Carstensen Freight Lines, Inc., 116 Sixth Avenue, South, Clinton, Iowa.

Capitol Motor Freight, Inc., 280 East Naghten Street, Columbus, Ohio.

Centralia Cartage Co., Post Office Box 338, Centralia, Ill.

Central Motor Freight Co., 4855 South Racine Avenue, Chicago 9, Ill.

*Central Transfer Company, Inc., 2118 Griswold Street, Peoria, Ill.

Central Wisconsin Motor Transport Company, Post Office Box 200, Wisconsin Rapids, Wis.

Chapin Trucking Lines, Inc., P. O. Box 165, Elyria, Ohio.

*Checker Express Co., (An Illinois Corporation), 2441-63 West State Street, Milwaukee 3, Wis.

Checker Express Lines, P. O. Box 401, Vincennes, Ind.

Chicago Area Truck Lines, Inc., 1636 Union Avenue, Chicago Heights, Ill.

*Chicago Dubuque Motor Transportation Company, P. O. Box 308, Dubuque, Iowa.

Chicago Express, Inc., 72 Fifth Avenue, New York 11, N. Y.

Chicago-Indiana Freight Lines, Inc., 3808 South Western Avenue, Chicago 9, Ill.

Chicago Kansas City Freight Lines, 1609 Charlotte Street, Kansas City 8, Mo.

Chicago, Michigan & Eastern Freight Lines, Inc., 3029 E. 92nd Street, Chicago 17, Ill.

Chicago Pittsburgh Express, Inc., West Fourth Street, East Liverpool, Ohio.

Chicago-Rockford Motor Express, Inc., 1720—13th Street, Rockford, Ill.

Chicago-St. Louis Express, Inc., 1030 South 11th Street, St. Louis 4, Mo.

Chicago Tri-Cities Motor Freight, Inc., 218—24th Street, Rock Island, Ill.

Churchill Truck Lines, Incorporated, Highway 36 West, Chillicothe, Mo.

City Transfer & Storage Company, South Crawford Street, Troy, Ohio.

Clairmont Transfer Co., 1803—7th Avenue North, Escanaba, Mich.

*Clemans Truck Line, Inc., 815 East Pennsylvania Avenue, South Bend 23, Ind.

*Cleveland & Buffalo Transit Company, Inc., 3621 Lakeside Avenue, Cleveland 14, Ohio.

*The Cleveland, Columbus & Cincinnati Highway, Inc., Williamson Bldg., 215 Euclid Ave., Cleveland 14, Ohio.

*Cleveland-Pittsburgh Freight Lines, Inc., 3515 Lakeside Avenue, Cleveland 14, Ohio.

Clipper Transit Company, 924 York Street, Manitowoc, Wis.

*Columbus and Chicago Motor Freight, Incorporated, 1053 East Fifth Avenue, Columbus, Ohio.

*Commercial Motor Freight, Inc., 525 Cleveland Avenue, Columbus, Ohio.

*Commercial Motor Freight, Inc., of Indiana, 111 East McCarty Street, Indianapolis 25, Ind.

*Commercial Truckers, 1600 Junction Avenue, Racine, Wis.

*C. A. Conklin Truck Line, Inc., 321 Wabash Street, Toledo, Ohio.

*Consolidated Forwarding Co., Inc., 1300 North Tenth Street, St. Louis 6, Mo.

*Consolidated Freight Company, 321 South Franklin Street, Saginaw, Mich.

Continental Freight Forwarding Company, 2946 Cormany Street, Cincinnati, Ohio.

Continental Transportation Lines, Inc., Continental Square, Graham Street, McKees Rocks, Pa.

Contractors Transit, Inc., 3770 Grant Street, Gary, Ind.

Cook Motor Lines, Inc., 700 Carroll Street, Akron 9, Ohio.

Cooper-Jarrett, Inc., 311 West 14th Street, Kansas City 6, Mo.

*Corey & Evans, Inc., 117 North 7th Street, DeKalb, Ill.

*Courier Express, Inc., 115 Montgomery Street, Logansport, Ind.

Craig Trucking, Inc., Albany, Ind.

Cumberland Motor Freight, Inc., 502 West Vine Street, Lexington, Ky.

*Cushman Motor Delivery Company, 1480 West Kinzie Street, Chicago 22, Ill.

D & C Transportation Co., Inc., 20 Stainton Avenue, Dayton, Ohio.

D. G. & U. Truck Lines, Inc., 701 Hiddison Avenue, Greenville, Ohio.

*D. T. & C., Inc., 892 Higgs Street, Columbus 8, Ohio.

Daily Motor Express, Inc., Penn and Pitt Streets, Carlisle, Pa.

Dance Freight Lines, Inc., 920 Dance Court, Cincinnati, Ohio.

Daniels Motor Freight Service, Inc., P. O. Box 1151, Warren, Ohio.

Daniels Transfer Company, 338 Grant Street, Franklin, Pa.

*Darling Freight, Inc., 400 Division Avenue, South, Grand Rapids 9, Mich.

*Daum Overnite Express, Inc., 19–29 Wilkins Street, Indianapolis, Ind.

Davis & Randall, Inc., Box 390, Fredonia, N. Y.

*Days Transfer, Inc., 730 East Beardsley Avenue, Elkhart, Ind.

Dearman Transportation Co., Inc., 671 Newman Street, Mansfield, Ohio.

*Decatur Cartage Co., 1934 South Wentworth Avenue, Chicago 16, Ill.

Delaware Trucking Co., Inc., 201 West Seymour Street, Muncie, Ind.

*Dennis Truck Lines, Inc., 4622 South Bishop Street, Chicago, Ill.

Denver-Chicago Trucking Co., Inc., 45th Avenue at Jackson Street, Denver 16, Colo.

DeRosa Transportation, Inc., 2278 South Union Avenue, Chicago 16, Ill.

Des Moines Transportation Company, Inc., 201 S. E. 6th Street, Des Moines, Iowa.

Detroit-Pittsburgh Motor Freight, Inc., 5324 Grant Avenue, Cleveland, Ohio.

Direct Transit Lines, Inc., 200 Colrain Street, S.W., Grand Rapids 8, Mich.

Direct Transportation Company, The, 1172 Rosemary Boulevard, Akron, Ohio.

Dixie-Ohio Express Co., 237 Fountain Street, Akron 4, Ohio.

*Dohrn Transfer Company, 115–12th Street, Robinson Building, Rock Island, Ill.

*Douglas Truck Lines, Inc., East Main Street, Owosso, Mich.

*Doyle Freight Lines, Inc., 172 Davenport Street, Saginaw, Mich.

Drummey Cartage Co., Inc., 412 East Tutt Street, South Bend, Ind.

Clyde D. Duffee Motor Express, Inc., 859 Progress Street, Pittsburgh 12, Pa.

*Duff Truck Lines, Inc., Broadway and Vine Streets, P. O. Box 359, Lima, Ohio.

*Dundee Truck Line, Inc., P. O. Box 76, Station E, Toledo 9, Ohio.

Dworkin, Inc., 5400 Harvard Avenue, Cleveland 5, Ohio.

Eastern Express, Inc., 128 Cherry Street, Terre Haute, Ind.

East Texas Motor Freight Lines, Inc., 623 North Washington, Dallas 10, Tex.

Eazor Express, Inc., 2828 Penn Avenue, Pittsburgh 22, Pa.

Ecklar-Moore Express, Inc., P. O. Box 223, Cynthiana, Ky.

Eclipse Motor Lines, Inc., 920 National Road, Bridgeport, Ohio.

Egyptian Freightways, Inc., 1508 North Park Avenue, Herrin, Ill.

Egyptian Lines, Inc., P. O. Box 88, Herrin, Ill.

Elgin Storage & Transfer Company, 300 Brook Street, Elgin, Ill.

*Ellis Trucking Co., Inc., 430 Kentucky Avenue, Indianapolis 7, Ind.

Ellsworth Freight Lines, Inc., 220 East Broadway, Eagle Grove, Iowa.

Endres Delivery, 34 Cypress Street, Buffalo 4, N. Y.

Erie Pittsburgh Motor Express, W. S. Hardy d/b/a, 859 Progress Street, Pittsburgh 12, Pa.

Erie Trucking Company, 1314 West 18th Street, Erie, Pa.

Exon Motor Service, Inc., 504 East North Avenue, Libertyville, Ill.

*Express Freight Lines, Inc., 4600 West Burnham Street, Milwaukee, Wis.

*Expressways, Inc., North Martha Street, Angola, Ind.

*Farson Motor Lines, Inc., 1041 Greenup Avenue, Ashland, Ky.

*Federal Express, Inc. (An Indiana Corporation), 4930 North Pennsylvania St., Indianapolis 5, Ind.

*Federal Truck Lines, Inc., 3000 S. Halsted Street, Chicago 16, Ill.

*Fletcher Freight Lines, Inc., The, 520 Ogontz Street, Sandusky, Ohio.

*Foster Freight Lines, Inc., 1240 South Holt Road, Indianapolis, Ind.

Frazier, George C. Trucking Company, Box 377 Station D, Cleveland, Ohio.

Freeport Fast Freight, Inc., 129 South Howard Street, Freeport, Ill.

*Freight, Inc., 408 Wellington Street, Akron 9, Ohio.

Froh, W. H., Inc., New Haven, Mich.

Frozen Food Express, P. O. Box 5888, Dallas, Tex.

Gaffney Motor Freight, Inc., 501 South High Street, Lancaster, Ohio.

Gateway Transportation Co., 2130–50 South Avenue, LaCrosse, Wis.

General Delivery, Inc., Fairmount, W. Va.

General Expressways, Inc., 221 West Roosevelt Road, Chicago, Ill.

*Gerard Motor Express, Inc., 10 Cherry Street, Terre Haute, Ind.

Germann Bros. Motor Transportation, Inc., 19 Main Street, Ripley, Ohio.

Gilliland Transfer Co., 21 West Sheridan Street, Fremont, Mich.

Glendenning Motorways, Inc., 820 Hampden Avenue, St. Paul 14, Minn.

Glenn Cartage, 1115 South State Street, Girard, Ohio.

Gold Star Motor Service, Inc., 322 North Hough Street, Barrington, Ill.

*Gordy Freight Lines, Inc., John Lamere and M. J. Conroy d/b/a, 1621 South Canal Street, Chicago 16, Ill.

Graff Trucking Company, Inc., 2110 Lake Street, P. O. Box 986, Kalamazoo, Mich.

Graham, J. P., Transfer, P. O. Box 390, 1475 Railroad Street, Rochester, Pa.

*Grand Rapids Motor Express, Inc., 101 Grandville, S. W., Grand Rapids 2, Mich.

Grant, J. A. & Son, Inc., 502 Clarke Street, Rensselaer, Ind.

Grant Trucking, Inc., Oak Hill, Ohio.

*Great American Transport, Inc., 347 Twenty-Third Street, Detroit 16, Mich.

Greenleaf Motor Express, 4606 State Avenue, Ashtabula, Ohio.

*Green, H. B., Transportation Line, Inc., 2860 Mt. Pleasant Avenue, Burlington, Iowa.

*Green Line Motor Express, Inc., 330 North Third Street, Terre Haute, Ind.

Griffith Motor Express, Inc., 610 South Madison Street, P. O. Box 17, Bloomington, Ind.

Gross Common Carrier, Inc., West Grand Avenue, Wisconsin Rapids, Wis.

Gulf Transport Company, 104 St. Francis Street, Mobile 5, Ala.

H. & G. Cartage Co., 1531 Brooklyn Avenue, Detroit 26, Mich.

H. & W. Motor Express Company, Urban J. Haas and Cyril H. Wissel d/b/a, 3000 Jackson Street, Dubuque, Iowa.

*Haeckl, Haeckl's Express, Incorporated d/b/a, 1255 Corwin Avenue, Hamilton, Ohio.

*Hall Freight Lines, Inc., 12–18 College Street, Danville, Ill.

Hall's Motor Transit Company, Fourth Street & Shikellamy Ave., P. O. Box 392, Sunbury, Pa.

Hall, H. J. Trucking, Inc., 120 South Lyman Street, Wadsworth, Ohio.

Hancock-Trucking, Incorporated (Sheldon A. Key, Trustee), 1917 West Maryland Avenue, Evansville, Ind.

Hannibal-Quincy Truck Line, Inc., 2816 Market Street, Hannibal, Mo.

Harrison Shields Transp. Line, Inc., 36th Street at P. R. R., Pittsburg, Pa.

Harwood Trucking, Inc., Post Office Box 509, Marion, Ind.

Hauselman Transportation Co., 125 Park Street, Middletown, Ohio.

*Hayes Freight Lines, Inc., 400 West Madison Street, Chicago 6, Ill.

Healzer Cartage Co., 1428 West 9th Street, Kansas City 7, Mo.

O. K. Heilman, Inc., 14th Street & Fourth Avenue, Ford City, Pa.

Helm's Express, Inc., Post Office Box 268, Pittsburgh 30, Pa.

Hennis Freight Lines, Inc., New Rural Hall Road, Post Office Box 612, Winston Salem, N. C.

*Herriott Trucking Company, Inc., Alice & Sumner Streets, East Palestine, Ohio.

Herron Transfer Co., 1026 Franklin Street, Salem, Ohio.

Hess Cartage Company, 17065 Hess Avenue, Melvindale, Mich.

Heuer Truck Lines, Inc., Marshalltown, Iowa.

Highway Express, Inc., 2416 West Superior Avenue, Cleveland 13, Ohio.

Hill Freight Lines, Inc., Post Office Box 427, LaSalle, Ill.

*Hinchcliff Motor Service, 3400 South Pulaski Road, Chicago, Ill.

Hi-Way Freight System, Inc., 3241 South Shields Avenue, Chicago 16, Ill.

Hogue Freight Lines, Inc., 4840 Wyoming Avenue, Dearborn 2, Mich.

*Holland Motor Express, Inc., 1 West Fifth Street, Holland, Mich.

The Hollywood Cartage Company, 5858 Plumer Avenue, Detroit 9, Mich.

Holthaus Transportation Company, 2000 East 2nd Street, Dayton, Ohio.

*Hooker Motor Freight, Inc., 326 Pleasant Avenue, S. W., Grand Rapids, Mich.

Huber & Huber Motor Express, Inc., 970 South Eighth Street, Louisville, Ky.

Huey Motor Express, 1040 Flint Street, Cincinnati, Ohio.

Husman Express Co., 619 Mill Street, Cincinnati, Ohio.

*Husmann & Roper Freight Lines, Inc., 1717 North Broadway, St. Louis, Mo.

Hyman Motor Service Co., 425 South 6th Street, Quincy, Ill.

*I. R. C. & D. Motor Freight, Inc., 128 South Second Street, Richmond, Ind.

Illini Reefer Transit, Alfred W. Osterhoff d/b/a, 906 West Bradley Street, P. O. Box 108, Champaign, Ill.

Indiana Refrigerator Lines, Inc., 2404 N. Broadway, Muncie, Ind.

*Indianapolis & Southern Motor Express, Inc., 1410 South Capitol Avenue, Indianapolis, Ind.

*Indianapolis Forwarding Company, 2500 West Taylor Street, Chicago 12, Ill.

*Indianapolis-Kansas City Motor Express, 3537 Broadway, Kansas City, Mo.

*Inter-City Trucking Service, Inc., 1800 Abbott Street, Detroit 16, Mich.

*Interstate Dispatch, Inc., 3636 South Western Avenue, Chicago 9, Ill.

Interstate Motor Freight System, Inc., 134 Grandville Ave., S. W., Grand Rapids, Mich.

Interstate Truck Service, Inc., 605–611 South First Street, Martins Ferry, Ohio.

International Motor Freight Co., 1504 Beech Street, Zanesville, Ohio.

Iowa-Nebraska Transportation Co., Inc., 3213 South LaSalle Street, Chicago 16, Ill.

Iron & Steel Transport, Inc., 2001 Shepler Church Rd., S. W., Canton, Ohio.

*Jasper & Chicago Motor Express, Inc., 414 East Eighth Street, Jasper, Ind.
*W. Ford Johnson Cartage, Inc., 117½ West Grand River Avenue, Howell, Mich.
Johnson Freight Lines, Inc., 420 Sixth Avenue, South, Nashville, Tenn.
Joliet Warehouse & Transfer Co., 12 New Street, Joliet, Ill.
Jones (E. C.), Inc., 885 West Fifth Avenue, Columbus, Ohio.
*Jones Transfer Company, 927 Washington Street, Monroe, Mich.
*Jones Transfer, Ray Jones d/b/a, 412 18th Avenue, Rockford, Ill.
*Kain's Motor Service Corp., West End of Bates Street, Logansport, Ind.
The Kaplan Trucking Company, 1607 Woodland Avenue, Cleveland, Ohio.
Kenny Motor Express, Inc., 801 Shore Avenue, Pittsburgh, Pa.
Keystone-Lawrence Transfer & Storage Co., Inc., 221 West South Street, Newcastle, Pa.
Keystone Motor Express, Inc., Post Office Box 5497, Huntington 3, W. Va.
Kile's Motor Express, Inc., 28 E. Pearl Street, Batesville, Ind.
Killion Motor Express, Inc., 200 East South Street, Washington, Ind.
*Kimbel Lines, Inc., 1 South Park Avenue, Cape Girardeau, Mo.
Kleitch Bros., Inc., 3501 Wyoming, Dearborn, Mich.
Klug Trucking Co., 1505 Singer Ave., P. O. Box 417, Hamilton, Ohio.
Knaus Truck Lines, Inc., 2100 Wyandotte, Kansas City Mo.
*Knox Motor Service, Inc., 1325 Tenth Avenue, East Moline, Ill.
Kramer Bros. Freight Lines, Inc., 4195 Central Avenue, Detroit 10, Mich.
Krema Trucking Company, Inc., 618 West Elm Street, Chicago 10, Ill.
Kuhn Transportation Company, Inc., R. D. No. 2, Gardners, Pa.
R. Kuntzman, Inc., 1805 West State Street, Alliance, Ohio.
*Lake Motor Freight Lines, Inc., 2222 West Sample Street, South Bend, Ind.
Lake Shore Delivery, Inc., Drawer 231, Dunkirk, N. Y.
The Lake Shore Motor Freight Company, 1200 South State Street, Girard, Ohio.
*Lake Shore Motor Transit Lines, Inc., Post Office Box 118, Benton Harbor, Mich.
F. Landon Cartage Company, Madison & Morgan Streets, Chicago 7, Ill.
Lapp Express Co., Inc., 410 East Center Street, Medina, N. Y.
Lasham Cartage Co., 2601 Archer Avenue, Chicago 8, Ill.
*Lattavo Brothers, Inc., 1620 Cleveland Ave., S. W., Canton, Ohio.
Lavery Transportation, Inc., 7430 South Ashland Avenue, Chicago, Ill.
Lee Brothers, Inc., 601 West 51st Street, Chicago 9, Ill.
*Lee Transportation Company (A Missouri Corporation), 111 North Fourth Street, St. Louis, Mo.
Lee Way Motor Freight, Inc., 3000 West Reno, P. O. Box 2488, Oklahoma City, Okla.
Leicht Transfer & Storage Company, 1401 55 State Street, Green Bay, Wis.
Lengle, R. Trucking Co., 3071 W. 46th Street, Cleveland, Ohio.
*The Liberty Highway Company, 211 Lucas Street, Toledo, Ohio.
Liberty Motor Freight Lines, Incorporated, 1535 Paterson Plank Road, Secaucus, N. J.
Liberty Trucking Company, 1401 West Fulton Street, Chicago, Ill.
Lightning Express, Inc., 2701 Railroad Street, Pittsburgh 22, Pa.
Arnold Ligon Truck Line, Arnold Ligon d/b/a, 208 South Darby Street, Princeton, Ky.
Lime City Trucking Company, C. J. Getty d/b/a, Post Office Box 254, Huntington, Ind.
Lindley Trucking Service, Inc., 1956 Hubbel Boulevard, Des Moines, Iowa.

*Long Transportation Company, 3755 Central Avenue, P. O. Box 86, Roosevelt Park Station, Detroit, Mich.
*Lovelace Truck Service, Inc., Post Office Box 1019, Terre Haute, Ind.
Lucas Motor Express, Inc., Shelbyville, Ind.
*Lyons Transportation Co., 1701 Parade Street, Erie, Pa.
McBride's Express, John Ralph McBride and James E. McBride d/b/a, Lessee and Operator of Strait Line Freight Company, 1507 Papin Street, St. Louis 3, Mo.
McCoy Truck Lines, Inc., 1524 Grandview, Waterloo, Iowa.
*McClain Dray Line, Inc., 404 Railroad Avenue, Marion, Ind.
*McDaniel Freight Lines, Inc., 414 North Walnut Street, Crawfordsville, Ind.
McLean Trucking Company, 617 Waughtown Street, Winston-Salem, N. C.
*McNamara Motor Express, Inc., 433 East Parsons Street, Kalamazoo 13, Mich.
J. V. McNicholas Transfer Company, 1028 West Rayen Avenue, Youngstown, Ohio.
M. & M. Trucking Company, 2043 Mogadore Road, Akron 12, Ohio.
Maiers & Sons Motor Freight, 5980 Fulton Street, Mayville, Mich.
*Marion Trucking Company, Inc., 1620 Factory Avenue, Marion, Ind.
Meinhardt Cartage Co., 409 Broadway, Quincy, Ill.
*Melvin Trucking Co., 1818 South Washington Street, Peoria 2, Ill.
*Merchants Freight System, Inc., 1401 North 13th Street, Terre Haute, Ind.
Merchants Motor Freight, Inc., 2625 Territorial Road, St. Paul, Minn.
Mercury Motor Freight Lines, Inc., 954 Hersey Street, St. Paul 14, Minn.
*Mercury Motorways, Inc., 1309 Miami Street, South Bend 15, Ind.
Edward J. Meyers Company, 1014 West Van Buren Street, Chicago 7, Ill.
*Miami Transportation Company, Inc. of Indiana, 1220 Harrison Avenue, Cincinnati, Ohio.
*Michigan Express, Inc., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich.
*Michigan Tri-State Motor Express, 405 Territorial Road, Benton Harbor, Mich.
Mid America Highway Express, Inc., Archbold, Ohio.
Mid-Continent Freight Lines, Inc., 4350 West Roosevelt Road, Chicago 24, Ill.
Middle Atlantic Transportation Co., Inc., 976 West Main Street, New Britain, Conn.
*Middle States Motor Freight, Inc., 2955 Central Parkway, Cincinnati 25, Ohio.
Middlewest Freightways, Inc., 501–27 South Theresa Avenue, St. Louis, Mo.
*Midland Truck Lines, Inc., 601 Spruce Street, St. Louis 2, Mo.
Midwest Freight Forwarding Co., Inc., 3220 S. Wolcott Avenue, Chicago 8, Ill.
Milburn, Inc., 635 15th Street, East Moline, Ill.
*Eck Miller Transfer Company, Forest E. Miller d/b/a, 421 East Second Street, Owensboro, Ky.
J. Miller Co., 6600 Grant Avenue, Cleveland, Ohio.
J. E. Miller Transfer & Storage Company, 10 12th Street, Wheeling, W. Va.
*Miller Transportation, Inc., 1200 South Home Avenue, Kokomo, Ind.
Miller Trucking, Inc., 1200 Home Avenue, Kokomo, Ind.
Modern Motor Express, Inc., 2701 Lakeside Avenue, Cleveland 14, Ohio.
*Mohawk Motor, Inc., 40 Harrison Street, Tiffin, Ohio.
Moore's Trucking Co., New Market, N. J.
*Morrison Motor Freight, Inc., (An Indiana Corporation), 1100 East Jenkins Blvd., Akron 6, Ohio.
Motor Cargo, Inc., 1540 West Market Street, Akron, Ohio.
*Motor Express, Inc., 410 Lincoln Building, Cleveland, Ohio.

*Motor Express, Inc., of Indiana, 701 Illinois Building, Indianapolis, Ind.
*Motor Freight Corporation, 2345 South 13th Street, Terre Haute, Ind.
Motor Transport Company, 4101 West Blue Mound Road, Milwaukee 8, Wis.
*Mound City Forwarding Company, Incorporated, 1517 North 15th Street, St. Louis 6, Mo.
Mueller Transportation Company, 2523 Wabash Avenue, St. Paul 14, Minn.
*Mulvena Truck Lines, Inc., 400 West Chisholm, Alpena, Mich.
National Cartage Co., 1017 West 48th Street, Chicago, Ill.
*The National Transit Corporation, 1687 West Fort Street, Detroit 16, Mich.
Navajo Freight Lines, Inc. (A New Mexico Corporation), 1205 South Platte River Drive, Denver 23, Colo.
Neuendorf Transportation Co., 3244 Atwood Avenue, Madison, Wis.
*Newsom Trucking Company, Inc., Post Office Box 509, Columbus, Ind.
Niedert Motor Service, Incorporated, 1300 Oakwood Street, Des Plaines, Ill.
*Nighthawk Freight Service, Inc., 1800 South Canal Street, Chicago, Ill.
Nightway Transportation Co., 4106 S. Emerald Avenue, Chicago 9, Ill.
Nimz Transportation, Inc., Post Office Box 71, Watseka, Ill.
Northern Transportation Company, 603 Liberty Street, Green Bay, Wis.
*Northwestern Transit, Inc., Oak & Harrison Streets, Michigan City, Ind.
Norwalk Truck Lines, Inc. of Delaware, 1091 Manheim Pike, Lancaster, Pa.
*Norwalk Truck Lines, Inc., Post Office Box 320, Norwalk, Ohio.
*O. I. M. Transit Corporation, Commerce Drive, Fort Wayne, Ind.
O. K. Motor Service, Inc., 2513 West Armitage Avenue, Chicago 47, Ill.
*O. K. Trucking Company, Inc., 1810 South Street, Cincinnati 4, Ohio.
*Ogden & Moffett Company, 3565 24th Street, Port Huron, Mich.
*Fred Olson Motor Service Company, 4724 West Walton Street, Chicago 51, Ill.
Olson Transportation Company, 200 Mather Street, Green Bay, Wis.
Orscheln Bros. Truck Lines, Inc., 339 North Williams Street, Moberly, Mo.
Overland Transportation Company (A North Carolina Corporation), Post Office Box 26 E. Akron Station, Akron 5, Ohio.
Overnite Motor Service, Inc., 3600 West State Street, Rockford, Ill.
Owl Truck Service, Inc., 1429 N. 18th Street, St. Louis 6, Mo.
P. I. & I. Motor Express, Inc., 836 South Irvine Avenue, Masury, Ohio.
Pagoria's Express Service, Inc., 56 East 25th Street, Chicago Heights, Ill.
*Parker Motor Freight, Inc., 126 Fulton Street, Petoskey, Mich.
Park Trucking & Supply Company, 9341 Franklin Avenue, Franklin Park, Ill.
*Peoria Cartage Company, 911 South Washington Street, Peoria 2, Ill.
Peterlin Cartage Co., 9651 Ewing Avenue, Chicago 17, Ill.
*Pic-Walsh Freight Co., 731 Campbell Avenue, St. Louis, Mo.
The Pinson Transfer Company, 119 20th Street, Huntington 3, W. Va.
Pioneer Motor Service, Inc., 305 44th Street, Rock Island, Ill.
Pittsburgh & New England Trucking Co., East McKeesport, Pa.
Pittsburgh-Wheeling Express, Inc., 235 East Maiden Street, Washington, Pa.
Point Express, Inc., Post Office Box 1007, Station C, Charleston, W. Va.
Poole Transfer, Inc., 807 E. Fourth Street, Muscatine, Iowa.
Putnam Transfer & Storage Co., 1502 Woodlawn Avenue, Zanesville, Ohio.

*R. D. Motor Express, Incorporated, 613 North Madison, Muncie, Ind.

Ramus Trucking Line, Inc., 2775 Pittsburgh Avenue, Cleveland, Ohio.

*Red Star Transit Company, Inc., 7950 Dix Avenue, Detroit 9, Mich.

Railway Express Motor Transport, Inc., 219 E. 42d Street, New York, N. Y.

*J. B. Reed Motor Express, Inc., 710 North Farnsworth Street, Aurora, Ill.

Refrigerated Food Express, Inc., 8 Commonwealth Pier, Boston 10, Mass.

*The Reinhardt Transfer Company, 1410 Tenth Street, Portsmouth, Ohio.

*Renner's Express, Inc., 7 North West Street, Indianapolis, Ind.

Rex Forwarding, Inc., 26 Marion Avenue, River Rouge, Mich.

George Rimes Trucking Company, Anna M. Rimes, William G. Rimes, Mildred Gaylord, Florence Eden, Dorothy C. Orient and Leota Hildinger d/b/a, Chardon, Ohio.

Rinker, H. R. Transfer & Storage Co., 109 N. Chestnut Street, Taylorville, Ill.

Ringle Truck Lines, Inc., Fowler, Ind.

Riss & Company, Inc., 15 Tenth Street, Kansas City, Mo.

Roadway Express, Inc., a Delaware Corporation, 147 Park Street, P. O. Box 471, Akron 8, Ohio.

Robertson Transportation Company, John C. Robertson d/b/a, 1000 Robertson Place, U. S. Highway 51, P. O. Box 3158, Madison 4, Wis.

Rockford Milwaukee Dispatch, Inc., 1318–18th Street, Rockford, Ill.

*Rock Island Transfer & Storage Company, Post Office Box 427, Rock Island, Ill.

Roethlisberger Transfer Co., Mohican Street, Shelby, Ohio.

Charles J. Rogers Transportation Company, 14836 Grand River Avenue, Detroit, Mich.

*Rooks Transfer Lines, Inc., 13–15 West Seventh Street, Holland, Mich.

*Royal Transit, Inc., 735 South 39th Street, Milwaukee, Wis.

The Royal Transportation Company, Post Office Box 162, Bedford, Pa.

*Rudolf Express Co., 395 South Forrest Avenue, Bradley, Ill.

Rumpf, C. H. & Sons Truck Line, Inc., 1130 Treat Street, Adrian, Mich.

Rumpf Truck Line, Inc., Wilber J. Rumpf d/b/a, 506 East Logan Street, Tecumseh, Mich.

Ryan Freight Line, 424–18th Street, Rockford, Ill.

Ryan, Joseph T. Cartage, Inc., 4400 West Grenshaw Street, Chicago 24, Ill.

*Saginaw Transfer Company, Inc., 2130 Midland Road, Saginaw, Mich.

Safeway Truck Lines, Inc., 4625 West 55th Street, Chicago 32, Ill.

Saunders Cartage, Inc., 1465 Water Court, S. E., Canton, Ohio.

J. L. Scheffler Transport, Inc., 1801 West Fulton Street, Chicago, Ill.

*Scherer Freight Lines, Inc., 424 West Madison Street, Ottawa, Ill.

Schiek Motor Express, Inc., 90 Casseday Avenue, Joliet, Ill.

*E. A. Schlairet Transfer Co., 409 Gambier Street, Mount Vernon, Ohio.

Schreiber Trucking Co., Inc., 1315–99 Washington Blvd., P. O. Box 5085, Pittsburgh 6, Pa.

*Schroeder's Express, 1550 Perin Street, Cincinnati 4, Ohio.

*Security Cartage Co., Inc., 1326 Polk Street, Fort Wayne 5, Ind.

Sentle Trucking Corporation, 210 Alexis Road, Toledo, Ohio.

Service Transfer & Storage, Inc., 400 West Madison Street, Chicago, Ill.

The Service Transport Co., 11910 Harvard Avenue, Cleveland, Ohio.

*Service Transport Company, 2 Fifth Avenue, Racine, Wis.

*Shippers Dispatch, Inc., 1216 West Sample Street, South Bend, Ind.

Short Line Express Co., Inc., 3107 South Main Street, South Bend, Ind.

*Short Freight Lines, Inc., 220 Saginaw Street, Bay City, Mich.

Sidney Truck & Storage, Inc., East Poplar Street, Sidney, Ohio.

Silver Fleet Motor Express, Inc., The, 216 East Pearl Street, Louisville 2, Ky.

*Sims Motor Transport Lines, Inc., 600 West 138th Street, Riverdale, Ill.

M. C. Slater, Inc., 1127 Bremen Avenue, St. Louis 7, Mo.

*Earl C. Smith, Inc., 1424 Fourth Street, Port Huron, Mich.

Smith's Transfer Corporation of Staunton, Va., 332 Kalorama Street, S. E., Staunton, Va.

Snyder Bros. Motor Freight, Inc., P. O. Box 830, 363 Stanton Avenue, Akron 9, Ohio.

M. A. Soper Company, 221 West Walnut Street, Chicago, Ill.

*South Bend Freight Lines, Inc., Post Office Box 545, 1200 South Olive Street, South Bend, Ind.

*Southern Express Co., 3333 South Cicero Avenue, Cicero 50, Ill.

Southern Plaza Express, Inc., Post Office Box 837, Dallas, Tex.

*Southern Transportation Co., Inc., 7th and Jackson Streets, Columbus, Ind.

Spector Freight Systems, Inc., 3100 South Wolcott Street, Chicago, Ill.

*Standard Freight Lines, Inc., Robinson Building, Rock Island, Ill.

Stearly's Motor Freight, Inc., Conshohocken, Pa.

Steel City Transport, Inc., 301 Federal Street, Pittsburgh, Pa.

Steel Transportation Co., Inc., 4000 Cline Avenue, E. Chicago, Ind.

Steely, The Trucking Company, 2058 E. 22nd Street, Cleveland, Ohio.

Steffke Freight Co., 204 South Bellis, Wausau, Wis.

F. W. Strecker Transfer Co., 1911 Locust Street, St. Louis, Mo.

Strickland Motor Freight Lines, Inc., 3011 Gulden Avenue, Dallas, Tex.

Strickland Transportation Co., Inc., 3011 Gulden Lane, P. O. Box 5689, Dallas, Tex.

Sturm Freightways, Harold E. Sturm d/b/a, 3705 South Adams Street, Peoria 6, Ill.

*Suburban Motor Freight, Inc., 1100 King Avenue, Columbus 12, Ohio.

Summit Fast Freight, Inc., 1142 Newton Street, Akron, Ohio.

Super Service Motor Freight Company, Inc., Fessler Lane, Nashville, Tenn.

*Superior Freight Lines, Inc., 2222 West Sample Street, South Bend, Ind.

*Suwak Truck Company, 1105 Fayette Avenue, Washington, Pa.

T. I. M. E., Incorporated, 2604 Texas Avenue, Lubbock, Tex.

Takin Bros. Freight Line, Inc., (An Iowa Corporation), 100 East 10th Street, Waterloo, Iowa.

*Tarbet Trucking, Inc., 311 East 18th Street, Muncie, Ind.

Taylor Transfer Company, Inc., 260 East Center Street, Kankakee, Ill.

Teeple Truck Lines, 122 E. Oak Street, Decatur, Ind.

Terminal Transport Company, Inc., Post Office Box 1918, Atlanta, Ga.

*H. J. Tobler Transfer, Inc., 1012 North Peoria Street, Peru, Ill.

Tower Lines, Inc., N. 3rd Street and Warwood Avenue, Wheeling, W. Va.

Transamerican Freight Lines, Inc., 1200 Waterman Avenue, Detroit, Mich.

*Transportation Service, Inc., 1950 Bagley Avenue, Detroit 16, Mich.

*Transport Motor Express, Inc., Meyer Rd., P. O. Box 958, Fort Wayne, Ind.

*Trojan Freight Lines, Inc., 909 Keowee Street, Dayton, Ohio.

*Truck Transport Company, 3601 Wyoming Avenue, Dearborn, Mich.

*Tucker Freight Lines, Inc., 1415 South Olive Street, South Bend, Ind.

L. A. Tucker Truck Lines, Incorporated, 1415 Independence Street, Cape Girardeau, Mo.

*U. S. Truck Company, 2290—24th Street, Detroit, Mich.

Union Freightways, Union Transfer Company d/b/a, Post Office Box 1586, Omaha, Nebr.

*United Trucking Service, Incorporated, Box 474, Roosevelt Park Station, Detroit 32, Mich.

Valley Freight Lines, Inc., R. D. No. 2, P. O. Box 231, New Castle, Pa.

Vanek Bros. Motor Service, Inc., 1415 West Pershing Road, Chicago 9, Ill.

*Viking Freight Co., 614 South Sixth Street, St. Louis 2, Mo.

Voss Truck Lines, Inc., 900 West Washington Street, Box 917, Oklahoma City 1, Okla.

Wabash Valley Trucking, Inc., Brazil, Ind.

Wahl, John, Cartage, Inc., 1800 Abbott Street, Detroit 16, Mich.

*Warner & Smith Motor Freight, Inc., P. O. Box 31, Atlantic Avenue, Franklin, Pa.

Watson Bros. Transportation Co., Inc., 802 South 14th Street, Omaha, Nebr.

*Webber Cartage Line, Inc., Route 120 and 42A, Waukegan, Ill.

Wehby System-Mohawk Motor Lines, 825 Palmer Place, Nashville, Tenn.

Weir-Cove Moving & Storage Co. (A Corporation), 4224 Ferry Road, Weirton, W. Va.

Wells Truck Lines, Inc., Mantua, Ohio.

Wenham Transportation, Inc., 2723 Orange Avenue, Cleveland 15, Ohio.

Werner Transportation Co., 2601–32nd Avenue, S., Minneapolis 6, Minn.

The Western Express Company, 1277 East 40th Street, Cleveland, Ohio.

*Western Transportation Co., 1300 West 35th Street, Chicago, Ill.

*West Shore Transport Co., Inc., 730 Hoffman Street, Hammond, Ind.

*Western Trucking Company, 4560 North Second Street, St. Louis 6, Mo.

Whitehouse Trucking, Inc., 2905 Wayne Street, Toledo, Ohio.

*White Owl Express, Inc., 212 Osmun Street, Pontiac 20, Mich.

*White Star Trucking, Inc., 1750 Southfield, Lincoln Park, Mich.

*The White Transportation Co., Underwood and Franklin Streets, Zanesville, Ohio.

Ray Williams Freight Lines, Inc., 1757 Southfield Road, P. O. Box 403, Lincoln Park, Mich.

Wilson Freight Forwarding Company, 3636 Follett Avenue, Cincinnati 23, Ohio.

Wilson Transportation Service, 1205 E. Main Street, Ottawa, Ohio.

Wilson's Motor Transit, 2500 S. Main Street, Middletown, Ohio.

*Wolverine Express, Incorporated, 701 Erie Avenue, Muskegon, Mich.

Wolverine Trucking Co., 1233 St. Aubin, Detroit, Mich.

Worster Motor Lines, Inc., East Main Road, R. D. No. 1, North East, Pa.

*Y. E. L. P. Service, Inc., River Road, East Liverpool, Ohio.

Yankee Lines, Inc. (A Delaware Corporation), 1400 East Archbold, Akron, Ohio.

Yellow Transit Freight Lines, Inc., 1626 Walnut Street, Kansas City, Mo.

The Youngstown Cartage Co., 416 Covington Street, Youngstown, Ohio.

Yule Truck Lines, Inc., 1229 South 41st Street, Milwaukee 15, Wis.

Zeno Freightways, Inc., Post Office Box 872, Reading, Pa.

Al Zeffiro Transfer Company and Storage, 8th Street and Meldon Avenue, Donora, Pa.
*Ziffrin Truck Lines, Inc., 1120 South Division Street, Indianapolis, Ind.

[F. R. Doc. 59–71; Filed, Jan. 5, 1959; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

P. J. VAN ARKEL

Notice of Intention To Return Vested Property

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Miss P. J. van Arkel, 99 Utrechtseweg, Renkum, The Netherlands; $118.37 in the Treasury of the United States.

Vesting Order No. 17894; Claim No. 61427.

Executed at Washington, D. C., on December 24, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 59–82; Filed, Jan. 5, 1959; 8:48 a. m.]

MRS. PETRONELLA J. H. VAN LEEUWEN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Petronella J. H. van Leeuwen; $792.37 in the Treasury of the United States.

Mrs. Petronella J. H. van Leeuwen, guardian for Leonardus P. J. van Rhijn, minor; $158.48 in the Treasury of the United States.

Wilhelmus D. van Rhijn; $158.48 in the Treasury of the United States.

Engel J. H. van Rhijn; $158.48 in the Treasury of the United States.

Adrianus G. M. van Rhijn; $158.47 in the Treasury of the United States.

Gijsbertus K. van Rhijn; $158.47 in the Treasury of the United States.

Wilhelmina E. Remmerswaal; $158.47 in the Treasury of the United States.

Theodora S. P. van Rossum; $158.47 in the Treasury of the United States.

Johanna A. G. van Steen; $158.47 in the Treasury of the United States.

Sonja E. G. Timmer; $158.47 in the Treasury of the United States.

All of Wassenaar, The Netherlands.

Petrus L. van Rhijn, Valenciennes, France; $158.47 in the Treasury of the United States.

Sophia C. W. Schrader, North Vancouver, Canada; $158.47 in the Treasury of the United States.

Vesting Order No. 17838; Claim No. 61276.

Executed at Washington, D. C., on December 23, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 59–83; Filed, Jan. 5, 1959; 8:49 a. m.]