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Washington, Saturday, October 3, 1959

Title 3—THE PRESIDENT

Proclamation 3318

GENERAL PULASKI'S MEMORIAL DAY, 1959

By the President of the United States of America

A Proclamation

WHEREAS during the American war for independence brave men of the nations of Europe, inspired by our ideals of liberty and justice, came from their homelands to fight by our side; and

WHEREAS among them was Count Casimir Pulaski, a native of Poland, who joined the army of General Washington at the age of twenty-nine; received an appointment from the Continental Congress as commander of cavalry; distinguished himself in various engagements with the enemy; raised and commanded a corps known as the Pulaski Legion; and, while leading an attack to relieve the captured city of Savannah, Georgia, sustained a wound from which he died on October 11, 1779; and

WHEREAS the Continental Congress on November 29, 1779, in recognition of General Pulaski's service and sacrifice, resolved that a monument should be erected to his memory; and

WHEREAS it is fitting that we should continue to remember General Pulaski's devotion to our Nation by marking, in this year, the one hundred and eightieth anniversary of his death:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Sunday, October 11, 1959, as General Pulaski's Memorial Day; and I direct the appropriate officials of the Federal Government to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and of the cause for which he gave his life.

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 twenty-eighth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-8330; Filed, Oct. 1, 1959; 1:28 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.111(j) as set out below.

§ 6.111 Department of Agriculture.

* * * * *

(j) *Foreign Agricultural Service.* * * *

(2) Positions of Technical Leader at grade GS–12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8335; Filed, Oct. 2, 1959; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(15) of § 6.342 is revoked.

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

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Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8336; Filed, Oct. 2, 1959; 8:47 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Student Trainee (Veterinarian)

In § 24.99, the section headnote and paragraph (a) are amended as set out below.

§ 24.99 **Student Trainee (Veterinarian), GS–5—GS–7.**

(a) *Educational requirement.* Applicants for GS–5 must have successfully completed 2 years, and for GS–7, 3 years, of academic training in an accredited school of veterinary medicine, and in addition must have completed 2 years of preveterinary education in an accredited college or university.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–8334; Filed, Oct. 2, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 35—NORTHEASTERN REGION

Subpart—Parker River National Wildlife Refuge, Massachusetts

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during a part of the 1959 State season on the Parker River National Wildlife Refuge, Massachusetts, would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of August 22, 1959 (24 F.R. 6846), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer during a part of the 1959 State season on the Parker River National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 35 are amended by amending § 35.81 to Subpart—Parker River National Wildlife Refuge, Massachusetts, as follows:

§ 35.81 **Hunting of deer permitted.**

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 21, 23, and 24, 1959, only on the hereinafter described lands of the Parker River National Wildlife Refuge, Massachusetts, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* All of the Plum Island portion of the refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island Road and Plum Island Sound, comprising the two impoundment areas and the patrol headquarters site.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted on the refuge for use in the hunting of deer.

(d) *Checking stations.* A checking station will be established and publicized locally by the Refuge Manager. Hunters, upon entering the hunting area, shall report at the checking station to qualify and obtain a permit; hunters upon leaving the hunting area, shall exhibit any deer killed and report at the checking station information that may be requested.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

In accordance with the requirements imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: September 29, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59–8319; Filed, Oct. 2, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 140; Amdt. 45]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to clarify the aircraft serial numbers affected by AD 59–6–4 for Navion aircraft and to incorporate a more recent service bulletin superseding the one referenced in AD 57–22–1 for Piper Aircraft, revisions of these directives are necessary.

AD 59–16–3, Piper, called for compliance within 25 hours and at every 100 hours of operation thereafter. Since some of the airplanes may not be operated 100 hours a year and the fabric deterioration is affected by the passage of time, compliance will hereafter be required either at a specific date or at the next periodic inspection, whichever is earlier, and at each periodic inspection thereafter.

The amendments to AD 59–6–4 and to AD 57–22–1 merely clarify existing directives and relax a number of existing requirements. The amendment to AD 59–16–3 imposes only a minor additional burden. Accordingly, notice and public procedure hereon are unnecessary and the amendments may be made effective immediately.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 59–6–4 Navion as it appeared in 24 F.R. 3755 and revised in 24 F.R. 5177 is revised further by amending the first sentence of item (3) to read as follows: "Hydraulic fluid restrictors are required in the nose gear lines, serial numbers 1271 and subsequent, main gear lines, serial numbers 1790 and subsequent, and flap lines, all serial numbers."

2. 57–22–1 Piper as it appeared in 23 F.R. 439 and amended in 23 F.R. 5560 is revised by changing "Piper Service Bulletin No. 161" in the first paragraph and in item 3, to "Piper Service Bulletin No. 161A;" changing serial numbers "22–2700 and up" to "22–2700 to 22–6194, inclusive" in item 2; and adding a new item 5 to read as follows:

5. The 100-hour inspection requirement on all model PA-22 aircraft, Serial Nos. 22–1 to 22–6194 inclusive, can be eliminated if Piper kit, P/N 754237, or equivalent, is installed.

3. 59–16–3 Piper as it appeared in 24 F.R. 6581 is revised by changing the compliance statement to read as follows:

Compliance required at the next periodic inspection but not later than November 15, 1959, unless already accomplished, and at each periodic inspection thereafter. Aircraft on progressive inspection systems will be inspected not later than November 15, 1959, and at least once each year thereafter.

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

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

Issued in Washington, D.C., on September 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–8311; Filed, Oct. 2, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 59-NY-10]

[Amdt. 17]

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

[Amdt. 22]

PART 608—RESTRICTED AREAS

Modification of a Control Area Extension; Revocation of a Restricted Area

The purpose of these actions is to revoke the Wilson, N.Y., Restricted Area (R-11) (Detroit Chart), and to delete all reference to this restricted area from the description of the Buffalo, N.Y., control area extension.

The New York Airspace Review Team has determined that there is no longer a requirement for this restricted area, and has recommended that it be revoked.

The portion of the Buffalo, N.Y., control area extension which would otherwise lie within the Wilson Restricted Area (R-11) is presently excluded. Since this exclusion will no longer be necessary after the Wilson Restricted Area is revoked, § 601.1056 is amended concurrently by deleting all reference to the Wilson, N.Y., Restricted Area (R-11) from the description of the Buffalo, N.Y., control area extension.

Since the amendments reduce a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing the following action is taken:

1. Section 601.1056 (14 CFR, 1958 Supp., 601.1056; 24 F.R. 3228) *Control area extension (Buffalo, N.Y.)* is amended as follows: In the text delete "The airspace within the continental United States within a 50-mile radius of the Greater Buffalo International Airport excluding the portions which lie within the geographic limits of, and between the designated altitudes of, the Wilson Restricted Area (R-11), and the Oswego Restricted Area (R-70) during these restricted area's times of designation." and substitute therefore "The airspace within the confinental limits of the United States within a 50-mile radius of the Greater Buffalo International Airport excluding the portion which lies within the Oswego Restricted Area (R-70)."

2. In § 608.40 the Wilson, N.Y., Restricted Area (R-11) (Detroit Chart) (23 F.R. 8585) is revoked.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8312; Filed, Oct. 2, 1959; 8:45 a.m.]

[Airspace Docket 59-LA-23]

[Amdt. 26]

PART 608—RESTRICTED AREAS

Modification of Restricted Area

The purpose of this amendment is to change the designated altitudes of Camp Roberts, Calif., Restricted Area (R-415) (San Francisco Chart) from 7,000 feet MSL to 5,000 feet MSL.

The U.S. Army no longer has a requirement for the airspace above 5,000 feet within this restricted area.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.14, the Camp Roberts, Calif., Restricted Area (R-415) (San Francisco Chart) (23 F.R. 8576) is amended by deleting "Surface to 7,000 feet MSL" and substituting therefor "Surface to 5,000 feet MSL".

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

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8314; Filed, Oct. 2, 1959; 8:45 a.m.]

[Airspace Docket 59-WA-136]

[Amdt. 27]

PART 608—RESTRICTED AREAS

Modification of a Restricted Area

The purpose of this action is to reduce the upper altitude limit of the Camp Atterbury, Ind., Restricted Area (R-65) (Cincinnati Chart) from 40,000 feet MSL to 30,000 feet MSL.

The U.S. Army no longer requires the airspace above 30,000 feet MSL within this restricted area and has requested that the upper altitude limit be lowered accordingly.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.22, the Camp Atterbury, Ind., Restricted Area (R-65) (Cincinnati Chart) (23 F.R. 8580, 24 F.R. 2233, 24 F.R. 3875) is amended by deleting "Surface to 40,000 feet MSL" and substituting therefor "Surface to 30,000 feet MSL."

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

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8313; Filed, Oct. 2, 1959; 8:45 a.m.]

[Airspace Docket No. 59-LA-26]

[Amdt. 30]

PART 608—RESTRICTED AREAS

Change of Restricted Area Controlling Agency

The purpose of this amendment is to change the controlling agency of the Deseret, Utah, Restricted Area (R-514) (Salt Lake City Chart) from "Chief of Ordnance, Deseret Ordnance Depot" to "Chief of Ordnance, Tooele Ordnance Depot, Utah".

A recent survey by the Federal Aviation Agency has disclosed that the activities conducted at the Deseret Restricted Area are under the supervision of the Chief of Ordnance, Tooele Ordnance Depot, Utah. Accordingly, it appears desirable to change the controlling agency of the Deseret, Utah, Restricted Area (R-514) (Salt Lake City Chart) from "Chief of Ordnance, Deseret Ordnance Depot" to "Chief of Ordnance, Tooele Ordnance Depot, Utah".

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.52, the Deseret, Utah, Restricted Area (R-514) (23 F.R. 8588) is amended by deleting "Chief of Ordnance, Deseret Ordnance Depot" and substituting therefor "Chief of Ordnance, Tooele Ordnance Depot, Utah".

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

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8315; Filed, Oct. 2, 1959; 8:45 a.m.]

[Reg. Docket No. 138; Amdt. 137]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
La Habra Int	Downey FM/RBn	Direct	3000	T-dn	300–1	300–1	200–½
LAX RBn	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
Downey FM/RBn	LOM (Final)	Direct	1800	S-dn-25L/R	400–1	400–1	400–1
LGB LFR	Downey FM/RBn	Direct	2000	A-dn	800–2	800–2	800–2
LGB VOR	Downey FM/RBn	Direct	2000				
LGB LFR	LOM	Direct	2000				
LGB VOR	LOM	Direct	2000				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach course authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000′ within 7.8 mi of OM (E of Downey FM/RBn NA).
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 248°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi after passing LOM, climb to 2000′ on outbnd crs of 248° from LOM within 20 mi.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 19; Eff. Date, 22 Oct. 59; Sup. Amdt. No. 18; Dated, 18 July 59

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	1000–1	1000–1	1000–1
				C-d	1000–1	1000–2	1000–2
				C-n	1000–2	1000–3	1000–3
				A-dn	1500–2	1500–3	1500–3

Procedure turn W side of Crs, 033° Outbnd, 213° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 213°—1.5 NM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing the AOO-VOR, climb straight ahead on the R-213 of the Altoona VOR to 4500′ within 10 mi.
Air Carrier Notes:
Reduction in visibility not authorized below one mile for 65 knots or less aircraft; not authorized below two miles for aircraft of more than 65 knots.
No tower communications at airport. Contact Altoona Radio for ATC clearance.

City, Altoona (Martinsburg); State, Penna.; Airport Name, Blair County; Elev., 1493′; Fac. Class., VOR; Ident., AOO; Procedure No. 1, Amdt., Orig.; Eff. Date, 24 Oct. 59

La Habra Int	Downey FM/RBN	Direct	3000	T-dn	300–1	300–1	200–½
Downey FM/HW	LAX OM (Final)	Direct	1800	C-dn	500–1	600–1	600–1½
Los Angeles RBn	LAX-VOR	Direct	2000	S-dn-25L	500–1	500–1	500–1
Hollywood FM	LAX-VOR	Direct	3000	A-dn	800–2	800–2	800–2

Radar vectoring to final approach course authorized.
Procedure turn S side of crs, 069 Outbnd, 249 Inbnd, 2000′ within 15 miles. E of Downey FM/RBn NA. (Nonstandard due to terrain.)
Minimum altitude over LAX OM on final approach crs, 1800′.*
Crs and distance, LAX OM to Runway 25L, 249—5.2.
If visual contact not established upon descent to authorize landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000′ on LAX R-249 within 20 miles.
*Descend to landing minimums after passing LAX OM.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., BVOR; Ident., LAX; Procedure No. 1, Amdt. 6; Eff. Date, 22 Oct 59; Sup. Amdt. No. 5; Dated, 5 Sept. 59

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks LFR	Cache Int.**	Direct	2600	T-dn	300–1	300–1	200–½
FOX-RBn	Cache Int.**	Direct	3200	C-dn*	400–1	500–1	500–1½
Chena Int	Cache Int.**	Direct	2600	S-dn-01	400–1	400–1	400–1
Alder RBn	Cache Int.**	Direct	3500	A-dn	800–2	800–2	800–2

Radar Terminal Transitional Altitudes. 040° to 225° within 15 miles 2600′. 225° to 040° within 15 miles 3500′. 090° to 225° 15 to 25 miles 3000′. 225° to 90° 15 to 20 miles 5000′.
Procedure turn E side S Crs, 189° Outbnd, 009° Inbnd, 2400′ within 10 mi. of Cache Int.**
Minimum altitude on final approach course over Cache Int.** 1500′, over Ester Int.*** 1000′.
Crs and distance Cache Int.** to airport 009°—5.2 mi., Ester Int.*** to airport 009°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles of Ester Int. turn right, climb to 2400′, proceeding direct to FAI LFR then on E crs (060°) to Chena Int. or as directed by ATC turn right 180° and climb to 4000′ on S (189°) crs FAI–ILS within 20 miles.
NOTE: No glide slope, outer or middle marker.
This procedure authorized only for aircraft equipped with both ADF and ILS receivers.
*All maneuvering east of airport: 800′ terrain within 1½ miles west of airport rising to 1000′ within 2 miles.
**Cache Int–288° DF bearing ALE "H" and back localizer crs.
***Ester Int–260° DF bearing ALE "H" and back localizer crs.

City, Fairbanks; State, Alaska; Airport Name, Fairbanks Int'l; Elev., 434′; Fac. Class. ILS–IFAI; Ident., ALE–MHW; Procedure No. ILS–01, Amdt. Orig.; Eff. Date, 24 Oct. 59

LAX RBn	LOM	Direct	2000	T-dn#	300–1	300–1	200–½
La Habra Int	Downey FM–RBn	Direct	3000	C-dn	500–1	600–1	600–1½
LGB LFR	Downey FM–RBn	Direct	3000	S-dn-25L#	200–½	200–½	200–½
LGB VOR	Downey FM–RBn	Direct	3000	A-dn	600–2	600–2	600–2
LGB LFR	LOM	Direct	2000				
LGB VOR	LOM	Direct	2000				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach crs authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000′ within 7.8 mi of OM (E of Downey FM–RBn NA).
Minimum altitude at glide slope int inbnd, 2000′ (aircraft will maintain 3,000′ until intercepting glide slope unless otherwise advised by ATC).
Altitude of glide slope and distance to approach end of runway at OM 1850′—5.2; at MM, 340—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on W crs LAX ILS within 20 mi.
NOTE: Narrow localizer course 4 degrees.
#Runway visual range 2600′ also authorized for takeoff and landing on Rnwy 25–L: Provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class., ILS; Ident., LAX; Procedure No. ILS–25L, Amdt. 19; Eff. Date, 22 Oct. 59; Sup. Amdt. No. 18; Dated, 18 July 59

LAX RBn	LOM	Direct	2000	T-dn	300–1	300–1	200–½
La Habra Int	Downey FM–RBn	Direct	3000	C-dn	500–1	600–1	600–1½
LGB LFR	Downey FM–RBn	Direct	3000	S-dn-25R*	300–¾	300–¾	300–¾
LGB VOR	Downey FM–RBn	Direct	3000	A-dn	600–2	600–2	600–2
LGB LFR	LOM	Direct	2000				
LGB VOR	LOM	Direct	2000				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach crs authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000′ within 7.8 mi. of OM (E of Downey FM–RBn NA).
Minimum Altitude at glide slope int inbnd, 2000′ (Aircraft will maintain 3,000′ until intercepting glide slope unless otherwise advised by ATC).
Altitude of glide slope and distance to approach end of runway at OM 1850′—5.2; at MM, 340—0.5 (OM and MM located 750′ to left of runway center line).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on W crs LAX ILS within 20 mi.
NOTE: Narrow localizer course 4 degrees.
*Crs and distance, OM to Rwy 25R, 249°—5.2 mi.

City, Los Angeles; State, Calif.; Airport Name, Calif. International; Elev., 126′; Fac. Class., ILS; Ident., LAX; Procedure No. ILS–25R, Amdt. 19; Eff. Date, 22 Oct. 59; Sup. Amdt. No. 18; Dated, 18 July 59

Glen Cove MHW	OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Mitchel LFR	OM	Direct	1500	C-dn	400–1	500–1	500–1½
Idlewild VOR	OM	Direct	1500	S-dn-22*	200–½	200–½	200–½
Radar Terminal area transition altitudes:		Within:		A-dn	600–2	600–2	600–2
All directions		25 mi	2500				
E of NE/SW crs LaGuardia LFR		15 mi	1500				

Procedure turn E side NE crs, 043° Outbnd, 223° Inbnd, 1500′ within 10 mi of OM (Nonstandard to avoid LaGuardia traffic).
Minimum altitude at glide slope int inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1500′—4.8 mi; at MM, 240′—0.6 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on SW crs. ILS and proceed to Scotland MHW (Int). After Scotland, climb to 1500′. Hold SW Scotland MHW (int), one minute, right turns. Contact IDL approach control for further instructions.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278′ stack 1.7 mi SE of Rnwy 4; 185′ control tower on airport.
NOTE: Reinstates Amdt 2, Effec. 11 May 57, Cancelled, Effec. 1 Aug. 59.
*400–¾ required with Glide Slope inoperative.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class, ILS; Ident., IWY; Procedure No. ILS–22, Amdt. 4; Eff. Date, 24 Oct. 59; Sup Amdt No. 3; Dated, 1 Aug. 59

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

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on September 25, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59–8260; Filed, Oct. 2, 1959; 8:45 a.m.]

[Reg. Docket 135; amdt. 52]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafer have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable.

Part 610 is amended as follows:

Section 610.15 *Green Federal airway 5* is amended to delete:

From Fort Worth, Tex., LFR; to Bedford INT, Tex.; MEA 1,900.
From Bedford INT, Tex.; to Farmers Branch INT, Tex.; MEA 2,200.
From Farmers Branch INT, Tex.; to Greenville INT, Tex.; MEA 1,900.
From Greenville INT, Tex.; to Sulphur Springs, Tex., LF/RBN; MEA 1,800.
From Sulphur Springs, Tex., LF/RBN; to Texarkana, Ark., LFR; MEA 1,800.
From Texarkana, Ark., LFR; to Pine Bluff, Ark., LF/RBN; MEA 1,700.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to *Brea INT, Calif., eastbound, MEA 5,000; westbound, MEA 3,000. *5,000—MCA Brea INT, eastbound.
From Brea INT, Calif.; to Riverside, Calif., LFR; MEA 5,000.

Section 610.16 *Green Federal airway 6* is amended to delete:

From Richmond, Va., LFR; to Norfolk, Va., LFR; MEA 1,500.

Section 610.103 *Amber Federal airway 3* is amended to read in part:

From Las Vegas, N. Mex., LFR; to *Trinidad, Colo., LFR; MEA 11,000. *11,000—MCA Trinidad LFR, Southbound.

Section 610.214 *Red Federal airway 14* is deleted.

Section 610.219 *Red Federal airway 19* is amended to read in part:

From Int. SE crs Detroit, Mich., LFR and W crs Akron, Ohio, LFR; to Akron, Ohio, LFR; MEA 2,500.

Section 610.221 *Red Federal airway 21* is amended to delete:

From Bridgeport, Conn., LFR; to Int. NE crs Bridgeport, Conn., LFR and SE crs Hartford, Conn., LFR; MEA 2,000.

Section 610.225 *Red Federal airway 25* is amended to read:

From U.S.-Canadian border; to Baker INT, Maine; MEA 5,000.
From Baker INT, Maine; to East Dover INT, Maine; MEA 6,000.

Section 610.226 *Red Federal airway 26* is amended to read in part:

From Int. SW crs. Richmond, Va. LFR and NW crs Waverly LFR; to Waverly, Va., LFR; MEA 1,500.

Section 610.233 *Red Federal airway 33* is amended to delete:

From Westover, Mass., LFR; to Gardner INT, Mass.; MEA 3,000.

Section 610.234 *Red Federal airway 34* is amended to read:

From Harrellsville INT, N.C.; to Weeksville, N.C., LFR; MEA 1,300.

Section 610.286 *Red Federal airway 86* is deleted.

Section 610.287 *Red Federal airway 87* is amended to read in part:

From *Honolulu, T.H., LFR; to Kahala INT, T.H.; MEA 5,000. *4,000—MCA Honolulu LFR, southeastbound.
From *Kahala INT, T.H.; to Penguin INT, T.H.; MEA 2,000. *4,000—MCA Kahala INT, northwestbound.
From Penguin INT, T.H.; to *Maui, T.H., LFR; MEA 5,000. *8,000—MCA Maui LFR, southeastbound. *6,000—MCA Maui LFR, northbound.

Section 610.289 *Red Federal airway 89* is deleted.

Section 610.295 *Red Federal airway 95* is deleted.

Section 610.312 *Red Federal airway 112* is deleted.

Section 610.613 *Blue civil airway 13* is amended to delete:

From Houston, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,700.
From Lufkin, Tex., LF/RBN; to Shreveport, La., LFR; MEA 1,700.
From Shreveport, La., LFR; to Texarkana, Ark., LFR; MEA 1,900.

Section 610.613 *Blue Federal airway 13* is amended to read in part:

From Texarkana, Ark., LFR; to *Lockesburg INT, Ark.; MEA 3,800. *5,000—MRA.
From Lockesburg INT, Ark.; to Mansfield INT, Ark.; MEA 3,800.

Section 610.617 *Blue Federal airway 17* is deleted.

Section 610.631 *Blue Federal airway 31* is deleted.

Section 610.641 *Blue Federal airway 41* is amended to read:

From Concord, N.H., LFR; to Portland, Maine, LFR; MEA 2,500.
From Bangor, Maine, LFR; to Topsfield INT, Maine; MEA 2,500.
From Topsfield INT, Maine; to U.S.-Canadian Border; MEA 2,500.

Section 610.645 *Blue Federal airway 45* is amended to delete:

From Greenfield INT, Mass.; to Keene, N.H., LF/RBN; MEA 5,000.

Section 610.653 *Blue Federal airway 53* is deleted.

Section 610.686 *Blue Federal airway 86* is deleted.

Section 610.1001 *Direct Routes—U.S.* is amended to delete:

From Branchville INT, N.J.; to Caldwell, N.J., VOR; MEA 3,000.
From Caldwell, N.J., VOR; to La Guardia, N.Y., LFR; MEA 2,500.
From Caldwell, N.J., VOR; to Newark, N.J., LFR and LOM; MEA 2,000.
From Caldwell, N.J., VOR; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Charlotte Hall, Md., LF/RBN; to Mt. Vernon INT, Va.; MEA 1,500.
From Clifton Forge INT, Va.; to Elkins, W. Va., LFR or VOR; MEA 6,800.
From Clifton Forge INT, Va.; to Roanoke, Va., LFR; MEA 6,000.
From Columbus, Ohio, VOR; to Springfield, Ohio, LF/RBN; MEA 2,400.
From Columbus, Ohio, LFR or VOR; to Zanesville, Ohio, LF/RBN; MEA 2,400.
From Elmira, N.Y., VOR or LFR; to Sampson (AFB), N.Y., LF/RBN; MEA 3,500.
From Flatbush, N.Y., LF/RBN; to New Brunswick INT, N.J.; MEA 1,500.
From Flatbush, N.Y., LF/RBN; to Newark, N.J., LFR; MEA 1,500.
From Ft. Worth, Tex., VOR; to Lawton, Okla., VOR; MEA *3,000. *2,300—MOCA.
From Hempstead, N.Y., LFR; to Idlewild, N.Y., LFR; MEA 1,500.
From Idlewild, N.Y., LFR; to Jersey INT, N.J.; MEA 2,500.
From Idlewild, N.Y., LFR; to Long Beach INT, N.Y.; MEA 1,500.
From Rochester, N.Y.; LFR or VOR; to Sampson, N.Y. (AFB), LF/RBN; MEA 2,500.
From Sampson, N.Y. (AFB), LF/RBN to Waterloo INT, N.Y.; MEA 2,000.
From Stroudsburg INT, Pa.; to Wilkes-Barre, Pa., VOR; MEA 3,500.
From Placerville INT, Calif.; to Sacramento, Calif., VOR westbound only; MEA 7,000.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Helena, Mont., VOR via N alter.; to Delphine INT, Mont., via N alter.; MEA *12,500. *11,000—MOCA.
From Delpine INT, Mont., via N alter.; to Baxter INT, Mont., via N alter, northwestbound, MEA 12,500; southeastbound, MEA 11,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Mason INT, Ohio; to Gladstone INT, Ohio; MEA *3,000. *2,500—MOCA.
From Gladstone INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From South Bend, Ind. VOR; to Brighton INT, Ind.; MEA *3,000. *2,300—MOCA.
From Brighton INT, Ind.; to *Pioneer INT, Ohio; MEA **4,000. *4,000—MRA. **2,300—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Tanner INT, Ala., via E alter.; to Bethel INT, Ala., via E alter.; MEA **4,000. *3,500—MRA. **2,000—MOCA.
From Bethel INT, Ala., via E alter.; to *Fall River INT, Tenn., via E alter.; MEA **3,500. *7,000—MRA. **2,400—MOCA.
From Fall River INT, Tenn., via E alter.; to Graham, Tenn., VOR via E alter., MEA *3,500. *2,400—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Anthony, Kans., VOR; to *Milton INT, Kans.; MEA 2,900. *3,000—MRA.
From Anthony, Kans., VOR via S alter.; to *Conway INT, Kans., via S alter.; MEA 2,500. *3,000—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Big Spring, Tex., VOR; to *Loraine INT, Tex.; MEA 3,800. *5,000—MRA.
From Loraine INT, Tex.; to Abilene, Tex., VOR; MEA 3,800.
From *Haynes INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***5,000. *4,000—MRA. **4,000—MRA. ***1,700—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Lewistown, Mont., VOR; via W alter; to *Great Falls, Mont., VOR via W alter; MEA

10,000. *7,400—MCA Great Falls VOR, southeastbound.
From Raton, N. Mex., VOR; to Earl INT, Colo.; MEA 11,000.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Flint, Mich., VOR; to Plains INT, Mich.; MEA 2,400.
From Plains INT, Mich.; to Windsor, Ont., Canada, VOR; MEA #2,700. #For that airspace over U.S. territory.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From *Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 3,000. *3,000—MCA Leslie INT, westbound and northeastbound.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA 2,800. *2,000—MRA.
From Cartter INT, Ill.; to Phillipstown INT, Ill.; MEA *4,500. *2,100—MOCA.
From Phillipstown INT, Ill.; to Evansville, Ind.; VOR; MEA 2,100.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Peotone, Ill., VOR; to INT, 058 M rad., Joliet, Ill., VOR and 001 M rad Peotone, Ill., VOR; MEA 2,300.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From * Haynes INT, Ark.; to ** Dodson INT, Ark.; MEA *** 2,500. * 4,000—MRA. ** 5,000—MRA. *** 1,500—MOCA.
From Lonoke INT, Ark., via N alter.; to * Colt INT, Ark., via N alter.; MEA ** 2,500. * 4,000—MRA. ** 1,600—MOCA.
From Colt INT., Ark., via N alter.; to * Round Pond INT, Ark., via N alter.; MEA ** 2,500. * 4,000—MRA. ** 1,600—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Penwell INT, Tex.; to *Odessa INT, Tex.; MEA **5,000. *7,000—MRA. **4,900—MOCA.
From Odessa INT, Tex.; to Midland, Tex., VOR; MEA *5,000. *4,900—MOCA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Hillemann INT, Ark.; to Walnut Ridge, Ark., VOR; MEA *4,000. *1,500—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Ponca City, Okla., VOR; to *Mayfield INT, Kans.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Mayfield INT, Kans.; to *Conway INT, Kans.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Conway INT, Kans.; to *Milton INT, Kans.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From Avenal, Calif., VOR; to *Los Banos, Calif., VOR; MEA 7,000. *5,500—MCA Los Banos VOR, southbound.
From Los Banos, Calif., VOR; to Mt. Hamilton INT, Calif.; MEA 7,000.

Section 610.6109 *VOR Federal airway 109* is amended to read in part:

From Los Banos, Calif., VOR; to *French Camp INT, Calif.; MEA 4,000. *6,000—MRA.

Section 610.6113 *VOR Federal airway 113* is amended to read in part:

From Paso Robles, Calif., VOR; to *Los Banos, Calif., VOR; MEA 7,000. *5,500—MCA Los Banos VOR, southbound.
From Los Banos, Calif., VOR; to Modesto, Calif., VOR; MEA 4,000.

Section 610.6116 *VOR Federal airway 116* is amended to read in part:

From Salem, Mich., VOR; to Windsor, Ontario, Canada, VOR; MEA #2,300. #For that airspace over U.S. territory.

Section 610.6128 *VOR Federal airway 128* is amended to read in part:

From Int. 058 M rad. Joliet, Ill., VOR and 001 M rad. Peotone, Ill., VOR; to Peotone, Ill., VOR; MEA 2,300.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From Avenal, Calif., VOR; to *Los Banos, Calif., VOR; MEA 7,000; *5,500—MCA Los Banos VOR, southbound.
From Los Banos, Calif., VOR; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From *Burlington, Vt., VOR; to **Keeseville INT, N.Y.; MEA 6,000. *4,000—MCA Burlington VOR, southeastbound. **4,000—MCA Keeseville INT, northwestbound.
From Keeseville INT, N.Y.; to West Bangor INT, N.Y.; MEA 6,000.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From *Sterling INT, Colo.; to Holyoke INT, Colo.; MEA **13,000. *13,000—MCA Sterling INT, eastbound. **7,000—MOCA.

Section 610.6179 *VOR Federal airway 179* is amended to read in part:

From Centralia, Ill., VOR; to *Cartter INT, Ill.; MEA 2,000. *2,000—MRA.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Rocky Mount, N.C., VOR; to *Scotland Neck INT, N.C.; MEA **1,400. *2,000—MRA. **1,200—MOCA.
From Scotland Neck INT, N.C., to Cofield, N.C., VOR; MEA *1,400. *1,200—MOCA.

Section 610.6196 *VOR Federal airway 196* is amended to read:

From Tupper Lake INT, N.Y.; to *Plattsburg, N.Y., VOR; MEA 6,000. *4,000—MCA Plattsburg VOR, southwestbound.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Peach Springs, Ariz., VOR; to *Anita INT, Ariz., MEA 10,000. *11,000—MRA.
From Anita INT, Ariz. to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Myrtle Beach, S.C., VOR; to Bolton INT, N.C.; MEA *1,500. *1,400—MOCA.
From Bolton INT, N.C.; to Rocky Mount, N.C., VOR; MEA *5,500. *2,000—MOCA.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Salinas, Calif., VOR; to Los Banos, Calif., VOR; MEA 6,000.
From Los Banos, Calif., VOR; to Mendota INT, Calif.; MEA 4,500.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Drake, Ariz., VOR; to Floyd INT, Ariz.; northbound, MEA 11,000; southbound, MEA 10,000.
From Floyd INT, Ariz.; to *Anita INT, Ariz.; MEA 11,000. *11,000—MRA.

From Bryce Canyon, Utah, VOR; to *Kanosh INT, Utah; MEA 14,500. *13,000—MCA Kanosh INT, southbound.

Section 610.6276 *VOR Federal airway 276* is amended to read in part:

From Ellwood City, Pa., VOR; to Georgeville INT, Pa.; MEA 3,000.
From Georgeville INT, Pa., to Tyrone, Pa., VOR; MEA 4,000.

Section 610.6402 *HAWAII VOR Federal airway 2* is amended to read in part:

From Honolulu, T.H., VOR; to Kahala INT, T.H.; MEA 5,000.
From Kahala INT, T.H.; to Penguin INT, T.H.; MEA 2,000.
From Penguin INT, T.H.; to Lanai, T.H., VOR; MEA 5,000.
From Honolulu, T.H., VOR via S alter.; to Ono INT, T.H., via S alter.; northwestbound, MEA 4,000; southeastbound, MEA 3,000.
From *Ono INT, T.H., via S alter.; to Sampan INT, T.H., via S alter.; MEA 3,000. *4,000—MCA Ono INT, southwestbound.
From Sampan INT, T.H., via S alter.; to Lanai, T.H. VOR via S alter.; MEA 5,000.

Section 610.6404 *HAWAII VOR Federal airway 4* is amended to read in part:

From Crab INT, T.H.; to *Sunrise INT, T.H.; northeastbound, MEA 7,000; southwestbound, MEA 5,000. *7,000—MRA.

Section 610.6412 *HAWAII VOR Federal airway 12* is amended to read in part:

From Magnolia INT, T.H.; to *Shark INT, T.H.; northeastbound, MEA 8,000; southwestbound, MEA 6,500. *8,000—MRA.

Section 610.6431 *VOR Federal airway 431* is amended to read in part:

From Glens Falls, N.Y., VOR; to Lewis INT, N.Y.; MEA 6,000.
From Lewis INT, N.Y. to *Keeseville INT, N.Y., MEA 5,000. *4,000—MCA Keeseville INT, southbound.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA 2,800. *2,000—MRA.

Section 610.6602 *VOR Federal airway 1502* is amended to read in part:

From Salem, Mich., VOR; to Windsor, Ontario, Canada, VOR; MEA #2,300. #For that airspace over U.S. territory.
From Windsor, Ontario, Canada, VOR; to Blue Pike INT, Pa.; MEA #2,000. #For that airspace over U.S. territory.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From South Bend, Ind., VOR via N alter.; to Brighton INT, Ind., via N alter.; MEA *3,000. *2,300—MOCA.
From Brighton INT, Ind., via N alter.; to *Pioneer INT, Ohio, via N alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From Peach Springs, Ariz., VOR; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Peach Springs, Ariz., VOR; to *Anita INT, Ariz.; MEA 10,000. *11,000—MRA.
From Anita INT, Ariz.; to *Canyon INT, Ariz.; MEA 10,000. *13,000—MRA.

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From McAlester, Okla., VOR; to Little Rock, Ark., VOR; MEA *9,000. *3,900—MOCA.
From *Haynes INT, Ark.; to **Dodson INT, Ark.; MEA ***2,500. *4,000—MRA. **5,000—MRA. * * *, 1,500—MOCA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Big Spring, Tex., VOR; to *Loraine INT, Tex.; MEA 3,800. *5,000—MRA.
From Loraine INT, Tex.; to Abilene, Tex., VOR; MEA 3,800.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective October 22, 1959.

Issued in Washington, D.C., on September 25, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-8261; Filed, Oct. 2, 1959; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1960

The regulations in this subpart govern the conservation reserve part of the Soil Bank Program for contracts which include land for which 1960 is the first year of the contract period and the regulations contained in 21 F.R. 6289, as amended, shall be inapplicable to such contracts except as otherwise provided herein.

Sec.

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AUTHORITY: §§ 485.501 to 485.540 issued under sec. 124, 70 Stat. 198. Interpret or apply secs. 107–123, 125, 126, 70 Stat. 191–198.

§ 485.501 Definitions.

As used in this subpart and in all contracts, forms, documents, and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator" means the Administrator or Acting Administrator of the Commodity Stabilization Service, United States Department of Agriculture.

(d) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "State" means any one of the states shown in section 485.505.

(g) "County" means county or parish.

(h) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(j) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State committee.

(k) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof.

(l) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(m) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(n) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Producer" means any person who is an owner or landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, sharecropper, or in the case of rice, a person who furnishes water for a share of the crop.

(q) "Farm" means farm as defined in regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F.R. 6731) and any amendments thereto.

(r) "Cropland" means cropland as defined in regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F.R. 6731) and any amendments thereto.

(s) "Acreage reserve" means the tract of land on a farm which is designated by a producer under the Acreage Reserve Program as being withdrawn from the production of a particular commodity.

(t) "Conservation reserve" means the tract or tracts of land on a farm which is designated by a producer in his conservation reserve contract as being set aside for soil-, water-, wildlife-, or forest-conserving uses for a period of years specified in the contract.

(u) "Producer unit" means a tract of land farmed by (1) a landlord, owner, cash tenant, or fixed-rent tenant, with his own labor or with hired labor (not with tenants or sharecroppers), or (2) a share tenant without the aid of any sharecropper, or (3) a sharecropper.

(v) "Tame hay" means a stand of perennial grass or legumes which does not require annual tillage but normally requires preparation of the land and seeding and from which the growth was harvested for hay or silage or placed in the Conservation Reserve Program as tame hay land during three of the four years 1956 through 1959. The stands of grass or legumes which will be classified as tame hay in a State will be determined by the State committee in consultation with the Land Grant College.

(w) "Contract" means a Soil Bank Conservation Reserve Contract (Form CSS-861 (Soil Bank)).

(x) "Farm Soil Bank base" means the acreage established as the Soil Bank base for the farm pursuant to § 485.514.

(y) "Soil Bank base crops" means the crops designated as soil bank base crops in § 485.514.

§ 485.502 Administration.

(a) The Conservation Reserve Program will be administered in the field by State and county committees under the general direction and supervision of the Administrator. Members of county committees are hereby authorized to sign "Conservation Reserve Contracts" (Form CSS–861 (Soil Bank)) on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto, and do not have authority to modify or waive any of the provisions of any contract entered into hereunder except to the extent specifically authorized in this subpart.

(b) The State committee shall be responsible for developing, within national authorizations, recommendations and requirements needed to adapt the Conservation Reserve Program to the conditions in the State. The State committee in developing the practices to be used shall consult with the State Conservationist of the Soil Conservation Service, the Forest Service official having responsibility for farm forestry in the State, State Forester, State Game and Fish Commissioner, and the President of the Land Grant College. Other appropriate State and Federal agencies within the State shall be invited to participate in the deliberations on the selection of minimum protective measures and the determination of rates.

(c) The county committee shall be responsible for developing, within national and State authorizations, recommendations and requirements needed to adapt the Conservation Reserve Program to the conditions in the county. The local Soil Conservation Service technician, and the Forest Service representative having responsibility for farm forestry in the county, and representatives of other appropriate State and Federal agencies within the county shall be invited to participate in the deliberations on the selection of minimum protective measures and the determination of rates.

§ 485.503 Purpose.

The Conservation Reserve Program is a long-term program designed to carry out the policy of the Act by assisting farmers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities and to carry out soil, water, forest, and wildlife conservation practices.

§ 485.504 Geographical applicability.

The Conservation Reserve Program will be applicable only in the states shown in § 485.505.

§ 485.505 National and State conservation reserve goals.

The National conservation reserve cumulative goal for 1960 is established at 27,585,000 acres. The cumulative goal represents those acres covered by existing contracts and which will remain under contract in 1960 plus the goal for new contracts in 1960, which is established at 5,100,000 acres. The National conservation reserve cumulative goal for 1960 and the goal for new contracts in 1960 are hereby apportioned among the States as follows:

State	Goal for new contracts	Cumulative goals
	Acres	*Acres*
Alabama	79,000	372,000
Arizona	6,100	14,000
Arkansas	118,000	588,000
California	59,000	228,000
Colorado	186,000	1,374,000
Connecticut	1,900	5,500
Delaware	4,800	21,000
Florida	25,000	192,000
Georgia	134,000	930,000
Idaho	66,000	280,000
Illinois	128,000	475,000
Indiana	126,000	487,000
Iowa	184,000	680,000
Kansas	343,000	1,467,000
Kentucky	113,000	411,000
Louisiana	44,000	221,000
Maine	20,000	119,000
Maryland	21,000	92,000
Massachusetts	1,600	3,900
Michigan	141,000	652,000
Minnesota	225,000	1,998,000
Mississippi	66,000	352,000
Missouri	252,000	863,000
Montana	145,000	603,000
Nebraska	227,000	911,000
Nevada	1,400	1,400
New Hampshire	2,500	12,000
New Jersey	10,000	47,000
New Mexico	31,000	906,000
New York	74,000	434,000
North Carolina	57,000	247,000
North Dakota	418,000	2,235,000
Ohio	134,000	485,000
Oklahoma	264,000	1,454,000
Oregon	48,000	241,000
Pennsylvania	70,000	317,000
Rhode Island	200	200
South Carolina	89,000	557,000
South Dakota	281,000	1,541,000
Tennessee	105,000	462,000
Texas	457,000	3,705,000
Utah	32,000	238,000
Vermont	6,500	29,000
Virginia	32,000	111,000
Washington	84,000	348,000
West Virginia	16,000	53,000
Wisconsin	145,000	695,000
Wyoming	25,000	127,000

§ 485.506 State and county allocations of 1960 program authorization.

(a) *Basis for allocation to States.* Each State's share of the 1960 program authorization shall cover (1) the authorization for annual payments on existing contracts which will remain in force in 1960, and (2) the authorization for new contracts in 1960. The authorization for new contracts in 1960 for each State shall be determined by the Administrator as the amount required for annual payments for the first year and the total cost-sharing payments on such contracts. The authorization for new contracts for 1960 will be allocated after completion of the following steps:

1. An acreage ceiling representing the maximum acreage which may be placed in the conservation reserve for 1960 shall be established as 25 per centum of the cropland of the county or community. The State committee, on the recommendation of the county committee or on its own initiative, shall establish county or community ceilings at appropriate levels lower than 25 per centum wherever it determines that placing 25 per centum of the cropland in the conservation reserve would have a serious adverse effect on the economy of a county or a trade area within the county. The State committee, on the recommendation of the county committee, may expand a community ceiling to a specific percentage level above 25 per centum of the cropland if it determines that such action will not have a serious adverse effect on the economy of the county or trade area of which the community is a part. The Administrator, on the recommendation of the county and State committees, may expand a county ceiling to a specific percentage level about 25 per centum of the cropland if he determines that such action will not have a serious adverse effect on the economy of the county.

2. All applications offering acreages which can be accepted within the acreage ceilings shall be divided into eight priority groups as follows:

Group 1. Applications from producers who will be given first consideration because they were not offered contracts during the 1959 sign-up due to limitation of funds;

Group 2. Applications with competitive ratings less than 70 percent;

Group 3. Applications with competitive ratings of 70.00 through 74.99 percent;

Group 4. Applications with competitive ratings of 75.00 through 79.99 percent;

Group 5. Applications with competitive ratings of 80.00 through 84.99 percent;

Group 6. Applications with competitive ratings of 85.00 through 89.99 percent;

Group 7. Applications with competitive ratings of 90.00 through 94.99 percent;

Group 8. Applications with competitive ratings of 95.00 through 99.99 percent.

The State authorizations for new contracts shall be as follows:

1. Each State shall receive its pro rata share of one-half of the national authorization available for new contracts in 1960 based on the amount obtained by multiplying the estimated 1960 obligation per acre by the State goal. The estimated 1960 obligation per acre is the sum of (1) the State regular annual payment rate per acre and (2) the State average practice cost-share per acre on 1959 program applications for contracts adjusted to reflect the changes in the 1960 regulations.

2. The remainder of the authorization for new contracts in 1960 shall be allocated to the States in accordance with regulations to be issued at a later date.

(b) *Basis of allocation to counties.* Each county's share of the program authorization shall cover (1) the authorization for annual payments on existing contracts which will remain in force in 1960 and (2) the authorization for new contracts in 1960. The authorization for new contracts in 1960 for each county shall be determined by the State committee as the requirements for annual payments for one year and the total cost-sharing payments for such contracts. The county authorization shall be the amount required for its Group 1, applications plus its pro rata share of the remainder of the State authorization based on its requirements for (i) its Group 2 applications if there is still a remainder; (ii) its Group 3 applications if there is still a remainder; (iii) its Group 4 applications if there is still a remainder; (iv) its Group 5 applications if there is still a remainder; (v) its Group 6 applications if there is still a remainder; (vi) its Group 7 applications if there is still a remainder; and (vii) its Group 8 applications if there is still a remainder.

§ 485.507 Land eligible for conservation reserve.

(a) Except as otherwise provided in this section, land eligible to be desig-

nated as conservation reserve includes cropland, land devoted to tame hay, alfalfa, or clovers, which do not require annual tillage, and land which was tilled or was in regular crop-rotation during 1959 which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(b) Land brought into crop use on a farm since December 31, 1956, which is not offset on such farm by the retirement of at least an equal acreage of cropland into non-crop use shall not be eligible to be designated as conservation reserve.

(c) Land planted to small fruit, vineyard, nursery stock, forest, orchard or nut trees, and the land between the rows shall not be eligible to be designated as conservation reserve.

(d) Land which is covered by water resulting from water-impounding measures shall not be eligible to be designated as conservation reserve.

(e) Land owned by the Federal Government, including any corporation wholly owned by the Federal Government, shall not be eligible to be designated as conservation reserve. Public land upon which a homestead or desert land entry has been made and is in good standing shall not be considered land owned by the Federal Government for purposes of this paragraph.

(f) Any land, which is otherwise eligible, on which an easement or right-of-way is granted in connection with a project authorized under the Soil Conservation Act of 1935, 49 Stat. 163; the Flood Control Act of 1936, 49 Stat. 1570; the Flood Control Act of 1944, 58 Stat. 887; the Watershed Protection and Flood Prevention Act, 68 Stat. 666; or a project otherwise authorized which may be determined by the Administrator to be similar to projects authorized under said Acts, shall be eligible to be designated as conservation reserve, except for any part of such land which is permanently flooded by water as a result of the works of such project. Except as otherwise provided in the preceding sentence, land which is subject to interests outstanding in persons other than the producer (including, but not limited to easements, rights-of-way, options of purchase and sale, and leases) shall not be eligible to be designated as conservation reserve unless the county committee determines that such outstanding interests are not likely to prevent the establishment and maintenance of the conservation reserve practice for the contract period.

(g) Except as provided in § 485.526, no contract shall be entered into covering land with respect to which the ownership has changed since December 31, 1956, unless the new ownership was acquired by will or by succession as a result of the death of the previous owner. Where two or more persons acquired ownership of land by will or succession as a result of the death of the same previous owner, the subsequent transfer by one of such persons of his ownership to another of such persons shall not be considered a change of ownership within the meaning of this paragraph. Notwithstanding any other provision of this paragraph, where a producer as a result of eminent domain lost ownership since December 31, 1955, of eligible land which he owned on or before December 31, 1956, he may place in the conservation reserve land purchased by him since December 31, 1956, as follows: (1) All the land otherwise eligible purchased by him since December 31, 1956, may be placed in the conservation reserve provided he places in the conservation reserve all of such land plus all the eligible land remaining in his ownership on the farm from which some eligible land was lost as a result of eminent domain and (2) if only part of the land otherwise eligible purchased by him since December 31, 1956, and the eligible land remaining in his ownership on the farm from which some eligible land was lost as a result of eminent domain is placed in the conservation reserve, the number of acres purchased by him since December 31, 1956, which is placed in the conservation reserve, shall not exceed the number of eligible acres lost as a result of eminent domain.

(h) No contract shall be entered into with respect to land owned by a social club, recreational club, country club, golf club, cemetery, cemetery association, or a State, county, city, town local government, or subdivisions thereof. No contract shall be entered into which provides for payment of annual or cost-share payments to any organization or governmental unit of the type referred to in the first sentence of this paragraph.

(i) Where a contract has been terminated under the Conservation Reserve Program with respect to all land under such contract because of a violation for two consecutive years or at the request of the producer, no land in that farm shall be eligible to be placed under contract unless 36 months have elapsed from the date of such termination to the date the application for contract is filed with the county office.

(j) No contract shall be entered into with respect to any farm which was idle during 1958 and 1959. A farm shall not be considered idle during 1958 and 1959 if (1) a crop was planted or harvested on the farm in either 1958 or 1959 or (2) land on the farm was in the Soil Bank Program in either 1958 or 1959.

§ 485.508 Minimum acreage limitations for participation in the conservation reserve.

The total acreage of land on a farm which may be devoted to the conservation reserve shall not be less than 5 acres, except that (a) in case the conservation reserve is to be planted to trees the minimum acreage shall be two acres, (b) in any county where the average tillable acreage on farms in the county is relatively small, upon recommendation by the county committee and approval by the State committee, the minimum may be reduced to not less than one acre for any farm if the county committee determines that such action will promote the purposes of the program and that the total tillable acreage on the farm is too small to warrant a larger minimum, (c) where the entire eligible land on the farm is placed in the conservation reserve, the minimum acreage shall be one acre, and (d) where control of a part of the conservation reserve is transferred to a person not signatory to the original contract, the minimum acreage on each farm after reconstitution due to such transfer shall be the acreage in that part of the conservation reserve located on each farm after such reconstitution.

§ 485.509 Awarding conservation reserve contracts.

Conservation reserve contracts shall be awarded as follows:

(a) Producers who wish to be considered for a conservation reserve contract shall furnish the county committee of the county in which the farm is located on a form prescribed by the Administrator the information necessary to establish a basic annual per acre rate for the land to be offered for the Conservation Reserve Program. The final date for filing such form shall be September 30, 1959, unless the Administrator specifically authorizes the establishment of a later date on a county- or State-wide basis.

(b) The county committee shall establish a basic annual per acre rate for the land to be offered for the Conservation Reserve Program as follows:

(1) Where all the eligible land on a farm not covered by an existing contract (except eligible land devoted to a home garden, and land approved by the county committee as needed for livestock lanes or farm roads, or both) is to be placed in the conservation reserve for at least a 5-year period, the basic annual per acre rate shall be the smallest of (i) the farm productivity index times 110 percent of the county payment rate, (ii) 20 per centum of the value of the land placed under contract, such value to be determined by the county committee without regard to physical improvements thereon or geographical location thereof in accordance with instructions issued by the Administrator, (iii) 150 percent of the county payment rate, or (iv) $25.00: *Provided*, That in no event shall such basic annual per acre rate be established in excess of the maximum rate which the county committee determines would have been established for such land under the 1959 Conservation Reserve Program: *Provided further*, That if the farm includes any land with respect to which a contract may not be entered into under paragraph (g) or (h) of § 485.507, the basic annual per acre rate shall be determined in accordance with subparagraph (2) of this paragraph.

(2) Where all the eligible land on a farm not covered by an existing contract (except eligible land devoted to a home garden, and land approved by the county committee as needed for livestock lanes or farm roads, or both) is to be placed in the conservation reserve for less than a 5-year period or where only part of such eligible land on a farm is placed in the conservation reserve, the basic annual per acre rate shall be the basic annual per acre rate determined in accordance with subparagraph (1) of this paragraph divided by 110 percent. If only part of such eligible land on a farm is placed in the conservation reserve and the productivity of such land is substantially less than the average produc-

tivity of all eligible land on the farm and the productivity was the limiting factor in establishing the basic annual per acre rate, such basic rate shall be reduced by the percentage by which the productivity of the land offered is less than the average productivity of all eligible land on the farm.

(3) The productivity index for a farm will be the county committee's determination of the relative productivity of such farm as compared to the productivity of the average farm in the county, and shall be determined in accordance with instructions issued by the Administrator.

(4) A payment rate per acre for each county shall be established as follows: The State committee shall establish a preliminary county payment index taking into consideration the normal gross income per acre of non-irrigated lower value crops and proportionate idle and fallow land, land value per acre for non-irrigated agricultural purposes, 1957–59 Conservation Reserve Program county regular rates per acre, rental rates customarily paid by canneries and other tenants who rent cropland only, and the relationship of fixed costs to the foregoing factors. The preliminary county payment index shall be weighted by the county non-irrigated cropland except high value allotment crop acreage not likely to enter the conservation reserve. The Soil Bank Division, CSS, shall review the county payment indexes recommended by the State committee, convert them to rates per acre, and adjust them where necessary, with the concurrence of the State committee, to improve relationships across State lines. The county basic payment rate per acre for counties having irrigated cropland only shall be established so as to approximate the rates for counties having the lowest rates for non-irrigated land. The State average of the county basic payment rates per acre, when weighted by county non-irrigated cropland excluding high value allotment crops, shall not vary from the State annual payment rate per acre by more than 25 cents.

(5) State annual payment rates per acre for the conservation reserve are as follows:

State	Rate	State	Rate
Alabama	$12.00	Montana	$10.00
Arizona	10.00	Nebraska	12.50
Arkansas	13.50	Nevada	10.00
California	16.00	New Hampshire	13.00
Colorado	9.00	New Jersey	19.00
Connecticut	20.00	New Mexico	8.00
Delaware	16.00	New York	15.00
Florida	12.00	North Carolina	16.00
Georgia	12.00	North Dakota	10.50
Idaho	14.50	Ohio	19.00
Illinois	19.00	Oklahoma	12.00
Indiana	19.00	Oregon	16.00
Iowa	19.00	Pennsylvania	16.00
Kansas	12.50	Rhode Island	19.00
Kentucky	15.00	South Carolina	13.50
Louisiana	14.00	South Dakota	11.00
Maine	12.00	Tennessee	14.00
Maryland	17.00	Texas	12.00
Massachusetts	19.00	Utah	$12.00
Michigan	15.00	Vermont	14.00
Minnesota	14.50	Virginia	16.00
Mississippi	14.00	Washington	16.00
Missouri	14.00	West Virginia	$14.00
		Wisconsin	15.00
		Wyoming	9.00

(c) Each producer who filed the information referred to in paragraph (a) of this section shall be notified of the basic annual per acre rate established for the acreage to be offered.

(d) The producer shall file an application for a conservation reserve contract on a farm prescribed by the Administrator prior to October 16, 1959, unless the Administrator specifically authorizes the establishment of a later date on a county- or State-wide basis. Such application shall show the acreage offered, the rate at which it is offered, and the proposed conservation uses to which such acreage will be devoted. In order for the producer to be considered for a conservation reserve contract, the rate at which he offers the acreage must be below the basic annual per acre rate established for such acreage. The rate at which the producer offers the acreage shall be in multiples of ten cents. If an offered rate is not in a multiple of ten cents, it shall be considered as an offered rate at the next lower multiple of ten cents.

(e) Any producer who filed an application for a contract to place land on his farm in the conservation reserve for 1959 and was not offered a contract because of the limitation of funds shall be afforded an opportunity to select one of the following options if the land offered in 1960 consists only of all or part of the land offered in 1959: (1) To be offered a conservation reserve contract, within available funds and other program limitation, at a rate which represents a reduction below the basic annual per acre rate established for the acreage offered at the same average percentage that other applicants for contracts in the county offer acreage below the basic annual per acre rate established for their acreage, or (2) to make an offered rate below the basic annual per acre rate established for the acreage offered in competition with other applicants for contracts in the county. If such a producer selects the option in subparagraph (1) of this paragraph, the rate at which the contract is offered to him shall be considered his offered rate. A producer who selects the option in subparagraph (1) of this paragraph shall comply with all other requirements of this section except that he need not make an offered rate on his application.

(f) Contracts shall be awarded first, within available funds and other program limitations, to all producers who select the option in subparagraph (1) in paragraph (e) of this section. If sufficient funds are not available to award contracts to all remaining applicants, a competitive rating shall be established for all remaining applications and priority shall be given to the applications having the lowest competitive rating. For applications for which a basic annual per acre rate was established under subparagraph (1) of paragraph (b) of this section, the competitive rating shall be established by dividing the rate at which the producer offers the land by the product of the farm productivity index times the county payment rate times 110 percent. For applications for which a basic annual per acre rate was established under subparagraph (2) of paragraph (b) of this section, the competitive rating shall be established by dividing the rate at which the applicant offers the land by the product of the farm productivity index times the county payment rate. In case there are two or more applications with the same competitive rating, and funds are not available to award contracts with respect to all such applications, priority shall be given to the applications in the following order: (1) The application offering land which includes land previously under contract and the contract period for such land expires December 31, 1959, (2) the application offering land for which a basic annual per acre rate is established under subparagraph (1) of paragraph (b) of this section, (3) the application offering land for the longest contract period, (4) the application offering land on which the conservation use will be devoted to practices A–7, A–8, B–7, G–2, or G–3, (5) the application offering land at the lowest rate, and (6) the application offering the largest acreage. If two or more applications having the same competitive rating fall within the same one of the preceding six categories and funds are not available to award contracts with respect to all such applications, priority shall be determined by reference to the next succeeding category. If, after applying the foregoing rules within the county authorization, there are two or more applications with the same priority status, contracts shall not be awarded with respect to such applications unless the unobligated county authorization is sufficient to award contracts with respect to all such applications.

(g) The rate at which the producer offers the land or the rate which is deemed to be the producer's offered rate, if accepted, shall be considered the regular annual payment rate for such land except as provided in § 485.520(b) and shall be applicable to the land offered to the extent and in the manner prescribed in § 485.520(b). If a producer's basic annual per acre rate is reduced because the productivity of the land offered is substantially less than the average productivity for the farm and the new basic annual per acre rate results in the producer's offered rate being equal to or in excess of the new basic annual per acre rate, the producer's offered rate shall be deemed to be the rate computed by multiplying the new basic annual per acre rate by the competitive rating originally established for the application.

(h)(1) Where an application for a contract has been made with respect to land not constituting a farm as defined in the regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F.R. 6731), and any amendments thereto, and where reconstitution would result in an increase in the number of eligible acres of the farm

covered by the application, a contract may be approved for the land covered by the application, provided it is determined that (i) a reasonable effort was made to determine that the land covered by the application constituted a farm, (ii) both the county committee and the applicant have treated the land as constituting a farm, and (iii) the application was filed in good faith without knowledge on the part of the applicant or the county committee that the land did not constitute a farm.

(2) Where an application for a contract has been made with respect to land not constituting a farm as defined in the regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F.R. 6731), and any amendments thereto, and where a reconstitution will result in a decrease in the number of eligible acres of the farm covered by the application, the reconstitution must be made before a contract may be approved. In such case, basic annual per acre rates must be established for the farm as reconstituted taking into account any change in the productivity index and any change in the value of the land placed under contract. Where a producer's offer is equal to or in excess of the applicable basic annual per acre rate established for the reconstituted farm, the producer's application may, at his election, be treated as an offer of the land at ten cents below the basic annual per acre rate established for the land offered. If only a part of the farm was offered in the application for a contract, the land designated as conservation reserve in the contract must consist of land that was designated as conservation reserve in the application.

(3) Where an application for a contract has been made with respect to a properly constituted farm and there is a later increase or decrease by purchase, sale, or otherwise in the number of acres in the farm prior to the approval of a contract which will require reconstitution, the reconstitution must be made before a contract may be approved. Basic annual per acre rates must be established for the farm as reconstituted, taking into account any change in the productivity index and any change in the value of the land placed under contract. A new priority rating shall be computed for the application and shall be used if it is lower than the priority rating originally established for the farm. Where a producer's offer is equal to or in excess of the applicable basic annual per acre rate established for the farm as reconstituted, the producer's application will be ineligible, and a contract may not be approved.

(i) If, after the final date for filing applications, it is discovered that a basic annual per acre rate established for land offered is erroneous, such basic annual per acre rate shall be corrected but the producer's competitive rating shall nevertheless remain unchanged unless the computation of a new competitive rating would improve his competitive status. In the case of such errors, the rate at which the producer offered his land shall remain unchanged except that, if the correction of the basic annual per acre rate results in his offered rate being equal to or in excess of his correct basic rate, the producer's offered rate shall be deemed to be ten cents below the correct basic rate. If the county committee determines that the erroneous basic annual per acre rate was caused by an intentional misrepresentation by the producer, the producer shall not be awarded a contract.

§ 485.510 Conservation reserve contract.

(a) In order to participate in the Conservation Reserve Program, producers having control of a farm with respect to which a contract is offered under § 485.509 shall enter into a Soil Bank Conservation Reserve Contract (Form CSS–861 (Soil Bank)). The farm owner or owners must sign the contract, except that a farm operator who is a cash tenant, standing-rent tenant, or fixed-rent tenant (but not a share tenant) for the entire contract period may sign the contract in lieu of the owner upon presentation of evidence satisfactory to the county committee of his control of the farm for such period. The farm operator if other than the owner must also sign the contract. Where parts of the farm are separately owned, each owner, or the farm operator in lieu thereof as provided above, must sign the contract. Sharecroppers and other producers on a farm who do not have any control thereof are not required to sign the contract.

(b) One of the producers required to sign the contract must sign and file it at the county office within 15 days from the date of written notice by the county committee to the operator or applicant that the contract is ready for signature, but not after February 1, 1960 (or such later date as may be authorized for a State by the Administrator which date the producer may obtain at the county office). All other producers required to sign the contract must sign it within 30 days after the date it is filed. However, if one of the producers required to sign the contract signs and files it with the county committee after 15 days from the date of the county committee's written notice to the operator or applicant that the contract is ready for signature (but before the established closing date) and the county committee determines that the failure of the producer to file the contract within the time prescribed was not due to his fault or negligence, and all the other producers required to sign the contract sign it within 30 days after the date it is filed, or if not within 30 days, the county committee determines that the failure to sign within the time prescribed was not due to the fault or negligence of the producers, the contract may be approved: *Provided*, That funds are available after covering the contracts of other producers in the county who, having been notified (prior to the date of approval of the late-filed contract) that their applications are acceptable, enter into contracts within the prescribed time limits. The State committee may, however, in order to prevent undue hardship, authorize the county committee to approve a contract signed after the established closing date, if because of misinformation or misunderstanding, the producers were under the impression that they had signed and filed a contract, or did not realize that they had to sign and file a contract by the date specified: *Provided*, That funds are available after covering the contracts of other producers in the county who, having been notified (prior to the date of approval of the late-filed contract) that their applications are acceptable, enter into contracts within the prescribed time limits.

(c) Contract period: The contract period shall start on April 15, 1960. A practice started before April 15, 1960, and after the producer has signed an application for a contract shall be considered as having been started during the contract period. The restrictions on the use of any area of the designated acreage to be devoted to a particular practice shall become effective as of the time performance of such practice is started thereon or April 15, 1960, whichever occurs first. The contract period shall end on December 31 of the last year of the contract period and shall be for not less than 3 years nor more than 15 years, as follows:

(1) If the county committee determines that the acreage on the farm designated as the conservation reserve is adequately covered by approved protective vegetative cover, the contract period shall be not less than three and not more than ten years, as the producer elects.

(2) If the county committee determines that the acreage on the farm designated as the conservation reserve requires the establishment of protective vegetative cover (other than trees or shrubs under practice A–7), water storage facilities, or other soil-, water-, or wildlife-conserving uses, the contract period shall be not less than five and not more than ten years, as the producer elects.

(3) If the contract provides that the conservation reserve is to be established in tree or shrub cover under practice A–7, the contract period shall be 10 years, except that, (i) if the State committee determines that seedlings are not available for planting during one or more years of the contract period, the contract shall be extended by such number of years, with a maximum contract period of 15 years in such cases, and (ii) if the producers meet the requirements of § 485.513(b)(3), and require more than one year to plant tree cover, the contract period shall be extended one year for each additional year required to plant the total approved acreage, with a maximum contract period of 12 years in such cases.

(4) If more than one tract of land on the same farm is designated as the conservation reserve, the contract may provide for different contract periods as determined under subparagraphs (1), (2), and (3) of this paragraph for the different tracts.

(5) If eligible land for which 1960 is the first year of the contract period is added to a previously existing contract under § 485.512, the contract period for the land previously placed in the conser-

vation reserve (except land planted to trees or shrubs under practice A–7) may be increased by the number of years necessary to make the contract periods for all the land in the conservation reserve (except land planted to trees or shrubs under practice A–7) expire simultaneously.

(6) A contract period established under this section for conservation reserve acreage other than acreage planted to trees or shrubs under practice A–7, which is less than the maximum contract period authorized under this section, may be increased at the request of the producer up to such maximum contract period authorized if the county committee approves such longer contract period as being in the interest of the program.

§ 485.511 Modification and termination of contracts.

(a) Contracts shall be modified as required by § 485.516 or § 485.526(b)(2). Contracts also may be modified upon mutual agreement of the contract signers and the county committee in the following respects: (1) To correct erroneous entries in the contract; (2) to permit the producer to change the conservation use of the designated conservation reserve; (3) to permit a change of the previously established contract period as authorized in § 485.510(c) (5) and (6); (4) to reduce the acreage in the designated conservation reserve by any acreage which the county committee determines to be damaged by natural causes to the extent that such land is no longer suitable for agricultural production and it would be impracticable to require the restoration or establishment of any of the approved practices thereon (annual and cost-share payments paid or due with respect to such acreage need not be refunded or forfeited); and (5) to permit the producer to reduce the land in the conservation reserve at the regular rate by removal of land therefrom which is permanently flooded as the result of the construction of a small watershed project referred to in § 485.507(f) (cost-share payments payable or paid on the land removed shall be forfeited or refunded). No other modification may be made unless specifically approved by the Administrator.

(b) Contracts may be terminated upon mutual agreement of the contract signers and the county committee and approval of the State committee if the County committee determines (1) that the operator of the farm has become physically handicapped after entering into the contract to such an extent that he could not reasonably be expected to carry out the terms and conditions of the contract and that to require him to do so would work an undue hardship on him; or (2) that the operator of the farm is or was at the time he signed the contract mentally unstable to such an extent that he could not reasonably be expected to comply with the terms and conditions of the contract. In case of such termination, no annual payment will be made for the year in which the contract is terminated, but cost-share payments earned prior to termination of the contract will be paid. A contract shall not be terminated for any other reason unless specifically approved by the Administrator.

§ 485.512 Land added to previously existing contracts.

Eligible land for which 1960 is the first year of the contract period may be added to the conservation reserve on a farm for which a conservation reserve contract is already in existence in accordance with the provisions of § 485.509 under the following conditions: (a) A new contract (Form CSS–861 (Soil Bank)) shall be entered into covering the land under the existing contract as well as the land being added; (b) any provision in the regulations in this subpart pertaining to eligibility of land will not affect the eligibility of the land which was previously designated under the existing contract; (c) the soil bank base for the farm under the new contract shall be established in accordance with the provisions of § 485.514(a)(3); (d) the maximum number of acres on the farm which may be devoted to soil bank base crops under the new contract shall be determined in accordance with the provisions of § 485.514(d); (e) the annual payment rates previously established for the land under the existing contract shall remain in effect for such land for the rest of the contract period except that the regular annual payment rate shall not exceed 20 per centum of the value of such land, such value to be determined by the county committee without regard to physical improvements thereon or geographical location thereof in accordance with instructions issued by the Administrator, and, if the regular annual payment rate is reduced as a result of applying such limitation the non-diversion rate for such land shall be computed on the basis of the reduced regular annual payment rate; (f) practices which are approved after the new contract is entered into for the land under the existing contract as well as the land being added shall be subject to the provisions of the contract and the regulations in this subpart; (g) all other terms and conditions of the contract and the regulations in this subpart shall apply to all the land under the contract; (h) any changes in the terms and conditions because of the addition of the new land shall not affect payments earned for prior years.

§ 485.513 Designation and use of conservation reserve.

(a) *Designation.* The tract or tracts of land constituting the conservation reserve must be specifically designated in the contract.

(b) *Establishment and maintenance of vegetative cover and practices.* (1) Each producer signatory to the contract shall agree to establish and maintain (or to maintain only, in the case of approved cover already established) in accordance with good farming practice for the contract period so long as he retains control of the farm, an approved protective vegetative cover or other approved conservation practices on the conservation reserve as specified in the contract: *Provided*, That with the approval of the county committee land in the conservation reserve may be devoted to fire lanes or firebreaks where these are determined to be necessary for the protection of the conservation reserve or the farm or ranch buildings. Failure to maintain for the contract period the approved protective vegetative cover or other conservation practices shall be considered a violation of the contract, except that destruction of the vegetative cover with the approval of the county committee for the purpose of establishing a fire lane or fire break, or changing to another approved conservation practice or use authorized by the county committee, shall not be considered a violation of the contract.

(2) Approved protective vegetative cover shall be adequate to provide good protection from wind and water erosion for the contract period and where practicable shall be of specific benefit to wildlife. Eligible grasses, legumes, trees, and shrubs shall be those recommended by the county committee and approved by the State committee, after consultations with representatives of the Forest Service, Soil Conservation Service, and other agencies with agricultural interest at the county and State levels. Volunteer vegetative cover which will provide adequate protection from wind and water erosion for the contract period may be included as approved protective cover under conditions and standards prescribed by the State committee.

(3) Approved conservation practices shall be carried out as soon as practicable after the execution of the contract and in accordance with the specifications which shall be obtained from the office of the county committee. If the contract provides that the conservation reserve is to be established in tree cover, and seedlings are available, the producer must plant at a minimum rate of ten acres each year if hand planted or fifty acres per year if machine planted, unless the county committee determines that such planting is impracticable.

(c) *Selection of conservation practices.* The conservation practices to be carried out on the conservation reserve shall be approved by the county committee. The producers on the farm shall be given the opportunity to request from the eligible practices designated in paragraph (d) of this section the particular practices they desire to carry out on the conservation reserve. In approving the practices for any farm, the county committee shall take into consideration the request of the producers on the farm, the type of farming operations carried out by the producers, the type of practice needed for the conservation reserve, and the benefits to be obtained from the practice in relation to its cost.

(d) *Eligible practices.* (1) The conservation practices eligible to be carried out on the conservatiton reserve are listed in this paragraph. The practice shall be carried out in conformity with specifications which are applicable for the practice at the time the contract was signed or at the time the practice is carried out, at the election of the producer. Such specifications will be available at the office of the county committee and the producer shall obtain such information at that office.

(2) Eligible practices are as follows:

A–2—Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.

A–4—Initial treatment of farmland to permit the use of legumes and grasses for soil protection. (Cost-sharing for liming materials, rock phosphate or gypsum applied under this practice shall be limited to applications needed in connection with the establishment of eligible vegetative cover.)

A–7—Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

A–8—Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion. Prevention of wind or water erosion on farmland shall consist of the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat.

B–7—Contructing dams, pits, or ponds as a means of protecting vegetative cover. (The use of such water for irrigating land other than the conservation reserve acreage shall not be permitted during the period covered by the contract.)

D–1—Establishment of vegetative cover for winter protection from erosion.

D–2—Establishment of vegetative cover for summer protection from erosion.

(3) Approval of the use of annual grasses, annual or biennial legumes, and small grains, when seeded without a perennial grass or perennial legume shall be limited to cases in which the county committee determines that (i) they are of varieties which will reseed so as to provide adequate cover throughout the contract period, (ii) such seedings are necessary to provide temporary protection before more enduring protective vegetative cover can be established, (iii) seed of adapted perennials is not available, or (iv) such seedings are necessary to provide temporary protection before adequate volunteer vegetative cover can become established or to assure the establishment of adequate volunteer vegetative cover.

(4) The specifications for the practices listed in subparagraph (2) of this paragraph shall represent minimum levels of performance which are needed in order for the practices to serve their purposes. The practice specifications and requirements shall make it clear that the producer will be required to carry out only those items of performance which are needed in the individual case. Such specifications will be available at the office of the county committee, and the producer shall obtain such information at that office. In selecting eligible grasses and legumes and developing the seeding rates and rates of application of liming materials and fertilizers, full consideration shall be given to the fact that the vegetative cover is to remain on the land for the contract period without the removal of any growth therefrom. Legumes such as alfalfa, red clover, Ladino clover, or sweet clover shall not be included as eligible legumes where the growth thereof, if not removed, would result in failure of the vegetative cover through smothering or where such legumes are not necessary to the establishment of the vegetative cover.

(5) The conservation practices listed in subparagraph (2) of this paragraph are designed primarily for the conservation of soil and water for agricultural purposes; however, where practicable, encouragement shall be given in carrying out practices with the use of materials and methods which will provide wildlife conservation benefits.

(6) The following eligible practices are designed primarily to protect and conserve wildlife resources:

G–1—*Establishment and management of cover specifically beneficial to wildlife.* This practice will have general applicability in all States, although the plant species and cultural and other operations used may differ from State to State and in different sections of the same State. It includes wildlife cover and food plantings, land operations such as partial discing, and a variety of practices designed to improve wildlife habitat.

G–2—*Water and marsh management to benefit fish and wildlife.* This practice includes the development of shallow water areas to improve habitat for waterfowl, fur animals and other wildlife as well as restoration of drained areas (formerly marshland) by installing earth plugs or water control structures in drainage ditches.

G–3—*Constructing dams or ponds for fish.*

(e) *Use of liming materials, rock phosphate, gypsum, and commercial fertilizers.* (1) For practices which authorize Federal cost-sharing for application of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which Federal cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State committee determines that available facilities for making soil tests are not adequate, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such application. Such alternative basis shall be such as to insure beneficial use of the Federal cost-sharing and shall be formulated by the State committee in consultation with the representatives of the State and Federal agencies participating in the development of the State program. In determining the recommended applications of liming materials and commercial fertilizers, regardless of whether they are determined on the basis of a soil test or an alternative basis, full consideration shall be given to the type of vegetative cover to be established and the fact that the vegetative cover is not to be harvested or grazed during the control period.

(2) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

(f) *Reestablishment or restoration of approved conservation use.* (1) If the county committee determines that an approved conservation use to which the land was devoted when it was placed under contract or which was established with or without cost-sharing after the land was placed under contract, has failed or deteriorated as a result of flood, drought, hurricane, or other natural disaster to the extent that it will not provide adequate soil protection, or satisfactory impoundment of water, as the case may be, the county committee may authorize cost-sharing for eligible measures which the county committee determines are needed to reestablish or restore the approved conservation use so as to provide adequate soil protection, or satisfactory impoundment of water, as the case may be, except that no cost-sharing shall be approved for reestablishment or restoration measures to be carried out during the last year of the contract period. Approvals of cost-sharing for reestablishment or restoration measures shall be at rates of cost-sharing not in excess of 50 percent of the current rates of cost-sharing for the measures for which cost-sharing is being approved. If the contract is for a period of less than 5 years, cost-sharing for reestablishment or restoration measures shall not be authorized unless the contract is extended for at least two additional years.

(2) The producer shall, without cost-share payments, restore any protective vegetative cover which is damaged as a result of the impoundment of water in connection with a project referred to in the first sentence of § 485.507(f).

(g) *Compliance with regulatory measures.* Producers who carry out conservation reserve contracts shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

(h) *Responsibility for technical phases of practices.* (1) The Soil Conservation Service shall be responsible for soil suitability information whenever needed and practicable in conjunction with the selection and establishment of practices. The Soil Conservation Service shall also be responsible for the technical phase of practices A–8, B–7, G–2 and G–3, which shall include necessary site selection, other preliminary work, and layout work of the practice, necessary supervision of the installation, and certification of performance. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice A–8. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsi-

bilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, Agricultural Conservation Program Service, and the Administrator, Soil Conservation Service, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees.

(2) The Forest Service is responsible for the technical phases of practice A–7. This responsibility shall include (i) technical advice for forest tree plantings, (ii) development of specifications for forestry practices, and (iii) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

(i) *Harvesting or grazing or using stored water from the conservation reserve.* (1) No crop shall be harvested from the conservation reserve during the contract period except timber in accordance with sound forestry management as determined by the county committee and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals. The restriction against harvesting shall not apply to a crop which matured and normally would be harvested in 1959 unless harvesting of the crop in 1959 would have been in violation of a conservation reserve contract. No Christmas trees, ornamentals, or Christmas greens may be harvested from the conservation reserve during the contract period. Water from water storage for which cost-sharing was received under this program shall not be used for irrigation except for crops on the conservation reserve on the farm.

(2) The conservation reserve shall not be grazed during the contract period unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing on such acreage, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster and gives written consent to such grazing: *Provided*, That grazing in accordance with sound pasture management principles may be authorized by the Secretary after the first three years of the contract period.

(j) *Noxious weeds.* The contract signers shall, without reimbursement under the contract, take such steps as may be prescribed by the county committee to prevent the acreage in the conservation reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds will be available in the office of the county committee, and the contract signers shall obtain such information from that office.

(k) *Unauthorized use of conservation reserve.* The use of any part of the conservation reserve for nonagricultural enterprises (including but not limited to public golf courses, race tracks, amusement parks, airfields, or commercial hunting or fishing enterprises) shall constitute a violation of the contract. For the purposes of this paragraph, hunting and fishing shall be considered a commercial enterprise where the steps considered to be normal to the development of a commercial enterprise are taken, e.g., stocking and culture of fish in dams or ponds for commercial production of fish or establishment of specific charges and provisions of facilities or services in connection with hunting or fishing in accordance with usual business practices. A farmer who charges an occasional fee for hunting or fishing on the conservation reserve will not be considered as using such land for a commercial enterprise unless he takes such steps as would be considered to be the actual establishment of a commercial hunting or fishing preserve.

(l) The State committee may authorize the planting on the conservation reserve, for shade or windbreak purposes, at the expense of the producer, species of trees other than ornamental trees, fruit trees, nut trees and conifers even though the practice approved for such acreage is not practice A–7 or A–8. The State committee may establish a limit on the number of trees to be planted under the provisions of this paragraph.

§ 485.514 Farm soil bank base.

(a) (1) A soil bank base shall be established by the county committee for each farm on which land is placed in the conservation reserve except that where all the eligible land on the farm is placed in the conservation reserve for the same contract period and there is no other cropland on such farm, a soil bank base need not be established since the number of acres permitted to be devoted to soil bank base crops will be zero as long as the contract period remains the same for all the eligible land on such farm. The soil bank base for the farm shall be the average acreage of land devoted to soil bank base crops during the soil bank base period applicable to the farm, subject to adjustment by the county committee as follows:

(i) Such average acreage shall be adjusted where necessary to make due allowance for abnormal weather conditions to the extent that such abnormal weather conditions affected the acreage of such crops during such period; (ii) such average acreage shall be adjusted downward (*a*) by the acreage of new land brought into the production of soil bank base crops on the farm after December 31, 1956, to the extent that such new land is not offset by the retirement of cropland on the farm to noncropland, and (*b*) by the acreage necessary to eliminate soil bank base acreage credit resulting from considering the acreage on the farm in the acreage reserve as being devoted to a crop of the commodity covered by the acreage reserve agreement in any case where such soil bank base acreage credit would, if not eliminated, increase the soil bank base above the acreage which would have been grown on the farm in the soil bank base period in the absence of participation in the acreage reserve program. The soil bank base period for a farm shall be the two-year period immediately preceding the first year of the contract period. The soil bank base crops shall consist of all crops produced for harvest on the farm other than (*1*) annual grasses pastured or cut for hay or ensilage, provided a crop of seed or grain was not harvested from such grasses, (2) biennial legumes, (*3*) perennial grasses and legumes, (*4*) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, (*5*) land devoted to a garden primarily for home consumption, and (*6*) orchards, vineyards, small fruits, and nursery stock including woody ornamentals such as azaleas, roses and rhododendrons (flowers grown from seed or bulbs for commercial use are soil bank base crops): *Provided*, That the acreage of any commodity for which payment is made under the Acreage Reserve Program during the soil bank base period shall be considered as being devoted to a crop of such commodity and shall be included in determining the soil bank base. The soil bank base established hereunder may provide different acreages for alternate years when necessary to reflect an established summer fallow rotation system, provided the average of the acreages for such alternate years shall equal the acreage as determined above.

(2) Prior to the approval of a conservation reserve contract, the county committee may correct any error made in establishing the soil bank base. If, after the approval of the contract by the county committee, it is determined that the soil bank base is in error, the soil bank base shall be corrected as follows:

(i) If the soil bank base shown on the contract is larger than the correct soil bank base and the county committee determines that the producer had no reason to know of the error and has acted in good faith in reliance on the contract, the soil bank base shown on the contract shall be the official soil bank base only up to and including the contract year in which the error was discovered, and the correct soil bank base shall be the official soil bank base for succeeding contract years. For succeeding contract years, the producer shall be afforded an opportunity to enter into a modified contract reflecting the correct soil bank base. If the producer does not enter into a modified contract, the State committee may consent to the termination of the contract in which event all cost-sharing payments paid or payable shall be forfeited or refunded.

(ii) If the soil bank base shown on the contract is smaller than the correct soil bank base, beginning with the year in which the error is discovered, if the producer has placed his entire soil bank base in the conservation reserve at the regular rate and also placed acreage in the conservation reserve at the non-diversion rate, he shall be afforded the opportunity to modify his contract and redesignate acreage from the non-diversion rate to the regular rate to the extent that the total acreage in the conservation reserve at the regular rate shall not exceed the

correct soil bank base. Except in the case of contracts so modified, the permitted acreage of soil bank base crops shall be increased.

(3) If land for which 1960 is the first year of the contract period is added to a previously existing contract and there is no reconstitution of the farm, and there has been no change in the classification of a crop grown on the farm as a soil bank base crop since the soil bank base under the previously existing contract was established, the soil bank base established for the farm under the original contract shall remain the same under the new contract. If there has been a change in the classification of a crop grown on the farm, the farm soil bank base for the new contract shall be adjusted to reflect such change in the classification of the crop.

(b) Where all the eligible land on the farm not covered by an existing contract (except land devoted to a home garden and land approved by the county committee as needed for livestock lanes or farm roads, or both) is offered to be placed in the Conservation Reserve Program in 1960, the producer may designate such entire eligible acreage as conservation reserve at the regular rate specified in § 485.520(b) regardless of the number of acres in the soil bank base on the farm, except that if the farm includes any land with respect to which a contract may not be entered into under paragraph (g) or (h) of § 485.507, the provisions of paragraph (c) of this section shall apply.

(c)(1) Where only part of the eligible land on the farm not covered by an existing contract (except land devoted to a home garden and land approved by the county committee as needed for livestock lanes or farm roads, or both) is offered to be placed in the Conservation Reserve Program in 1960 and the farm soil bank base is more than 30 acres, the producer may designate acreage as conservation reserve at the regular rate specified in § 485.520(b) up to but not in excess of the soil bank base, less the acreage in the conservation reserve at the regular rate under an existing contract, and may designate acreage as conservation reserve at the non-diversion rate specified in § 485.520(c) up to but not in excess of the total acreage on such farm placed in the program at the regular rate: *Provided*, That on any farm on which an acreage equal to the soil bank base is placed in the conservation reserve at the regular rate, including acreage in the conservation reserve under an existing contract, any other eligible acreage may be placed in the conservation reserve at the non-diversion rate: *Provided further*, That if the reconstitution of a farm under contract results in all or part of the conservation reserve at the regular rate for the reconstituted farm being in excess of the soil bank base for such farm, the part of the conservation reserve at the regular rate in excess of the soil bank base may be continued in the conservation reserve at the non-diversion rate.

(2) Where only part of such eligible land on the farm is offered to be placed in the Conservation Reserve Program in 1960 and the farm soil bank base is less than 30 acres, the producer may designate acreage as conservation reserve at the regular rate specified in § 485.520(b) up to but not in excess of the soil bank base, less the acreage in the conservation reserve at the regular rate under an existing contract, and may designate as conservation reserve at the non-diversion rate specified in § 485.520(c) any acreage which is not placed in the program at the regular rate: *Provided*, That if the reconstitution of a farm under contract results in all or part of the conservation reserve at the regular rate for the reconstituted farm being in excess of the soil bank base for such farm, the part of the conservation reserve at the regular rate in excess of the soil bank base may be continued in the conservation reserve at the non-diversion rate.

(d)(1) The producer shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres in the conservation at the regular rate.

(2) The producer shall be considered in violation of his contract in any year if for such year (i) the acreage permitted under the contract to be devoted to soil bank base crops is zero and any acreage is devoted to such crops, or (ii) the acreage permitted under the contract to be devoted to soil bank base crops is more than zero and the acreage devoted to such crops exceeds such permitted acreage by more than one acre or three per centum of the permitted acreage, whichever is larger.

(3) A producer shall not be considered in violation of his conservation reserve contract even though the acreage devoted to soil bank base crops on the farm is in excess of the acres permitted to be devoted to such crops if the county committee determines that the farm operator was not given a notice of such excess acreage or was given an erroneous notice of such acreage, provided the producer could not have been reasonably expected to know that the acreage permitted to be devoted to such crops was being exceeded and the producer made reasonable efforts by measuring or otherwise not to exceed the acres permitted.

(4) If the producer exceeds the permitted acreage of soil bank base crops on the farm but is not considered in violation of his contract under subparagraph (2) or (3) of this paragraph, the annual payment for the contract for such year shall nevertheless be reduced in accordance with the provisions of § 485.520(g).

(e) The producer shall agree not to harvest an acreage of soil bank base crops in excess of the acreage permitted to be devoted to such crops under the contract. Any producer who knowingly and willfully harvests any crop in violation of such agreement shall be subject to the civil penalty provided in § 485.530.

§ 485.515 Breaking out noncropland.

No producer shall break out any land not classified as cropland at the time the contract was entered into unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the farm (exclusive of the conservation reserve) is retired to noncrop use. The breaking out of such land without the approval of the county committee shall constitute a violation of the contract. The breaking out of noncropland means the preparation (including but not limited to the renovation or improvement) of such land for the purpose of producing agricultural commodities except that such term shall not include the renovation or improvement of pastureland for the purpose of pasture.

§ 485.516 Reconstitution of farms.

Reconstitution of farms shall be made in accordance with the regulations governing reconstitution of farms, farm allotments, and farm history and soil bank base acreages (7 CFR Part 719, 23 F.R. 6731) and any amendments thereto. If, under such regulations, two or more farms as constituted at the time a contract is entered into are later combined, or if one farm as constituted at the time the contract is entered into is later divided into two or more farms, the provisions of the contract and this subpart shall apply to the farm on which the conservation reserve or any part thereof is located after the farm is reconstituted. In such case the contract shall be modified to reflect the change in the farm soil bank base required by such reconstitution.

§ 485.517 Compliance with acreage allotments.

No producer shall be eligible for payments or compensation (including practice payments) under the Conservation Reserve Program for any year with respect to any farm on which (a) the acreage of cotton, rice or tobacco exceeds the farm acreage allotment for the commodity; (b) the acreage of wheat, in the case of a farm in the commercial wheat-producing area which is not exempted from marketing quota penalties under section 335(f) of the Agricultural Adjustment Act of 1958, as amended, exceeds the larger of the farm acreage allotment for wheat or 15 acres; or (c) the acreage of peanuts exceeds the larger of the farm acreage allotment for peanuts or one acre. For the purposes of this section such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for the commodity, such acreage limitations would be determined to have been knowingly exceeded.

§ 485.518 Pooling arrangements.

Producers in any local area may, with the prior approval of the county and State committees, enter two or more farms jointly in the program if a plan is developed to the satisfaction of such committees that would result in better management of family farms or better land use of the farms through such joint participation than would be obtained through individual farm participation.

§ 485.519 Practice cost-sharing.

(a) *Rates of cost-sharing for practices.* Subject to the further limitations

provided in paragraph (b) of this section, the maximum share which the Secretary will bear of the cost of carrying out an approved practice on the conservation reserve shall be 50 percent of the average cost of performance for practices A–2, A–4, B–7, D–1, D–2, G–2, and G–3 and 80 percent of the average cost of performance for practices A–7, A–8, and G–1. The rates of cost-sharing for practices A–2, A–4, A–7, A–8, B–7, D–1, and D–2 shall not exceed the applicable Agricultural Conservation Program rates of cost-sharing for these practices or components thereof which are in effect, or which would be in effect if the practices were included in the Agricultural Conservation Program in the county or area. The State committee may establish rates of cost-sharing lower than those specified herein, and the county committee may establish rates of cost-sharing lower than those specified herein or those specified by the State committee. For purposes of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

(b) *Maximum cost-share limitations for practices.* (1) The cost-share for any water storage facility shall not exceed $1,500.

(2) Where the area covered by the water impounded by a water storage facility is not wholly within the conservation reserve on a farm, the cost-share for such water storage facility practice shall, after applying the limitation prescribed in subparagraph (1) of this paragraph, be further limited to a percentage of such cost-share which is equal to the percentage which the area located on the conservation reserve covered by the impounded water is of the total area covered by the impounded water.

(3) The total cost-share for all conservation reserve water storage facilities constructed on a farm including those previously approved shall not exceed the larger of $1,500 or $40 times the acreage in the conservation reserve on such farm.

(4) The cost-shares for practices A–2, A–4, A–7, A–8, B–7, D–1, and D–2 shall not exceed the applicable Agricultural Conservation Program maximum cost-share limitation for these practices which are in effect, or which would be in effect if the practices were offered under the Agricultural Conservation Program, in the county or area.

(5) The maximum cost-share for practice G–1 shall not exceed the maximum cost-share limitation established or which could have been established for practice G–1 in the county under a contract for which the first year of the contract period was 1959.

(6) No cost-share payment will be made for conservation practices carried out on land other than that for which an annual payment is payable.

(c) *Items of cost on which cost-sharing is authorized.* For practices A–2, A–4, A–7, B–7, D–1 and D–2, cost-sharing is authorized for the same items of cost-sharing which are authorized for the same practices under the Agricultural Conservation Program or which could be authorized for the practices if included under the Agricultural Conservation Program except that no cost-sharing shall be allowed for the construction of fencing. The items of cost for which cost-sharing will be authorized will be available at the office of the county committee and the producer shall obtain such information at that office. A producer is not eligible to receive cost-sharing under the Conservation Reserve Program for a practice or practice component for which he has received or is due to receive cost-sharing on the same land under the Agricultural Conservation Program.

(d) *Completion of practice.* Except as specified in paragraphs (e) and (f) of this section, Federal cost-sharing for eligible practices is conditioned upon approval of the county committee and upon the completion of performance of the practice in accordance with all applicable specifications and program provisions, and upon approval of the application for payment by the county committee. However, the cost-shares for any completed component of a practice may be paid before completion of the remaining components upon application therefor by the producer and approval by the county committee if the practice is substantially completed.

(e) *Practices involving the establishment of protective vegetative cover.* Costs for practices involving the establishment of protective vegetative cover may be shared even though a good stand is not established if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was without the fault or negligence of the producer. The county committee shall require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved for needed repeat applications of measures previously carried out or for additional needed eligible measures if the failure to obtain a good stand was due to flood, drought, hurricane, or other natural disaster at a rate of cost-sharing not in excess of 50 percent of the current rate of cost-sharing for the measures for which cost-sharing is being approved.

(f) *Failure to meet minimum requirements.* Notwithstanding other provisions of the program, costs may be shared for practices treating with the establishment of protective vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the producer establishes to the satisfaction of the county committee and the State committee (1) that he made every reasonable effort to meet the minimum requirements, and (2) that the practice as performed adequately meets the conservation problem.

(g) *Practices carried out with State or Federal aid.* For the purpose of computing cost-shares to be borne by the Secretary, the total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was borne by a State or Federal agency, except that any assistance provided by a State agency for the establishment of practice G–1, G–2, or G–3 shall not be regarded as costs borne by a State or Federal agency for the purposes of this section.

(h) *Conservation materials and services.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished under the Conservation Reserve Program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness maintained in the office of the county committee except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(2) Title to any material furnished shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(3) The producer shall pay that part of the cost of the material or service as established under instructions issued by the Administrator which is in excess of the Federal cost-share attributable to the use of the material or service, or upon request by the producer and approval by the county committee, the producer shall pay that part of the cost of the material or service which is in excess of the producer's Federal cost-share for all components of the practice.

(4) The producer to whom a material or service is furnished will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advanced toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the producer uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares or payments otherwise due him under the program.

(5) Any producer to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused without his fault or negligence. If materials are abandoned or not used, they may, in accordance with instructions issued by the Administrator, be transferred to another producer or otherwise disposed of at the ex-

pense of the producer who abandoned or failed to use the material.

§ 485.520 **Annual payments.**

(a) *Amount of payment.* An annual payment will be made to the producers on the farm for the period of the contract upon determination by the county committee that they have fulfilled the provisions of the contract entitling them to such payment. The amount of the annual payment shall be determined by multiplying the rate or rates of payment per acre provided in paragraph (b), (c), or (d) of this section by the number of acres in the conservation reserve at such rate or rates, and adjusted as may be required by paragraph (f), (g), or (h) of this section.

(b) *Regular rate.* (1) The rate at which the producer offers the land or the rate which is deemed to be the producer's offered rate, if accepted, shall be the regular rate for the land: *Provided,* That with respect to land rented for a fixed amount of cash, or a fixed amount of commodity to be paid as rent, the regular annual payment rate for such land shall not exceed the per acre rental rate which, at the time the producer files his application for contract, has been established for 1960, or if at such time the 1960 rental rate has not been established, the rental rate for 1959.

(2) The regular annual payment rate approved for the land placed in the conservation reserve in 1960 shall apply to the acreage placed in the conservation reserve in 1960 which represents a reduction in the acreage devoted to soil bank base crops below the farm soil bank base and a non-diversion rate established in accordance with paragraph (c) of this section shall apply to all other acreage placed in the conservation reserve in 1960: *Provided,* That in the case of contracts under which all the eligible acreage on the farm not covered by an existing contract (except land devoted to a home garden and land approved by the county committee as needed for livestock lanes or farm roads, or both) is placed in the conservation reserve in 1960, the regular annual payment rate approved for such land in 1960 shall apply to all land placed in the conservation reserve in 1960 and shall continue to apply to such land or any part of such land for the years it remains under contract, except that this proviso shall not apply in the case of a farm which includes any land with respect to which a contract may not be entered into under paragraph (g) or (h) of § 485.507.

(c) *Non-diversion rate.* The non-diversion rate for land for which 1960 is the first year of the contract period shall be 50 per centum of the regular rate which would have been approved for such land in 1960. Except as otherwise provided in subparagraph (2) of paragraph (b) of this section, such non-diversion rate shall apply to that acreage placed in the conservation reserve in 1960 which does not represent a reduction in the acreage devoted to soil bank base crops below the farm soil bank base.

(d) *Rates established under previously existing contract.* In the case of a contract entered into under the provisions of § 485.512, the payment rate or rates established for the land under the previously existing contract shall remain in effect for such land for the rest of the contract period except as otherwise provided in that section.

(e) *Determination of acreage.* The number of acres in the tract or tracts of land designated as the conservation reserve and the number of acres on the farm devoted to soil bank base crops shall be measured or otherwise determined in accordance with the regulations governing the determination of acreage and performance (7 CFR Part 718, 24 F.R. 4223) and any amendments thereto. A written notice of the determination of acreages for the farm shall be mailed to the farm operator in accordance with regulations governing the determination of acreage and performance (7 CFR 718, 24 F.R. 4223) and any amendments thereto. In determining the acreage of any commodity for which an acreage allotment was determined for the farm the definition of the acreage of such commodity under the marketing quota and price support programs shall apply except that: (1) The provisions of such definitions which relate to the disposition of acreage in excess of the allotment shall apply to the disposition of acreage in excess of that required for compliance with a conservation reserve contract; (2) the acreage of peanuts shall include any acreage planted to peanuts which is harvested for hay or hogged off, and any acreage from which the peanuts are marketed for consumption as boiled peanuts; (3) the acreage of wheat shall include any acreage planted to wheat which is harvested for hay or ensilage. The number of acres devoted to any of the soil bank base crops for which an acreage allotment is not applicable shall be the acreage planted to such crop (including volunteer seedings) except that: (i) An acreage of such crop shall not be considered as acreage devoted to a soil bank base crop if it is turned under, cut off, pastured off, or otherwise disposed of, to the extent that the crop will not reach maturity, before the later of (*a*) a date to be established by the State committee which shall be at least 15 days before the date the harvesting of the latest maturing crop in the area normally begins (such date may be established in a county or an area within a county and will be available at the county ASC office), or (*b*) 15 days after the mailing date of Form CSS–572, Notice of Measured Acreage—Soil Bank Program, but in no event later than the maturity of the crop; (ii) any acreage of such crop shall not be considered as acreage devoted to a soil bank base crop if it is disposed of in accordance with regulations governing the determination of acreage and performance (7 CFR Part 718, 24 F.R. 4223) and any amendments thereto; and (iii) any crop which is used as a nurse or cover crop shall not be considered as acreage devoted to a soil bank base crop if the producer obtains written approval from the county committee for such use prior to the time disposition would otherwise be required under subdivision (i) (*a*) or (*b*) of this subparagraph and none of such crop is harvested or if the county committee determines that the crop has in fact been used as a nurse or cover crop, has not been harvested, and has been disposed of by the producer in such manner, or is in such condition, that no part of the crop can be harvested. Notwithstanding the other provisions of this section, the acreage of any grain crop (including a crop subject to acreage allotments) which is planted on the conservation reserve only for wildlife feed plantings as a part of an approved C–1 practice and no part of which is harvested will not be considered as devoted to soil bank base crops for the purpose of determining compliance with the farm permitted acreage. For the purpose of determining compliance with acreage allotments, the acreage of any crop subject to acreage allotments shall be determined in accordance with applicable acreage allotment and marketing quota program regulations.

(f) *Land flooded as a result of impoundment of water.* Commencing with the year following the year in which land is flooded as a result of the impoundment of water on the conservation reserve, or any part thereof, under an easement or right-of-way granted in connection with projects referred to in the first sentence of § 485.507(f), the number of acres which shall be used in computing the annual payment shall be reduced by the number of acres of the conservation reserve which are permanently flooded.

(g) *Exceeding permitted acreage.* If the producer exceeds the permitted acreage of soil bank base crops on the farm but is not considered in violation of his contract under § 485.514(d), the annual payment for the contract for such year shall nevertheless be reduced by an amount equal to the number of excess acres times the highest regular annual payment rate per acre established for the contract.

(h) *Grazing authorized by Secretary.* If any part of the conservation reserve is grazed as provided in § 485.513(i)(2) during the first 3 years of the contract period, no annual payment will be made for such part of the conservation reserve for the year in which grazed, and if any part of the conservation reserve is so grazed after the first 3 years of the contract period, such annual payment shall be at a rate determined in accordance with regulations to be issued by the Secretary.

§ 485.521 **Limitation on payments.**

(a) The total of all annual payments under the conservation reserve program to any producer for any year with respect to all farms in which he has an interest shall not exceed $5,000.00. All or any part of the annual payment which otherwise would be due any producer shall be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust or by any other means designed to evade, or which has the effect of evading the provisions of this section. A family trust created on or after August 16, 1956, will be con-

sidered a scheme or device to evade the provisions of this section if it results in the settlor and beneficiaries of the trust receiving in the aggregate annual payments under the Conservation Reserve Program for any year of the contract period in excess of $5,000. For purposes of this provision, members of the family include husband or wife of the settlor, children of the settlor, their husbands and wives, and members of the immediate household of the settlor; and payments to a trustee shall be regarded as payments to the beneficiaries of the trust. For purposes of this section, a family shall include grandchildren of the settlor, step-children of a child of the settlor, and any minor related to the settlor by blood or marriage.

(b) For purposes of applying the payment limitation prescribed in paragraph (a) of this section, the rules contained in subparagraphs (1) through (6) of this paragraph shall be effective to determine whether certain individuals interested in farming operations as landowners, landlords, tenants or sharecroppers are to be treated as one producer or as separate producers. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of producers shall apply.

(1) A partnership shall be considered as a producer. Individual members of the partnership may be considered as separate producers or recognized in another capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on another farm only if (i) the individual members operating in a separate capacity are not identical with the membership of the partnership, and (ii) the individual members also operated as separate producers or in a separate capacity as producers on the farm during 1959.

(2) A corporation or association shall be considered as a producer. A stockholder who owns a majority of the stock of a corporation shall not be considered as a separate producer on the same farm nor recognized in any other capacity on the same farm as a landowner, landlord, tenant, or sharecropper.

(3) An estate or trust shall be considered as a producer unless the estate has only one heir or the trust has only one beneficiary, in which case only the sole heir or the sole beneficiary shall be considered as a producer. Subject to the provisions of paragraph (a) of this section, an individual who is not the sole heir of the estate or the sole beneficiary of the trust may be considered as a separate producer or recognized in a different capacity as landlord, landowner, tenant, or sharecropper, on the same farm or on another farm, provided such separate producer status is established to the satisfaction of the county committee.

(4) Two or more individuals operating as a group under an arrangement which, although lacking the legel elements of a partnership or corporation, is in the nature of a joint undertaking shall be considered as a producer. (Clubs, societies, fraternal and religious organizations, as well as informal arrangements between two or more individuals, are examples of such groups.) Individual members of the group shall not be considered as separate producers on the same farm nor recognized on the same farm in any other capacity as landowners, landlords, tenants, or sharecroppers.

(5) Husband and wife shall not be considered as separate producers nor recognized in any other capacity as landowners, landlords, tenants, or sharecroppers, on the same farm or on different farms. Other individuals having any family relationship may be considered as separate producers if they are participating on different farms. Such individuals may be considered as separate producers on the same farm or recognized in different capacities on the same farm as landlords, landowners, tenants, or sharecroppers only if such individuals operated as separate producers or in separate capacities during 1959.

(6) Individuals having a joint or common interest arising out of their interests in the ownership of any part of the farm as joint tenants, tenants by the entirety or tenants in common shall not be considered as separate producers on the same farm nor recognized in any other capacity on the same farm as landlords, landowners, tenants or sharecroppers.

§ 485.522 Manner and time of payments.

(a) *Practice payments.* The cost-sharing payment for practices shall be made by the State or county committee by means of a Commodity Credit Corporation sight-draft, payable to the producer or his assignee. Payments shall be made as soon as practicable after the extent of the performance of the approved conservation practice, or a component of such practice if authorized by the county committee, has been established. It shall be the responsibility of the producers eligible for payment to submit to the office of the county committee forms and information needed to establish the extent of the performance of approved conservation practices and compliance with the terms and conditions of the contract. Payment of cost-shares for conservation practices carried out on the conservation reserve will be made only upon application submitted on the prescribed form to the office of the county committee by June 30 of the year following the calendar year in which the practice is completed except that the State committee may authorize payment of cost-shares upon application submitted after such date if, in its judgment, such action is necessary in order to prevent undue hardship.

(b) *Annual payments.* The annual payment due producers for each calendar year during the contract period shall be made by the county or State committee by means of Commodity Credit Corporation sight-drafts, payable to the producer or his assignee. The annual payment shall be made as soon as practicable each year after the county committee has determined the acreage devoted to crops and other uses on the farm. It shall be the responsibility of the producers eligible for payment to submit to the office of the county committee forms and information needed to establish the extent of compliance with the terms and conditions of the contract. Payment of the annual payment will be made only upon application submitted on the prescribed form to the office of the county committee by June 30 of the year following the calendar year for which the annual payment is made except that the State committee may authorize payment of the annual payment upon application after such date if, in its judgment, such action is necessary in order to prevent undue hardship.

§ 485.523 Set-offs.

Set-offs shall be handled in accordance with the regulations issued by the Secretary governing set-offs (7 CFR Part 13, 23 F.R. 3757) and any amendments thereto.

§ 485.524 Division of payment between landlords, tenants, and sharecroppers.

(a) *Practice payments.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the producer to whom the materials or services are furnished. The remainder of the Federal cost-share shall be credited to the producer who carried out the practices by which such remainder of the Federal cost-share is earned. If more than one producer contributed to the carrying out of such practices, the Federal cost-share shall be divided among such producers in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice. The payments which a producer would otherwise receive for the establishment of practice G–1, G–2 or G–3 shall not be reduced by reason of any assistance provided by a private person or agency or a State agency in establishing the practice.

(b) *Annual payments.* The contract as executed shall specify the basis on which the landlords, tenants, sharecroppers, and (in the case of rice) persons who furnish water for a share of the crop are to share in the annual payments payable under the contract. The basis on which the producers share in such annual payments must be approved by the county committee as being fair and equitable taking into consideration (1) the respective contribution of each producer to the reduction, if any, of soil bank base crops below the farm soil bank base; (2) the basis on which they would have shared in such crops or the proceeds thereof; (3) the respective contribution which would have been made by each producer in the production of the crops which would have been produced on the conservation reserve; (4) the sav-

ings or benefits accruing to each producer as a result of the reduction in the production of any crops which would otherwise be grown on the farm. If the county committee determines that with the mutual agreement of the producers involved a producer is not making a contribution to the reduction of any crops, or is making a smaller contribution to the reduction of any crops than would normally occur in the absence of any mutual agreement, a larger share of the annual payment than would otherwise be approved may be approved for the producers who are making the greater contribution to such reduction.

§ 485.525 Additional provisions relating to tenants and sharecroppers.

(a) No contract shall be entered into with a producer if it shall appear—

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the contract in proportion to the number of acres in the respective producer units of such commodity farmed by such tenants or sharecroppers; or

(2) That the landlord or operator has, in anticipation or because of participating in the Soil Bank Program, reduced the number of tenants and sharecroppers on the farm, or the shares of the allotment made available to tenants or sharecroppers (if a tenant or sharecropper leaves the farm voluntarily or for some reason other than being forced off the farm by the landlord or operator in anticipation of participating in the Soil Bank Program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of participating in the Soil Bank Program);

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any contract hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any payment to be paid to him under the contract; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the payment or any other right or privilege of his under the contract to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's producer unit in contemplation of the signing of the contract; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his payment or any other right under the contract.

(b) The contract shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section occur after the signing of the contract.

(c) In addition to the grounds for not approving a contract specified in paragraph (a) of this section, no contract shall be entered into if—

(1) The farm was operated with one or more tenants or sharecroppers in 1958 or 1959 and no tenant or sharecropper is shown on the contract to share in the annual payment. (This provision shall not be applicable if (i) the number of acres to be placed in the conservation reserve does not exceed the number of eligible acres on the farm operated without tenants or sharecroppers in 1958 or 1959, whichever is smaller, plus the number of eligible acres operated by tenants or sharecroppers in 1958 or 1959 in which the tenant or sharecropper has relinquished his interest voluntarily and this fact is substantiated by a statement signed by the tenant or sharecropper that he left the farm voluntarily or, if the tenant or sharecropper cannot be located or is not available, statements signed by at least three persons not related by blood or marriage to the landlord and having no interest in the farm stating that they have knowledge that the tenant or sharecropper left the farm voluntarily, and (ii) the number of acres continued in crop production by the owner or landlord without tenants or sharecroppers does not exceed the number of eligible acres on the farm operated without tenants or sharecroppers in 1958 or 1959, whichever is smaller, plus the number of eligible acres operated by tenants or sharecroppers in 1958 or 1959 in which the tenant or sharecropper has relinquished his interest voluntarily and this fact is substantiated by written statements as provided above. If a contract is entered into on the basis of the producer's having met the requirements of subdivision (ii) of this subparagraph, it shall be a violation of the contract for the producer to operate without tenants or sharecroppers a larger acreage than permitted by such item); or

(2) The State or county committee for any reason determines that disapproval of the contract is necessary to protect the interest of tenants or sharecroppers.

§ 485.526 Successors-in-interest.

(a) In case of death, incompetency, or disappearance of any producer, any Federal cost-share or other payment under the contract due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122 as amended, issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) (1) When any producer signatory to the contract who has control of the farm loses control of all or a part of the farm by sale, death, or otherwise, the contract shall terminate with respect to the acreage over which control is lost. In the event of such termination, the producer who acquires control of such acreage may enter into a conservation reserve contract which will continue such acreage in the conservation reserve for the duration of the contract period under the same terms and conditions if one of the following conditions exists: (i) The produced who acquires control of such acreage was a party to the terminated contract, (ii) the land over which control was lost was under a conservation reserve contract for at least three years prior to termination, or (iii) the producer who acquires control acquired such control by will or succession as the result of the death of the producer losing control: *Provided,* That all other provisions of these regulations shall be applicable to contracts entered into by a producer acquiring control under this section. Cost-shares paid or payable with respect to the acreage over which control is lost shall be forfeited or refunded unless the land is continued under a contract under one of the preceding conditions. In such case, each producer signatory to the contract shall not only be obligated to refund all Federal cost-shares received by him but shall also be jointly and severally obligated with the other producers signatory to the contract to refund all Federal cost-shares received by any person with respect to such acreage under any contract except cost-shares received in connection with acreage for which the entire contract period specified in a contract has run. The producer losing such control shall not be entitled to further compensation under the contract with respect to such acreage except as provided below. The county committee shall determine the division of the annual payment applicable to such acreage for the year in which such control is lost between the producer losing such control (hereinafter called the "original producer") and the producer acquiring his interest (hereinafter called the "successor producer") on a basis which it determines to be fair and equitable, taking into consideration, among any other factors it deems pertinent: (*a*) The respective interests which the original producer and successor producer have in the crops on the acreage over which control is lost, (*b*) the contribution to the reduction of crops on such acreage made by the original producer, (*c*) the contribution which will be made by the successor producer to such reduction, (*d*) the respective contributions which have and will be made by the original producer and the successor producer in carrying out the provisions of the contract with respect to such acreage, and (*e*) the time of the contract year at which the loss of control occurs: *Provided,* That no annual payment shall be made to the successor producer unless he becomes a party to a conservation reserve contract as provided above: *Provided further,* That no annual payment shall be made to either the original producer or the successor producer unless there is compliance with the contract for the full contract year. A change of tenants or sharecroppers not signatory to the contract or tenants or sharecroppers signatory to the contract but who do not have control of the farm

shall be handled in accordance with paragraph (c) of this section.

(2) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the acreage remaining under the producer's control, modified however to reflect the changes, if any, in the acres in the farm, farm soil bank base, permitted acres, and conservation reserve resulting from the loss of control. In the event that the soil bank base on the acreage remaining under his control is less than the acreage in the conservation reserve at the regular rate the producer may elect (i) to continue the acreage in the conservation reserve for the duration of the contract period under a contract so modified or (ii) to refund all Federal cost-shares paid with respect to that part of the acreage in the conservation reserve remaining under his control. In the event of such refund, the producer shall not be entitled to further compensation under the contract and shall be relieved of further obligations under the contract.

(3) The lease of all or part of the farm by a producer signatory to the contract shall not be considered a loss of control under subparagraph (1) of this paragraph. Such a producer shall not be relieved from carrying out his obligations under the contract with respect to the acreage leased and shall continue to be subject to section 123 of the Soil Bank Act, which imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests a crop from any acreage in violation of the contract, unless such producer obtains the agreement of the lessee, on a form prescribed by the Administrator, to carry out the terms of the contract during the term of the lease, the grazing of, or the harvesting of a crop from, any acreage in violation of the contract, by the lessee or any other person connected with the farm under the lease shall be deemed to have been knowingly and willfully committed by such producer.

(c) If the county committee is notified in writing, prior to payment of compensation under an existing contract to a tenant (including tenant operator) or to a sharecropper, that such tenant or sharecropper is no longer on the farm, the county committee shall determine the division of compensation between the original tenant or sharecropper and the successor tenant or sharecropper, on a basis which it determines to be fair and equitable. In making such determination, the county committee shall consider, among other factors it deems pertinent: (1) The respective interests which the original tenant or sharecropper and successor tenant or sharecropper have in the crops on the farm, (2) the contribution to the reduction of crops which has been made by the tenant or sharecropper up to the time he leaves the farm, (3) the contribution which will be made by the successor tenant or sharecropper to such reduction, (4) the length of time the contract has been in effect prior to the change in tenant or sharecropper, (5) the respective contributions which have and will be made by the original tenant or sharecropper and by the successor tenant or sharecropper in carrying out those provisions of the contract relating to the preventing of harvesting or grazing and the control of noxious weeds on the conservation reserve: *Provided*, That if the successor is a tenant-operator, no compensation shall be paid to him unless he becomes a party to the contract: *Provided further*, That no compensation shall be paid to either the original tenant or sharecropper or the successor unless there is compliance with the contract for the full contract year.

(d) Notwithstanding any other provision of this section, if a tenant or sharecropper who leaves the farm is not replaced with another tenant or sharecropper the share of the annual payment which a successor tenant would otherwise have received for such year and for succeeding years shall not be paid to anyone and the division of payments between the producers on the contract shall not be changed.

§ 485.527 Assignments.

Any producer who may be entitled to any practice payment or annual payment under the Conservation Reserve Program may assign his right thereto, in whole or in part, subject to the following conditions:

(a) The assignment must be made in writing on a form prescribed by the Administrator.

(b) There may be only one outstanding assignment of compensation payable to a producer for any one year under a contract.

(c) Each assignment may cover only compensation due under one contract.

In order to be recognized the assignment must be delivered at the office of the county committee which signed the contract. In the event of two outstanding assignments by a producer for one year only the first one received at such county office will be recognized. Payment of any compensation which may become due will be paid to the assignee to the extent of the assignment and subject to the provisions of § 485.523 pertaining to set-offs, unless prior thereto the county office at which the assignment was delivered receives a written release signed by the assignee. No further assignment may be made by the assignee.

§ 485.528 Payments not subject to claims.

Any annual payment or cost-share, or portion thereof, due any person hereunder shall be determined and allowed without deduction of claims for advances (except as provided in § 485.527 and except for indebtedness to the United States subject to set-off); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 485.529 Violations of contract.

(a) In the event the Secretary determines that there has been a violation of any contract during the time the producer has control of the farm, and that such violation is of such a substantial nature as to warrant termination of the contract, all rights to annual and cost-share payments and grants under the contract shall be forfeited and all such payments and grants received by the producer shall be refunded with interest at the rate of six per centum per annum. The producers who sign the contract will be obligated to refund all such payments and grants received not only by them but also by any tenant or sharecropper who is not signatory to the contract. Any such tenant or sharecropper shall also be obligated to refund any such payment or grant received by such tenant or sharecropper.

(b) In the event the Secretary determines that there has been a violation of any contract but that such violation is of such a nature as not to warrant termination of the contract, the annual and cost-share payments and grants under the contract shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the contract will be obligated to accept such adjustments, forfeit such benefits, and make such refunds to the United States of annual and cost-share payments and grants received not only by them but also by any tenant or sharecropper not signatory to the contract as the Secretary determines to be appropriate. Any such tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in annual and cost-share payments and grants paid or otherwise payable to such tenant or sharecropper as the Secretary determines to be appropriate. The Secretary may require payment of interest at a rate not in excess of six per centum per annum on any refund provided for in this paragraph.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether such violation is of such a substantial nature as to warrant termination of the contract, and the amount of any adjustment, forfeiture or refund which shall be made if such violation is of such a nature as not to warrant termination of the contract, and the rules and procedure for review of such determinations are contained in 22 F.R. 2411, as amended.

§ 485.530 Penalty for grazing or harvesting.

Section 123 of the Act imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract equal to 50 per centum of the amount payable (cost-share and annual payments) for compliance with such contract for the year in which the violation occurs. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the contract.

§ 485.531 Filing of false claims.

No producer shall file a claim for a payment to which he knows he is not entitled under the provisions of the regulations in this subpart and the contract including claim for a cost-share payment not carried out or for practices carried out in such a manner that they do not meet the required specifications

therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 485.532 Misuse of purchase orders.

No producer shall knowingly use a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and the misuse of the purchase order shall constitute a violation of the contract.

§ 485.533 Access to farms and records.

The county committeemen or their representatives, or any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of the representations made in or in connection with any contract entered into hereunder and the performance of the terms and conditions of such contract, shall have the right to enter the farm at any reasonable time in order to measure the acreage to determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity.

§ 485.534 State committee approval of determinations of county committees.

The State committee upon its own motion or at the request of any person may revise or require revision of any determination made by the county committee in connection with the Conservation Reserve Program except that the State committee may not make a revision of any executed contract other than as specifically authorized herein.

§ 485.535 Finality of determinations.

The facts constituting the basis for any payment, or the amount thereof, under any contract when officially determined in conformity with applicable regulations shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government, except that the Act provides for judicial review in the case of the termination of a contract.

§ 485.536 Effects on acreage allotment and marketing quota programs.

(a) The acreage on any farm which is diverted from the production of any commodity in order to carry out a contract shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), and sections 326(b) and 356(g) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326(b), 1356(g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out a contract shall be considered as wheat acreage of normal yield or rice acreage of normal yield, as the case may be, on the farm.

§ 485.537 Appeals.

(a) Any producer may request the county committee to reconsider, prior to the signing and filing of the contract by the producer, any determination made by the county committee affecting the contract except rates of payment. Such request shall be in writing and shall be made within 15 days after notice to him of such determination. The producer shall be deemed to have received notice of the determination if such determination is communicated to him verbally or if a letter, form, or other document has been mailed or delivered to him which discloses such determination. The county committee shall notify the producer of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after notice of the decision appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. The decision of the State committee shall be final. If the producer fails to request consideration of a determination by the county committee, or fails to appeal from a decision of the county committee, within the 15-day period, the determination or decision of the county committee shall be final. If the final decision is not made prior to 15 days before the closing date for filing contracts, the producers shall have 15 days following such decision within which to file the contract.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations, see § 485.529), which is not disposed of by agreement, shall be decided by the State committee. The State committee shall notify the producer in writing that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to the date of the notice. If the producer requests such an opportunity within 15 days from the date of receipt of such notice, he shall be given an opportunity to appear before the county committee and to offer any relevant evidence which he may wish to present. The county committee shall submit a report including its recommendation to the State committee. The producer shall also be afforded an opportunity to be heard by the State committee and to offer evidence in support of his position. If the producer does not request an opportunity to appear or to present evidence, the State committee shall proceed to consider the matter on the basis of such information as may be available to it.

§ 485.538 Delegation of authority.

(a) Any authority delegated to the Administrator in the regulations in this subpart may be exercised by the Deputy Administrator.

(b) Any authority delegated to the State committee in the regulations in this subpart may be redelegated to a member of the State committee or to any employee of the State committee.

§ 485.539 Contracts not in conformity with regulations.

If it is discovered, after a conservation reserve contract has been approved by the county committee that, through a misunderstanding of the program by a producer acting in good faith, the contract is not in conformity with these regulations, a new contract shall be filed or the original contract corrected, to meet all the requirements of the program. If any producer who signed the original contract is unwilling to sign a new contract or to correct the original contract in conformity with these regulations, the State committee may, in accordance with instructions from the Administrator, upon the request of all producers who signed the original contract, consent to the termination of the contract. In case a new contract is not filed or the original contract corrected or terminated under this section, the case shall be referred to the Soil Bank Division, CSS.

§ 485.540 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon any instruction or commitment of any member, employee, or representative of a county or State committee, in good faith, substantially performs under a contract, the Administrator may, upon the recommendation of the county and State committees concerned, review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 29th day of September 1959.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59—8354; Filed, Oct. 2, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 185]

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

Limitation of Handling

§ 922.485 Valencia Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047),

and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 1, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 4, 1959, and ending at 12:01 a.m., P.s.t., October 11, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement.

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

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

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

Dated: October 2, 1959.

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

[F.R. Doc. 59–8412; Filed, Oct. 2, 1959; 11:37 a.m.]

[Orange Reg. 362]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.978 Orange Regulation 362.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 29, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1959, and ending at 12:01 a.m., e.s.t., October 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

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

Dated: September 30, 1959.

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

[F.R. Doc. 59–8351; Filed, Oct. 2, 1959; 8:49 a.m.]

[Grapefruit Reg. 314]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.979 Grapefruit Regulation 314.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limita-

tion of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 29, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1959, and ending at 12:01 a.m., e.s.t., October 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in "Regulation Area I," which are not mature and do not grade at least U.S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in "Regulation Area II," which are not mature and do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade; or

(v) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: September 30, 1959.

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

[F.R. Doc. 59–8350; Filed, Oct. 2, 1959; 8:49 a.m.]

[Tangerine Reg. 209]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

Limitation of Shipments

§ 933.980 Tangerine Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 5, 1959. The Growers Administrative Committee held an open meeting on September 29, 1959, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committees; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production areas at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 5, 1959, and ending at 12:01 a.m., e.s.t., October 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 150 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Dated: September 30, 1959.

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

[F.R. Doc. 59–8352; Filed, Oct. 2, 1959; 8:49 a.m.]

[Tokay Grape Order 1, Termination]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

§ 951.324 Termination of Tokay Grape Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 24 F.R. 1238), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the termination of restrictions on the handling of Tokay grapes grown in the production area is in accordance with the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this termination until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this termination is based became available and the time when this termination must become effective in order to effectuate the declared policy of the act is insufficient; and this order terminates restrictions on the handling of Tokay grapes grown in the production area.

(b) *Order.* It is, therefore, ordered that Tokay Grape Order 1 (§ 951.323; 24 F.R. 6184), issued pursuant to the aforesaid amended marketing agreement and Order No. 51, as amended, be, and the same hereby is, terminated effective at 12:01 a.m., September 30, 1959.

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

Dated: September 29, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–8324; Filed, Oct. 2, 1959; 8:46 a.m.]

[Lemon Reg. 813]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.920 Lemon Regulation 813.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 30, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 4, 1959, and ending at 12:01 a.m., P.s.t., October 11, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 55,800 cartons.

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

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

Dated: October 1, 1959.

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

[F.R. Doc. 59–8394; Filed, Oct. 2, 1959; 9:21 a.m.]

[959.317, Amdt. 2]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. a. Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation hereinafter set forth, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) 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; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. In § 959.317 (24 F.R. 5599, 7272), the introductory paragraph, paragraph (a) and subparagraph (1) of paragraph (d) are hereby amended as set forth below.

§ 959.317 Limitation of shipments.

During the period from October 5, 1959, through June 30, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) (d), (e), and (f) of this section.

(a) *Minimum grade and size; all varieties*—(1) *Grade.* U.S. No. 2, or better, grade.

(2) *Size.* 2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That potatoes grown in District No. 3 packed as U.S. No. 2 grade potatoes may be shipped if they are of a size

not smaller than 1⅞ inches minimum diameter.

* * * * *

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

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

Dated: September 30, 1959, to become effective October 5, 1959.

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

[F.R. Doc. 59–8353; Filed, Oct. 2, 1959; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.414]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Section 42.2 *Presumption of immigrant status* is amended to read as follows:

§ 42.2 Presumption of immigrant status.

Every alien shall be presumed to be an immigrant until he furnishes information or presents evidence establishing nonimmigrant status under the provisions of Part 41 of this chapter. An immigrant shall be classified as a quota immigrant until he establishes that he is classifiable as a nonquota immigrant. In order to be classified as a nonquota immigrant, an alien shall be required to qualify for such classification within one of the nonquota immigrant categories specified in section 101(a)(27) of the act or other provision of law.

2. Section 42.3 *Immigrant classification symbols* is amended to read as follows:

§ 42.3 Immigrant classification symbols.

(a) A visa issued to an alien as an immigrant within one of the nonquota or preference quota immigrant classes defined in sections 101(a)(27) or 203(a) of the Act, or other provision of the law, shall bear a symbol to show the classification of the immigrant in conformity with section 221(a) of the Act. Such symbol shall be inserted by the consular officer in the designated space on the visa side of the immigrant visa application Form FS–256 or on Form FS–511.

(b) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the act	Symbols to be inserted in visa
Spouse of U.S. citizen	101(a)(27)(A)	M–1
Child of U.S. citizen	101(a)(27)(A)	M–2
Returning resident	101(a)(27)(B)	N
Native of certain Western Hemisphere countries.	101(a)(27)(C)	O–1
Spouse of alien classified O–1	101(a)(27)(C)	O–2
Child of alien classified O–1	101(a)(27)(C)	O–3
Person who lost U.S. citizenship by marriage.	101(a)(27)(D) and 324(a).	P–1
Person who lost U.S. citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327.	P–2
Minister of religion	101(a)(27)(F)	Q–1
Spouse of alien classified Q–1	101(a)(27)(F)	Q–2
Child of alien classified Q–1	101(a)(27)(F)	Q–3
Certain employees or former employees of U.S. Government abroad.	101(a)(27)(G)	R–1
Spouse of alien classified R–1	101(a)(27)(G)	R–2
Child of alien classified R–1	101(a)(27)(G)	R–3

(c) The following symbols shall be used in the cases of quota immigrants:

Class	Section of the act	Symbols to be inserted in visa
First preference: Selected immigrant.	203(a)(1)	T–1
Spouse of alien classified T–1	203(a)(1)	T–2
Child of alien classified T–1	203(a)(1)	T–3
Second preference: Parent of U.S. citizen.	203(a)(2)	U–1
Second preference: Unmarried son or daughter of U.S. citizen.	203(a)(2)	U–2
Third preference: Spouse of alien resident.	203(a)(3)	V–1
Third preference: Unmarried son or daughter of alien resident.	203(a)(3)	V–2
Fourth preference: Brother or sister of U.S. citizen.	203(a)(4)	W–1
Fourth preference: Married son or daughter of U.S. citizen.	203(a)(4)	W–2
Fourth preference: Spouse of brother, sister, son, or daughter of U.S. citizen.	203(a)(4)	W–3
Fourth preference: Child of brother, sister, son, or daughter of U.S. citizen.	203(a)(4)	W–4
Fourth preference: Adopted son or daughter of U.S. citizen who is beneficiary of petition approved prior to effective date of the act of.	5(c) of the act of.	W–5
Nonpreference: Other quota immigrants.	203(a)(4)	X

(d) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the Act of September 11, 1957, as amended:

Class	Section of the act	Symbols to be inserted in visa
Eligible orphan adopted abroad.	4(b)(2)(A)	K–1
Eligible orphan to be adopted	4(b)(2)(B)	K–2
Spouse or child of adjusted first preference immigrant.	9	K–3
Beneficiary of first preference petition approved prior to July 1, 1958.	12A	K–4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1958.	12A	K–5
Beneficiary of second preference petition approved prior to July 1, 1957.	12	K–6
Beneficiary of third preference petition approved prior to July 1, 1957.	12	K–7
German expellee	15(a)(1)	K–8
Netherlands refugee or relative.	15(a)(2)	K–9
Refugee-escapee	15(a)(3)	K–10

(e) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the Act of September 2, 1958 (Public Law 85–892):

Class	Section of the act	Symbols to be inserted in visa
Azores natural calamity victim	1(A)	K–11
Spouse or unmarried minor son or daughter of Azores calamity victim	1	K–12
Netherlands national displaced from Indonesia	1(B)	K–13
Spouse or unmarried minor son or daughter of Netherlands national displaced from Indonesia	1	K–14

(f) The following symbols shall be used in the cases of nonquota immigrants who qualify for the benefits of the Act of September 22, 1959 (Public Law 86–363):

Class	Section of the act	Symbols to be inserted in visa
Parent of U.S. citizen registered prior to Dec. 31, 1953	4	K–15
Spouse or child of alien resident registered prior to Dec. 31, 1953	4	K–16
Brother, sister, son, or daughter of U.S. citizen registered prior to Dec. 31, 1953	4	K–17
Spouse or child of alien classified K–15, K–16, or K–17	4	K–18
Parent of U.S. citizen admitted as alien under Refugee Relief Act of 1953	6	K–19
Spouse or child of alien admitted under Refugee Relief Act of 1953	6	K–20

§ 42.10 [Amendment]

3. Paragraph (c) *Effect of approved petition* of § 42.10 *Quota immigrants* is amended to read as follows:

(c) *Effect of approved petition.* The fact that a consular officer shall have been authorized to grant a preference quota status to an alien upon the basis of a petition filed with, and approved by, the Attorney General in such alien's case shall not be considered as shifting from the alien to the consular officer the burden of proving eligibility to receive a visa. The approval of such a petition shall have the effect of establishing prima facie that the alien is entitled to the classification approved in the petition.

§ 42.11 [Amendment]

4. Paragraph (b) *Second preference class* of § 42.11 *Classes of quota immigrants* is amended to read as follows:

(b) *Second preference class.* The second preference class of quota immigrants shall consist of (1) the alien parents of citizens of the United States, such citizens being twenty-one years of age or over and (2) the unmarried sons or daughters of citizens of the United States, as referred to in section 203(a)(2) of the Act, who shall be entitled to preferential consideration under the next 30 per centum of the quota to which they are chargeable and to second preference within any other portion of such

quota not required for the issuance of visas to immigrants primarily entitled thereto.

5. Paragraph (c) *Third preference class* of § 42.11 *Classes of quota immigrants* is amended to read as follows:

(c) *Third preference class.* The third preference class of quota immigrants shall consist of the alien spouses and unmarried sons or daughters of aliens lawfully admitted for permanent residence, referred to in section 203(a)(3) of the Act, who shall be entitled to preferential consideration under the remaining 20 per centum of the quota to which they are chargeable and to third preference within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

6. Paragraph (d) *Fourth preference class* of § 42.11 *Classes of quota immigrants* is amended to read as follows:

(d) *Fourth preference class.* The fourth preference class of quota immigrants shall consist of the alien brothers, sisters, married sons or daughters of United States citizens, and the spouses and children of such aliens, as referred to in section 203(a)(4) of the Act, who shall be entitled to a preference of not exceeding 50 per centum of that portion of every quota which is not required for the issuance of immigrant visas to qualified immigrants within the first, second, and third preference classes.

§ 42.13 [Amendment]

7. Paragraph (a) of § 42.13 *Determination of quota to which an immigrant is chargeable* is amended to read as follows:

(a) An immigrant born in a quota area shall be chargeable to the quota of such quota area unless (1) he is classifiable as a nonquota immigrant, (2) his case falls within one of the exceptions to the general rule of quota chargeability as provided in section 202 of the Immigration and Nationality Act, or (3) he is a Chinese person who is chargeable to the quota for Chinese persons as provided in § 42.15.

8. Section 42.27 *Procedure in granting nonquota status in petition cases* is amended to read as follows:

§ 42.27 Procedure in granting nonquota status in petition cases.

No alien shall be accorded consideration as a nonquota immigrant if the approval of a petition is prescribed as a prerequisite to the granting of nonquota status unless the consular officer shall have received from the Immigration and Naturalization Service a petition filed and approved in accordance with the provisions of section 204 or section 205 of the Act or other provision of law.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8355; Filed, Oct. 2, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2000]

[Misc. 83047]

WYOMING

Partly Revoking Stock Driveway Withdrawal No. 128, Wyoming No. 13

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

The departmental order of July 7, 1932, enlarging Stock Driveway Withdrawal No. 128, Wyoming No. 13, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 46 N., R. 92 W.,
Sec. 18, lot 26 (formerly part of lot 11).
T. 46 N., R. 93 W.,
Sec. 13, lot 6 (part of NE¼SE¼).

Containing 34.21 acres, in the aggregate.

The lands are included in a withdrawal for reclamation purposes of September 12, 1958, in connection with the Hanover Bluff Unit, Missouri River Basin Project.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1959.

[F.R. Doc. 59-8363; Filed, Oct. 2, 1959; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Amdt. 2 S.O. 931]

PART 95—CAR SERVICE

Movement of Ores Restricted; Appointment of Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 28th day of September A.D. 1959.

Upon further consideration of Service Order No. 931 (24 F.R. 5186, 7103), and good cause appearing therefor:

It is ordered, That: § 95.931 *Movement of ores restricted—appointment of agent,* of Service Order No. 931, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That this order and amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-8326; Filed, Oct. 2, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 174a]

[Ex Parte No. MC-58]

DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

Notice of Proposed Rule Making

SEPTEMBER 24, 1959.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), that the regulations set forth in tentative form below are proposed to be prescribed by the Interstate Commerce Commission under the authority contained in sections 204(a) and 221(c) of the Interstate Commerce Act (49 Stat. 546, 563, as amended; 49 U.S.C. 304, 321):

Sec.
174a.1 Applicability.
174a.2 Form of designation.
174a.3 Eligible persons.
174a.4 Required states.
174a.5 Blanket designations.
174a.6 Cancellation or change.

AUTHORITY: §§ 174a.1 to 174a.6 issued under secs. 204(a) and 221(c), 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 321.

§ 174a.1 Applicability.

Every motor carrier and broker in complying with the requirements of section 221(c) of the Interstate Commerce Act (49 U.S.C. 321(c)), relating to the filing of designations of persons upon whom court process may be served, shall observe the regulations prescribed in this part.

§ 174a.2 Form of designation.

Designations shall be made by use of the form prescribed by the Commission for that purpose.

§ 174a.3 Eligible persons.

All persons designated must have residence in, or maintain an office in, the State for which they are designated. If an official of a State is designated, evidence of his willingness to accept service of process on behalf of the motor carrier or broker must be furnished.

§ 174a.4 Required States.

(a) *Motor carriers.* Every motor carrier shall make a designation for each State in which it is authorized to operate by a certificate or permit, or by a grant of temporary authority, including States traversed in the course of such operations. Every motor common carrier operating within a single State under the provisions of the second proviso of section 206(a)(1) of the Act (49 U.S.C. 306(a)(1)) shall file a designation for that State. Every motor carrier (including private carriers) performing operations in the United States in the course of transportation between points in a foreign country or foreign countries shall file a designation for each State through which it operates in performing such transportation. Every common carrier of passengers entitled to transport chartered parties by reason of section 208(c) of the Act (49 U.S.C. 308(c)) and the regulations thereunder in Part 178 of this chapter shall also make a designation for each State to which it holds out in its published tariffs to transport chartered parties, including States traversed in the course of such operations.

(b) *Brokers.* Every broker shall make a designation for each State in which is located a point or points at which it is specifically authorized to engage in broker operations. Where a broker's license does not specify such a point or points, designations shall be made for each State in which the broker engages in operations.

§ 174a.5 Blanket designations.

Where an association or corporation has filed with the Commission a list of process agents for each State, motor carriers and brokers may make the required designations by reference to such a list, using in the place of individual designations the appropriate one of the following statements:

(For all carriers other than regular route common carriers of passengers) Those persons named in the list of process agents on file with the Interstate Commerce Commission by _____
(Name of association or corporation)
and any subsequently filed revisions thereof, for the States in which this carrier is or may be authorized to operate, including States traversed in the course of such operations.

(For regular route common carriers of passengers) Those persons named in the list of process agents on file with the Interstate Commerce Commission by _____
(Name of _____ and any subseassociation or corporation)
quently filed revisions thereof, for the States in which this carrier is or may be authorized to operate, including States to which it holds out in its published tariffs to transport chartered parties, and those traversed in the course of such operations.

(For brokers) Those persons named in the list of process agents on file with the Interstate Commerce Commission by _____
(Name of _____ and any subseassociation or corporation)
quently filed revisions thereof, for the States in which this broker is or may be authorized to engage in broker operations.

§ 174a.6 Cancellation or change.

Designations may be cancelled or changed only by a new designation filed in accordance with this part by the motor carrier or broken which made the designation being cancelled or changed.

Prior to final adoption of such regulations, consideration will be given to any written statements of data, views, or arguments concerning the subject matter hereof which are submitted on or before November 16, 1959. No oral hearing is contemplated, and any request for oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in written form. One original signed copy and six additional copies of such written statements of data, views or arguments should be submitted in accordance with the Commission's general rules of practice.

Notice of this proceeding shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8325; Filed, Oct. 2, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number 047014 for the withdrawal of the lands described below, from all forms of appropriation under the Public land laws including the mining and mineral leasing laws but excepting the disposal of materials under the Materials Act. The applicant desires the land for use as an air navigation aid facility site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office; Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

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

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

The lands involved in the application are:

KENAI AREA (UNSURVEYED)

T. 6N., R. 11W., S.M.
Sec. 15: NW¼, N½N½SW¼, N½NW¼SE¼; and W½NE¼;
Sec. 10: SW¼SE¼, and S½SW¼;
Sec. 16: E½E½NE¼.

Containing 460 acres more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-8320; Filed, Oct. 2, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 13

Notice of Adoption of Conclusions and Determinations Regarding Modification of Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 13 as published in the FEDERAL REGISTER issue of September 10, 1959 (24 F.R. 7281).

Dated: October 1, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8387; Filed, Oct. 2, 1959; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

STATE OF MICHIGAN

Amended Notice of Opportunity for Hearing to Michigan Employment Security Commission

The Notice of Opportunity for Hearing to Michigan Employment Security Commission, published in the FEDERAL REGISTER on September 19, 1959 (24 F.R. 7589) is amended by changing the date of the hearing to the 26th day of October, 1959.

In all other respects the aforementioned notice remains unchanged.

JAMES P. MITCHELL,
Secretary of Labor.

SEPTEMBER 29, 1959.

[F.R. Doc. 59-8332; Filed, Oct. 2, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12954; FCC 59M-1273]

DAWKINS ESPY

Order Continuing Hearing

In re application of Dawkins Espy Glendale, California, Docket No. 12954, File No. BPH-2365; for construction permit for new FM broadcast station.

On the Hearing Examiner's own motion: *It is ordered*, This 29th day of September 1959, that hearing in the above-entitled proceeding, now scheduled for October 5, 1959, is continued to a date to be determined at a prehearing conference which will be held in the office of the Hearing Examiner, Room 6349, New Post Office Building, Washington, D.C. at 9:00 a.m., November 3, 1959.

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8337; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 13201, 13202; FCC 59M-1260]

EXECUTIVE AND PROFESSIONAL SERVICES AND POCKET PHONE BROADCAST SERVICE, INC.

Order Scheduling Hearing

In re application of Ruth and Seymour H. Chervinsky, d/b as Executive and Professional Services, Docket No. 13201, File No. 140-C2-P-59; for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Jersey City, New Jersey; Pocket Phone Broadcast Service, Inc., Docket No. 13202, File No. 455-C2-P-59; for a construction permit to establish a new one-way signal service in the Domestic Public Land Mobile Radio Service at New York, New York.

It is ordered, This 28th day of September 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 7, 1959, in Washington, D.C.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8338; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 12918; FCC 59M-1265]

DODGE CITY BROADCASTING CO., INC.

Order Advancing Date of Hearing

In re application of the Dodge City Broadcasting Company, Inc., liberal, Kansas, Docket No. 12918, File No. BP-12110; for construction permit.

The Hearing Examiner has under consideration a motion to amend order of Hearing Examiner filed September 21, 1959, by Seward County Broadcasting Company, Inc., intervenor herein. This motion requests, among other things, that the date for the evidentiary hearing be advanced from October 13 to October 8, 1959. Said motion was considered at a prehearing conference held September 25, 1959.

At the hearing conference, it was agreed that the date of October 8, 1959, was satisfactory to all parties as the date for the start of the evidentiary hearing. It was also agreed that the applicant would exchange certain lay testimony in exhibit form on or before September 28, 1959, and an additional engineering exhibit on or before October 1, 1959. The agreements relative to the exchange of such other exhibits as may be offered by applicant and intervenor are outlined in the transcript of the hearing conference, to which reference is made.

It is ordered, This the 28th day of September 1959, that pursuant to the agreements reached at the hearing conference held September 25, 1959, the motion to amend order of Hearing Examiner is granted and the date for the evidentiary hearing is advanced from October 13, 1959 to October 8, 1959;

It is further ordered, That the further exchange of written material will be made in accordance with the agreements reached on the record at the hearing conference of September 25, 1959.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8339; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 12736, 12737; FCC 59M-1268]

RICHARD B. GILBERT AND DAVID V. HARMAN

Order Reopening Record for Further Hearing

In re applications of Richard B. Gilbert, Tempe, Arizona, Docket No. 12736, File No. BP-11887; David V. Harman, Tempe, Arizona, Docket No. 12737, File No. BP-12388; for construction permits.

Upon verbal request of counsel for Richard B. Gilbert, an applicant in this proceeding, and with the consent of all other parties thereto: *It is ordered*, This 29th day of September 1959, that the record herein be, and the same is hereby, opened and that further hearing will be held on October 1, 1959, at 9:30 o'clock a.m. in the offices of the Commission, Washington, D.C.; and: *It is further ordered*, That Proposed Findings of Fact and Conclusions, which are now scheduled to be filed on September 30, 1959, shall be filed at a date to be hereinafter determined.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8340; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 13175; FCC 59M-1262]

INDEPENDENT SALMON CANNERIES, INC.

Order Scheduling Hearing

In the matter of Independent Salmon Canneries, Inc., Pier 66, Seattle 1, Washington, Docket No. 13175; order to show cause why there should not be revoked the Licenses for Public Coast Radio Stations KXB-77 at Murphy Fish Trap No. 1, Ketchikan, Alaska, and KWB-30 at Ketchikan, Alaska.

It is ordered, This 28th day of September 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 7, 1959, in Washington, D.C.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8341; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 13189; FCC 59M-1263]

MAURICE JABOUR

Order Scheduling Hearing

In the matter of Maurice Jabour, 223 Elizabeth Street, Key West, Florida, Docket No. 13189; order to show cause why there should not be revoked the

License for Radio Station WC–6038 aboard the vessel "Mattie Jean".

It is ordered, This 28th day of September 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1959, in Washington, D.C.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8342; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 12586–12589; FCC 59M–1278]

M.V.W. RADIO CORP. ET AL.

Order Scheduling Hearing Conference

In re applications of M.V.W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP–10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP–11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP–11705; William H. Wilson and Shirley Ann Wilson, d/b as Wilson Broadcasting Company, Oxnard, California, Docket No. 12589, File No. BP–11911; for construction permits.

It is ordered, This 29th day of September 1959, that a conference will be held in the office of the Hearing Examiner, Room 6349, New Post Office Building, Washington, D.C., at 9:00 a.m., Thursday, November 5, 1959, to establish a calendar governing future steps to be taken in further proceedings in this matter to be held pursuant to the Commission's order of remand dated June 17, 1959 (FCC 59B–574).

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8343; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 13200; FCC 59–993]

OKLAHOMA QUALITY BROADCASTING CO. (KSWO–TV)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Oklahoma Quality Broadcasting Company (KSWO–TV), a co-partnership composed of R. H. Drewry, J. R. Montgomery, Ted R. Warkentin and Edith H. Scott, executrix of the estate of Robert P. Scott, deceased, Lawton, Oklahoma, Docket No. 13200, File No. BPCT–2637; for construction permit to change existing facilities.

1. The Commission has before it for consideration (1) a "Protest and Petition for Reconsideration" filed on August 28, 1959, pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, by Wichtex Radio and Television Company (protestant), licensee of Television Station WFDX–TV, Channel 3, Wichita Falls, Texas, directed against the Commission's action of July 29, 1959, granting without hearing the above-captioned application; (2) an "Opposition to Protest and Petition for Reconsideration" filed on September 4, 1959, by Oklahoma Quality Broadcasting Co., licensee of Television Station KSWO–TV, Channel 7, Lawton, Oklahoma (KSWO–TV); and (3) a "Reply to Opposition" filed on September 14, 1959, by the protestant.

2. The background of this matter is simply stated. On May 19, 1959, KSWO–TV filed an application (BPCT–2637, as amended) to change its transmitter location from approximately 4 miles east of Lawton, Oklahoma, and approximately 49 miles northeast of Wichita Falls, Texas, its present transmitter location, to a point 32 miles from Lawton, Oklahoma, and approximately 24 miles from Wichita Falls, Texas, increase visual effective radiated power from 9.12 kw to 316 kw, increase antenna height above average terrain from 540 feet to 1050 feet, change type of antenna, change type of transmitter and make other equipment changes. KSWO–TV would place the minimum city grade signal over both Lawton and Wichita Falls from the proposed site although at present KSWO–TV does not provide even a "Grade B" signal to Wichita Falls. The Commission granted the application without hearing on July 29, 1959.

3. The protestant claims standing as a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309(c) and 405 of the Communications Act of 1934, as amended, as the licensee of Television Broadcast Station KFDX–TV, Wichita Falls, Texas. In support of its claim to standing, protestant alleges, in substance, that as one of two operating television stations in Wichita Falls, it seeks and obtains revenues from the sale of advertising time, especially for audiences within its city grade contour; that at present the KFDX–TV city grade contour does not overlap the KSWO–TV city grade contour; that the above-captioned application will result in a substantial overlap of the city grade contours of KFDX–TV and KSWO–TV over areas and populations where KFDX–TV, in the past, has obtained its program materials, audiences and revenues; and that KFDX–TV and KSWO–TV will now be competing for audiences and revenues, to the economic detriment of KFDX–TV.

4. In support of its protest and petition for reconsideration, the protestant makes a number of allegations as to why it believes the Commission erred in granting the above-captioned application and why it believes a grant of the subject application is not in the public interest, and specifies ten proposed hearing issues. The protestant alleges, in substance, as follows: that the subject application is intended to make KSWO–TV effectively a Wichita Falls station, rather than a Lawton station, and as such is in derogation of section 307 of the Communications Act of 1934, as amended, and §§ 3.606 and 3.607 of the Commission's rules; that although the Commission had granted KSWO–TV a waiver of § 3.613(a) of the rules, in connection with its present transmitter site, to permit the location of its main studio outside of Lawton, this waiver does not "carry over" to the new application, so the Commission is required to consider whether there is now good reason for granting KSWO–TV a waiver of § 3.613(a) of the rules to allow it to maintain its studio at its present site outside of Lawton; that there are apparently discrepancies in KSWO–TV's program proposals; that since the proposed move will result in a diminution of KSWO–TV's signal in part of its present service area, the Commission must make a record in an evidentiary hearing and compare the benefits of KSWO–TV's proposed move against its effect on the population within its present service area, as required by the provisions of section 307(b) of the Communications Act of 1934, as amended; that at a meeting of the Ft. Worth Regional Airspace Subcommittee, and later, KSWO–TV justified its proposal on the basis that it was necessary in order to bring ABC network programing to Wichita Falls; that this is untrue since KFDX–TV now carries some ABC programing; that KSWO–TV's statements to the Airspace Subcommittee were either grossly careless misstatements or were misrepresentations and that the Commission must determine in which category they fall, after an evidentiary hearing, before it can determine that a grant of the above-captioned application would be in the public interest; that a grant of the above-captioned application would deprive KFDX–TV of its present ABC programming, since KSWO–TV would assume all ABC programing; that if KFDX–TV is forced to compete with KSWO–TV for advertising revenues in the Wichita Falls area, KFDX–TV's loss of revenue would require it to practice programing economies which could result in diminution or destruction of KFDX–TV's existing service; that the holding of the Court of Appeals in Carroll Broadcasting Company v. Federal Communications Commission, 17 R.R. 2066, 258 F. 2d 440, requires the Commission to determine the effect of the above-captioned application on the public interest since it could lead to the impairment or destruction of an existing service in the Wichita Falls area; and that KFDX–TV would be at a competitive disadvantage with KSWO–TV, since it cannot provide service to Lawton.

5. The protestant urges that the burden of proof on issues concerning the reason for KSWO–TV's proposed move, the propriety of KSWO–TV's representations to the Airspace Subcommittee, and the deleterious effect of KSWO–TV's proposed move should be on KSWO–TV, though it offers to assume the burdens on the latter issue if the Commission does not adopt the issue as its own; and that the above-captioned application should be stayed, pursuant to section 309(c) of the Communications Act of 1934, as amended, since it is not necessary to the maintenance or conduct of

an existing station and the Commission cannot affirmatively find reasons which show that the public interest requires that the grant remain in effect.

6. KSWO–TV's opposition alleges, in substance, as follows: that KFDX–TV's protest and petition for reconsideration fails to comply with the requirements of section 309(c) of the Communications Act of 1934, as amended, since it fails to state with particularity relevant or material facts which would require the Commission to grant the relief requested; that even if the facts alleged by KFDX–TV are accepted as correct, they do not provide a basis for the relief requested; that KFDX–TV's requested stay should be denied as contrary to the public interest; that the proposed operation will provide the first and only television broadcast service to 32,190 persons in western Oklahoma, a first Grade A service to 40,792 persons and that the number of persons receiving Grade B or better service from KSWO–TV will be increased by 330,846 persons; that the only persons who will lose service as a result of a grant of the above-captioned application are the residents of a small area near Chickasha and Anadarko, Oklahoma, who receive one Grade A service and two Grade B or better services from Oklahoma City stations; that no person or area will lose ABC service and that KSWO–TV's operation will provide more ABC programs to a greatly increased audience, as a result of the proposed move; that KFDX–TV can replace its lost ABC programs with NBC programs to the benefit of the audience; that the purpose of the protest is to maintain KFDX–TV's competitive advantage over KSWO–TV; that KFDX–TV confuses the public interest with the interest of the audience in Wichita Falls and the self interest of KFDX–TV; that KSWO–TV wishes to improve its facilities so that it can put its operations on a profitable basis in order to allow it to provide a higher quality of programming; that despite protestant's allegations, KFDX–TV is presently providing a poor quality of programing and should, therefore, not criticize KSWO–TV's programming; that it is impossible, on the basis of the allegations in the protest, to determine the basis of KFDX–TV's claimed losses; that the protestant's request for the allocations of the burden of proof are contrary to the statutory mandate of section 309(c) of the Communications Act of 1934, as amended; and that the requested stay should not be granted since it would prevent 32,000 persons from receiving a first service, and would prevent 50,000 persons from receiving a second Grade A service.

7. Protestant's reply to KSWO–TV's opposition alleges, in substance, as follows: that KSWO–TV has not denied a single factual allegation of the protest; that a major portion of the opposition is devoted to an attack on KFDX–TV's programing, in an attempt to obscure the deficiencies of the above-captioned application; that although the opposition shows that KSWO–TV will be able to provide service to new populations from the proposed site, the opposition also shows that this is an incidental by-product of the above-captioned application but not the main motive for it; that the opposition fails to indicate that KSWO–TV is already affiliated with ABC and that the purpose of the move is to serve as the ABC outlet in Wichita Falls, rather than to provide service to Lawton; that although KSWO–TV argues that it could bring service to new populations and areas from the proposed site, it fails to point out that it could obtain substantially greater coverage, of population and area, and provide a Grade B signal to Wichita Falls, by improving its existing facilities; that, as KSWO–TV admits in its opposition, a grant of the above-captioned application would entail a loss of service to the areas and populations in Chickasha and Anadarko, Oklahoma; that KSWO–TV has submitted an analysis of an alleged program schedule of KFDX–TV without establishing the accuracy of the schedule, even though an accurate schedule was available to KSWO–TV in KFDX–TV's recent renewal application (BRCT–107); and that for the reasons given, the Commission should grant the relief requested in the protest.

8. In view of the fact that the protestant is the licensee of Television Station KFDX–TV in Wichita Falls, Texas, and has alleged facts indicating that as a result of the grant of the above-captioned application it will be economically injured by the new competition, because of loss of advertising revenues resulting from the competition of KSWO–TV, we find the protestant to be a "party in interest" within the meaning of section 309(c) of the Communications Act of 1934, as amended, and a "person aggrieved or whose interests are adversely affected" within the meaning of section 405 of said Act. Federal Communications Commisison v. Sanders Brothers Radio Station, 309 U.S. 470; Camden Radio, Inc. v. Federal Communications Commission, 94 U.S. App. D.C. 312, 220 F. 2d 191.

9. The protestant urges that our previous waiver of § 3.613(a) of the rules, allowing KSWO–TV to locate its main studio outside of Lawton, does not carry over to the above-captioned application, and that we are now required to consider whether there is good reason for the waiver. The original waiver of § 3.613 (a) of the rules was made, pursuant to § 3.613(b) of the rules, only after an adequate showing of good cause for the location of KSWO–TV's main studio outside of Lawton. The above-captioned application proposes no change in main studio location and protestant has not alleged facts showing that there is no longer good cause for KSWO–TV's present main studio location. Accordingly, we are not including an issue concerning waiver of § 3.613(a) of the rules.

10. Except for the issue discussed above, we find that the protestant has specified with particularity, within the meaning of section 309(c) of the Communications Act of 1934, as amended, the facts upon which it relies and which it contends show that the grant by the Commission was improperly made or otherwise would not be in the public interest. Accordingly, the above-captioned application will be designated for an evidentiary hearing on the remaining issues substantially as specified by the protestant except that we have eliminated or rephrased repititious and conclusionary issues. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on the protestant.

11. There remains for our consideration the question whether the proposed grant should remain in effect. Section 309(c) of the Communications Act of 1934, as amended, provides that pending hearing and decision, the effective date of the Commission's action shall be postponed,

> • • • unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

It is clear that it is the intent of this portion of our Act that a protested grant be stayed unless there is an exceptional situation which concerns the public interest. We believe that the above-captioned application presents such an exceptional situation. The pleadings filed by the parties show that, by refusing to stay the effectiveness of the above-captioned application, a first service will be provided to approximately 32,000 persons, a first Grade A service will be provided to approximately 40,000 persons, and a new service, of Grade B quality or better, will be provided to approximately 330,000 persons. On the other hand, the people in the area losing service as a result of the proposed move will continue to receive at least three television services. We believe that opportunity to provide a first or a new service to these large population groups justifies us in finding that the public interest requires that said grant should remain in effect pending the Commission's decision after hearing. Accordingly, a stay of the Commission's grant will not be ordered in this case.

12. In light of the above: *It is ordered*, That the protest and petition for reconsideration filed herein are granted to the extent provided for below and are denied in all other respects and that pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-captioned application is designated for evidentiary hearing on the following issues:

(1) To determine whether KSWO–TV, its agents or representatives, have been guilty of making false, misleading, inaccurate or grossly careless statements in obtaining airspace approval for the antenna proposal contained in the above-captioned application.

(2) To determine the programing plans of KSWO–TV and whether the application has made a full disclosure thereof.

(3) To determine whether the programing proposed in the captioned ap-

plication to be carried by KSWO–TV meets the needs of Lawton, Oklahoma.

(4) To determine whether the purpose of the proposed move of transmitter location and change in operating facilities of Station KSWO–TV is to provide an additional television service to Wichita Falls and its surrounding area, in derogation of the Commission's allocation policies and rules, particularly §§ 3.606 and 3.607 of the Commission's rules.

(5) To determine whether the needs of the population and area proposed to be served by the instant KSWO–TV proposal are superior to the needs of those populations and areas which would receive service should the operation of KSWO–TV be carried on from its present site with its present operating facilities.

(6) To determine whether the grant of the captioned application is consistent with and will further the objectives of section 307(b) of the Communications Act and §§ 3.606 and 3.607 of the Commission's rules.

(7) To determine the extent to which the proposed operation of KSWO–TV will deprive KFDX–TV, Wichita Falls, Texas, of revenues, the effect on KFDX–TV's operations, and the consequent effect, if any, on the public interest.

(8) To determine whether, in light of the evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by a grant of the above-captioned application.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the protestant.

It is further ordered, That the protestant, Oklahoma Quality Broadcasting Co., is hereby made a party to the above-captioned proceedings and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order;

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearance by the parties intending to participate in the above hearing shall be filed not later than October 16, 1959.

Adopted: September 23, 1959.

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8344; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 12666–12668; FCC 59M–1269]

PUBLIX TELEVISION CORP. ET AL.

Order Continuing Hearing Conference

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT–2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT–2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT–2493; for construction permits for television broadcast stations.

The Hearing Examiner having under consideration the informal request of Coral Television Corporation for continuance of procedural dates in the above-entitled proceeding;

It appearing that all parties have consented to immediate consideration and grant of the said request and good cause for a grant thereof is present;

It is ordered, This 28th day of September 1959 that the said request for change of procedural dates is granted and the date for the exchange of exhibits in the further hearing herein is continued from October 1, 1959, to October 5, 1959, and the further hearing conference presently scheduled for October 8, 1959, is continued to October 9, 1959, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8345; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 13190; FCC 59M–1261]

WILLIAM S. WELLS, JR.

Order Scheduling Hearing

In the matter of William S. Wells, Jr., Southport, North Carolina, Docket No. 13190; order to show cause why there should not be revoked the License for Radio Station WC–2958 aboard the vessel "Jackie B."

It is ordered, This 28th day of September 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 8, 1959, in Washington, D.C.

Released: September 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8348; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 12993–12996; FCC 59M–1275]

S & W ENTERPRISES, INC., ET AL.

Order Continuing Hearing

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket No. 12993, File No. BP–11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP–12058; Rollins Broadcasting of Delaware, Inc., (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP–12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP–12841; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 29th day of September 1959, that hearing in the above-entitled proceeding, now scheduled for October 22, 1959, is continued to a date to be determined at a prehearing conference which will be held in the office of the Hearing Examiner, Room 6349, New Post Office Building, Washington, D.C., at 9:00 a.m., November 4, 1959.

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8346; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket Nos. 13004, 13005; FCC 59M–1274]

SOUTHEAST MISSISSIPPI BROADCASTING CO. (WSJC) AND JEFF DAVIS BROADCASTING SERVICE

Order Continuing Hearing

In re applications of Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d/b as Southeast Mississippi Broadcasting Company (WSJC), Magee, Mississippi, Docket No. 13004, File No. BP–11869; Jesse R. Williams, tr/as Jeff Davis Broadcasting Service, Prentiss, Mississippi, Docket No. 13005, File No. BP–12753; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 29th day of September 1959, that hearing in the above-entitled proceeding, now scheduled for October 29, 1959, is continued to a date to be determined at a prehearing conference which will be held in the office of the Hearing Examiner, Room 6349, New Post Office Building, Washington, D.C., at 2:00 p.m., November 3, 1959.

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8347; Filed, Oct. 2, 1959; 8:48 a.m.]

[Docket No. 12904; FCC 59M–1277]

WMAX, INC. (WMAX)

Order Continuing Hearing

In re application of WMAX, INC. (WMAX), Grand Rapids, Michigan, Docket No. 12904, File No. BP–11744; for construction permit.

The Hearing Examiner having under consideration petition for continuance of the hearing herein, filed by WMAX, Inc., on September 28, 1959;

It appearing that counsel for all other participating parties have informally consented to immediate consideration and grant of the petition;

It is ordered, This 29th day of September 1959, that the above petition is granted; and the hearing now scheduled

for October 1, 1959, is continued until November 2, 1959, at 10:00 a.m.

Released: September 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8349; Filed, Oct. 2, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2219]

GARKANE POWER ASSOCIATION, INC.

Notice of Application for Amendment of License

SEPTEMBER 29, 1959.

Public notice is hereby given that Garkane Power Association, Inc., of Richfield, Utah, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for amendment of the license for water-power Project No. 2219, located on the East and West Forks of Boulder Creek, a tributary of the Escalante River, in Garfield County, Utah, to provide for the installation of the third generating unit in the project powerhouse which will be a 1975-horsepower turbine connected to a 1,400-kilowatt generator and appurtenant works; and for the construction of works to divert water from the West Fork to the East Fork of Boulder Creek, consisting of a 35-foot high earth fill dam on the West Fork with a 50-foot wide spillway; an 18,000-foot pipeline of 27-inch steel pipe; intake gates; shut-off valve; switch gear; a 3.5-mile electric service line from the East Fork to the West Fork control works and other appurtenant equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is November 9, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8316; Filed, Oct. 2, 1959; 8:45 a.m.]

[Docket No. G-19079]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

SEPTEMBER 28, 1959.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed on July 29, 1959, a budget type application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing applicant to construct and operate in 1959 and 1960 an unspecified number of metering and regulating stations and other appurtenant facilities to establish additional delivery points to its existing resale customers, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant estimates the total cost of the proposed facilities, based on past experience, will not exceed $200,000 with the total cost of any one project not to exceed $50,000. The cost of the proposed facilities will be financed from funds on hand.

Applicant states that deliveries of gas through the proposed facilities will be restricted to the authorized contract volumes.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8317; Filed, Oct. 2, 1959; 8:45 a.m.]

[Docket Nos. G-19080, G-19081]

TENNESSEE GAS TRANSMISSION CO.

Notice of Applications and Date of Hearing

SEPTEMBER 29, 1959.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal place of business in Houston, Texas, filed on July 29, 1959, applications for certificates of public convenience and necessity authorizing new field sales of natural gas to El Paso Natural Gas Company (El Paso) as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to El Paso from production from acreage in the Blanco and South Blanco Fields, Rio Arriba County, New Mexico.

Docket No., Producing Horizon, and Rate Schedule Designation

G-19080; Pictured Cliffs Formation; F-50.
G-19081; Mesa Verde Formation; F-51.

Tennessee owns 50 percent of the working interest in the producing properties and El Paso owns the remaining 50 percent.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 29, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8318; Filed, Oct. 2, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-11877 (22-1744), 2-14607 (22-2484)]

C.I.T. FINANCIAL CORP.

Notice of Application and Opportunity for Hearing

SEPTEMBER 29, 1959.

Notice is hereby given that C.I.T. Financial Corporation (Corporation) has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended, for a finding by the Commission that trusteeship of Chemical Bank New York Trust Com-

pany under two indentures hereinafter described is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank New York Trust Company from acting as trustee under said indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein) it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture of the same obligor. However, an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under both of such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting under one or more of such indentures.

The Corporation alleges that:

1. It has outstanding the following two issues of unsecured debentures:

(a) $100,000,000 principal amount of its 3⅝ percent Debentures due September 1, 1970 issued under an indenture dated as of September 1, 1955 between the Corporation and The New York Trust Company, a corporation organized and formerly existing under the laws of the State of New York, as trustee. These debentures were registered under the Securities Act of 1933, as amended, and the indenture was qualified under the Trust Indenture Act of 1939, as amended.

(b) $75,000,000 principal amount of its 4⅝ percent Debentures due January 1, 1979 issued under an indenture dated as of January 1, 1959 between the Corporation and Chemical Corn Exchange Bank, a corporation organized and existing under the laws of the State of New York, as trustee. These debentures were registered under the Securities Act of 1933, as amended, and the indenture was qualified under the Trust Indenture Act of 1939, as amended.

2. The New York Trust Company was duly merged into Chemical Corn Exchange Bank under a Plan of Merger on September 8, 1959, in connection with which Chemical Corn Exchange Bank as the surviving corporation, changed its name to Chemical Bank New York Trust Company and became the successor trustee under the said indentures.

3. The Corporation is not in default under either of said indentures.

4. Except for variations in amounts, dates, interest rates, redemption prices and procedures, a restrictive covenant in respect of payment of dividends on the Corporation's common stock contained in one of said indentures, the method of establishing the right to vote pledged debentures, and notice procedures, the provisions of the two indentures are substantially the same. The Corporation asserts that any difference in their provisions is unlikely to cause a conflict of interest in the trusteeships of Chemical Bank New York Trust Company under said indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D.C.

Notice is hereby given that an order granting the application may be issued by the Commission on or at any time after October 16, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may submit to the Commission in writing, not later than 5:30 p.m., e.d.s.t., October 14, 1959, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-8321; Filed, Oct. 2, 1959; 8:46 a.m.]

[File No. 812-1214]

EUROFUND, INC.

Notice of and Order for Hearing on Application

SEPTEMBER 28, 1959.

Notice is hereby given that Eurofund, Inc. ("Applicant"), a registered, closed-end management investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act ("Act") for an order of the Commission exempting Applicant, to the extent necessary as indicated herein, from the provisions of section 17(f) of the Act so as to permit Applicant to maintain abroad part of its assets in the custody of four European banks.

Applicant's investment policy is, generally speaking, that of investing in equity securities of issuers having substantial operations in the six member nations of the European Common Market, namely, France, Germany, Italy, Belgium, the Netherlands and Luxembourg. Applicant's Custodian, Bankers Trust Company, maintains a branch office in London, England, but it has no branch offices in the six member nations of the European Common Market. Applicant states that in order to hold securities in the countries in which they are traded and thus facilitate its security transactions, as well as minimize attendant shipping, insurance and other costs, Applicant's Custodian has entered into sub-custodian agreements with two United States banks having branches in France, Germany and Belgium. Applicant further states that there are no branch offices of a United States bank, as defined in the Act, in Italy. Applicant's Custodian has also entered into agreements with four foreign banks, Banque de Bruxelles, Credit Commercial de France, Dresdner Bank and Banca Commerciale Italiana, to provide foreign currency to effect specific security transactions on the European stock exchanges, make settlement for such transactions, and service securities maintained by the sub-custodians.

The Applicant proposes that its Custodian enter into sub-custodian agreements with the above foreign banks and terminate the existing sub-custodian agreements with the United States banks. This proposal is stated to be for the purpose of eliminating certain existing duplications of functions on the part of the domestic branch banks and the foreign banks, and to permit further economies.

Section 17(f) of the Act, in relevant part, provides that every registered management investment company shall maintain its securities and similar investments in the custody of a bank. A bank generally is defined in section 2(a)(5) as a bank organized or doing business under the laws of any state or of the United States, or a member bank of the Federal Reserve System. Since foreign banks do not fall within the foregoing definition of a bank, Applicant requests an order of the Commission under section 6(c) of the Act exempting it from the provisions of section 17(f) to the extent necessary to permit Applicant's Custodian to appoint the Banque de Bruxelles, Credit Commercial de France, Dresdner Bank and Banca Commerciale Italiana as its agents to hold and maintain securities and similar investments. It is proposed, among other things, that these banks would be subject only to instructions of the Custodian and not to instructions of Applicant.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the Rules of the Commission thereunder be held on the 20th day of October 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be

held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following question is presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt Applicant from the provisions of section 17(f)(1) so as to permit it to maintain part of its assets abroad in the custody of a financial or banking institution which is not organized or doing business under the laws of any state or of the United States and which is not supervised or examined by state or federal authority.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Applicant, that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing lists for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-8322; Filed, Oct. 2, 1959; 8:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

SEPTEMBER 28, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On September 18, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending September 28, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 29, 1959, to October 8, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-8323; Filed, Oct. 2, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[S.B.A. Pool Request 27]

REQUEST TO SPEC PRODUCTS TO OPERATE AS SMALL BUSINESS DEFENSE PRODUCTION POOL AND SMALL BUSINESS RESEARCH AND DEVELOPMENT POOL, AND REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to sections 9(d) and 11 of the Small Business Act (85-536), and section 1 of Executive Order 10493, dated October 15, 1953, the Administrator of the Small Business Administration, after consultation with the Chairman of the Federal Trade Commission and the Attorney General of the United States has found that the voluntary agreement and proposed joint program of SPEC PRODUCTS to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, and will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, the Administrator of the Small Business Administration has approved the voluntary agreement and proposed joint program of SPEC PRODUCTS and has requested it to act in accordance with this agreement and proposed joint program as a small business research and development pool and a small business defense production pool.

In accordance with the requirements of section 11 of the Small Business Act, there is set forth herewith a copy of the aforesaid request.

REQUEST TO SPEC PRODUCTS AND MEMBERS OF THE POOL

Following consultation with the Attorney General of the United States and the Chairman of the Federal Trade Commission, I find that the voluntary agreement and proposed joint program of SPEC PRODUCTS to operate as a small business research and development pool and a small business defense production pool is in the public interest as contributing to the national defense and to the needs of small business, will maintain and strengthen the free enterprise system and economy of the United States, and further the objectives of the Small Business Act.

Having also received the approval of the Attorney General of the United States as required by sections 9(d) and 11 of the Small Business Act, I, in accordance with those sections, approve your voluntary agreement and proposed joint program and request the Pool to act in accordance with said agreement and proposed joint program as a defense production pool.

The immunity from the prohibitions of the antitrust laws of the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or myself of the above findings, approval or requests.

WENDELL B. BARNES, *Administrator.*

The immunity from the prohibitions of the antitrust laws of the Federal Trade Commission Act as granted by sections 9(d) and 11 of the Small Business Act, will cease upon withdrawal by the Attorney General of the United States or the Administrator of the Small Business Administration of the above findings, approval or requests.

SPEC PRODUCTS and its member companies (the names of which are set forth at the end of this paragraph) have accepted the request set forth above to operate as a small business research and development and a small business defense production pool:

McPherson Corporation, 1361 South Broadway, Denver, Colo.
B. K. Sweeney Manufacturing Company, 6300 East 44th Avenue, Denver 16, Colo.
Physics, Engineering and Chemistry (P.E.C.) Corporation, 1587 North Street, Boulder, Colo.

Dated: September 10, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-8333; Filed, Oct. 2, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35721: *Petroleum coke—Louisiana and Texas points to points in Alabama and Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-7646), for interested rail carriers. Rates on petroleum coke, in carloads, from Lake Charles, La., Port Arthur and West Port Arthur, Tex., to Listerhill, Ala., also from Port Arthur and West Port Arthur, Tex., to Natco, Tenn.

Grounds for relief: Market competition at Natco with Lake Charles and equalization of rates to Listerhill with those to Natco.

Tariff: Supplement 27 to Southwestern Freight Bureau tariff I.C.C. 4110.

FSA No. 35722: *Sand—Southwestern points to Massachusetts points.* Filed by Southwestern Freight Bureau, Agent (No. B-7645), for interested rail carriers. Rates on sand, in carloads, from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Chicopee and South Braintree, Mass.

Grounds for relief: Short-line distance formula rates to additional destinations.

Tariff: Supplement 28 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 35723: *Fine coal—Western Kentucky Mines to Krannert, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3847), for the Central of Georgia Railway Company and the Louisville and Nashville Railroad Company. Rates on fine bituminous coal, in carloads, from mines on the Louisville and Nashville Railroad Company to Krannert, Ga.

Grounds for relief: Market competition with like coal moving via barge-truck from Uniontown, Ky.

Tariff: Supplement 73 to Southern Freight Association tariff I.C.C. 1414.

FSA No. 35724: *Soybeans—Tatum, S.C., to Georgia and South Carolina points.* Filed by the Atlantic Coast Line Railroad Company (No. 205), for itself. Rates on soybeans, in carloads, from Tatum, S.C., to Augusta, Ga., Darlington and Hartsville, S.C., for transit thereat and reshipment therefrom.

Grounds for relief: Maintenance of transit rates established to meet motor-truck competition prior to abandonment of tracks under Finance Docket 18157.

Tariff: Supplements 4, 5 and 6 to Atlantic Coast Line Railroad Company's tariff I.C.C. B-3541.

FSA No. 35725: *Potatoes—Colorado to Kansas and Missouri.* Filed by Western Trunk Line Committee, Agent (No. A-2089), for interested rail carriers. Rates on potatoes, other than sweet, in carloads, from specified points in Colorado to stations in southeastern Kansas and southwestern Missouri on specified carriers.

Grounds for relief: Restoration of former destination rate relationships.

Tariff: Supplement 166 to Western Trunk Line Committee tariff I.C.C. A-3511.

FSA No. 35726: *Substituted service—CRIP for Watson Bros. Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 188), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between (a) Chicago (Burr Oak), Ill., and Topeka, Kan., (b) Kansas City (Armourdale), Kan., and Moline, Ill., and (c) St. Louis, Mo., and Wichita, Kan., on traffic from or to points in territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middlewest Motor Freight Bureau tariff MF-I.C.C. 223, Supplement 110.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8327; Filed, Oct. 2, 1959; 8:47 a.m.]

[Notice 4]

APPLICATIONS FOR LOAN GUARANTIES

SEPTEMBER 29, 1959.

Notice is hereby given of the filing of the following applications under part V of the Interstate Commerce Act:

Finance Docket No. 20840, filed September 21, 1959, by New York, Susquehanna and Western Railroad Company, 160 Market Street, Paterson 1, New Jersey, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $300,000. Applicant's representative: R. E. Sease, President, New York, Susquehanna and Western Railroad Company, 160 Market Street, Paterson 1, New Jersey. Loan is for the following purposes: Reimbursement of applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements $125,472; financing a portion of proposed expenditures for certain automatic crossing gates and certain improvements to 23 locomotives, $174,528.

Finance Docket No. 20841, filed September 21, 1959, by New York, Susquehanna and Western Railroad Company, 160 Market Street, Paterson 1, New Jersey, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $200,000. Applicant's representative: R. E. Sease, President, New York, Susquehanna and Western Railroad Company, 160 Market Street, Paterson 1, New Jersey. Loan is for the purpose of financing certain proposed expenditures for maintenance of property, $200,000.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8328; Filed, Oct. 2, 1959; 8:47 a.m.]

[Notice 199]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 1959.

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 62313. By order of September 28, 1959, the Transfer Board approved the transfer to West Yen Express Co., a corporation, Jersey City, N.J., of Permit No. MC 111860, issued April 26, 1955, to Carol Transportation Co., a corporation, Jersey City, N.J., authorizing the transportation of: The commodities, classified as meats, meat products, and meat by-products in the appendix to the report in Modification of Permits-Packing-House Products, 46 M.C.C. 23, from Jersey City, N.J., to points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, Sullivan, and Greene Counties, N.Y., and those in Bergen, Passaic, Hudson, Essex, Union, Morris, Middlesex, and Monmouth Counties, N.J.; and such merchandise as are dealt in by wholesale meat packing houses, and, in connection therewith, such advertising material, printing, and stationery as are usually distributed by packing houses to their jobbers or retail outlets, from Newark, N.J., to points in New Jersey. Robert B. Pepper, 880 Bergen Avenue, Jersey City, N.J., for applicants.

No. MC-FC 62343. By order of September 28, 1959, the Transfer Board approved the transfer to A. P. Whelen & Son Trucking Corp., Sea Cliff, N.Y., of Certificate No. MC 85081, issued March 31, 1959, to Augustus P. Whelen, Glen Head, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., points in Nassau, and West-

chester Counties, N.Y., and points in Bergen, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New York, New Jersey, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Irving Abrams, 1776 Broadway, New York, N.Y., for applicants.

No. MC–FC 62382. By order of September 28, 1959, the Transfer Board approved the transfer to Charles R. Petrozzi, Niagara Falls, N.Y., of Certificate in No. MC 116660, issued June 11, 1959, to Samuel McCutcheon, Niagara Falls, N.Y., authorizing the transportation of: Passengers and their baggage in round-trip sightseeing or pleasure tours, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof and extending to ports of entry on the United States–Canada Boundary line at Niagara Falls, and Lewiston, N.Y. Clarence E. Rhoney, P.O. Box 357, North Tonawanda, N.Y., for applicants.

No. MC–FC 62397. By order of September 28, 1959, the Transfer Board approved the transfer to Smith Brothers Express, Inc., Hackettstown, N.J., of Certificate No. MC 44178, issued March 2, 1942, to Herman Smith, Thelma A. Smith, Executrix, doing business as Smith Bros. Express, Hackettstown, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Hackettstown, N.J., and Newark, N.J. Wilbur M. Rush, 111 West Washington Avenue, Washington, N.J., for applicants.

No. MC–FC 62413. By order of September 28, 1959, the Transfer Board approved the transfer to Mississippi Chemical Express, Inc., Corpus Christi, Texas, of Permits in Nos. MC 116710 and MC 116710 Sub 3, issued June 23, 1958, and July 31, 1958, respectively, to M.D. Altgelt and Hart F. Smith, A Partnership, doing business as Mississippi Chemical Express, Corpus Christi, Texas, authorizing the transportation of: *Virgin sulphuric acid, molten sulphur,* and *spent sulphuric acid* between specified points in Mississippi, Alabama, and Louisiana. Warren Woods, 1111 E Street NW., Washington 4, D.C., for applicants.

No. MC–FC 62465. By order of September 28, 1959, the Transfer Board approved the transfer to Frederick M. Greasheimer, Perth Amboy, N.J., of a portion of Certificate No. MC 32951, issued April 4, 1956, to Omega Transport Company, a corporation, Perth Amboy, N.J., authorizing the transportation of: Liquors, from Philadelphia, Pa., to Jersey City and Perth Amboy, N.J., and from Peekskill, N.Y., to Perth Amboy, N.J.; groceries, from Philadelphia, Pa., to Jersey City, N.J., and between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., Philadelphia, Pa., and points in Hudson, Essex, Middlesex, Union, and Monmouth Counties, N.J., and alcoholic beverages, between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., and points in Hudson, Essex, Middlesex, Union, and Monmouth Counties, N.J. Bert Collins, 140 Cedar Street, New York, N.Y., for applicants.

No. MC–FC 62514. By order of September 28, 1959, the Transfer Board approved the transfer to Baxley's Transfer, Inc., Rockingham, N.C., of Certificate in No. MC 106136, issued September 9, 1946, to J. E. Baxley, William G. Baxley, Administrator, doing business as Baxley Transfer, Rockingham, N.C., authorizing the transportation of: Household goods between points in Richmond County, N.C., on the one hand, and, on the other, points in Georgia, Maryland, South Carolina, Tennessee, Virginia, and the District of Columbia. John T. Page, Jr., Attorney at Law, Box 306, Rockingham, N.C.

No. MC–FC 62554. By order of September 28, 1959, the Transfer Board approved the transfer to Posse Trucking, Inc., Pottstown, Pa., of Permit No. MC 19800 Sub 2, issued November 29, 1949, to Alton Holmes, Marlton, N.J., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies, used in the conduct of such business, between points within the territory bounded by Phillipsburg, Clinton, Flemington, Jamesburg, Cassville, Highpoint, Cape May, and Pennsville, N.J., New Castle, and Glasgow, Del., and West Nanticoke, Tunkhannock, Nicholson, Forest City, Honesdale, Porter's Lake, Delaware Water Gap, and Easton, Pa.; and fruits, vegetables, farm products, poultry, and sea food, from points in New Jersey, Pennsylvania, and Delaware to points in the above-specified territory. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

No. MC–FC 62559. By order of September 28, 1959, the Transfer Board approved the transfer to Emil H. Klennschmidt, Kenosha, Wis., of the operating rights in Certificate No. MC 108520, issued October 17, 1952, to David W. Ott, doing business as Ott Brothers, Kenosha, Wis., authorizing the transportation, over irregular routes, of livestock, agricultural limestone, fertilizer and feed, between points in Kenosha County, Wis., except Kenosha, Wis., on the one hand, and, on the other, points in Cook and Lake Counties, Ill., and feed, from Milwaukee, Wis., to Russell, Ill. William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis., for applicants.

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

[F.R. Doc. 59–8329; Filed, Oct. 2, 1959; 8:47 a.m.]

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