

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

VOLUME 24 1934 NUMBER 233

Washington, Tuesday, December 1, 1959

Title 3—THE PRESIDENT

Executive Order 10849

ESTABLISHING A SEAL FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WHEREAS the Administrator of the National Aeronautics and Space Administration has caused to be made, and has recommended that I approve, a seal for the National Aeronautics and Space Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a disc of the blue sky strewn with white stars, to dexter a large yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a gray-blue shadow upon the sphere, all partially encircled with a horizontal white orbit, in sinister a small light-blue sphere; circumscribing the disc a white band edged gold inscribed "National Aeronautics and Space Administration U.S.A." in red letters.

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such

seal as the official seal of the National Aeronautics and Space Administration.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 27, 1959.

[F.R. Doc. 59-10142; Filed, Nov. 30, 1959;
9:35 a. m.]

Executive Order 10850

MODIFYING THE EXTERIOR BOUNDARIES OF CERTAIN NATIONAL FORESTS IN ALABAMA, FLORIDA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, AND SOUTH CAROLINA

WHEREAS certain areas of land chiefly in private ownership were included within the exterior boundaries of certain national forests in the States of Alabama, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, and South Carolina, in anticipation of acquisition of such lands by the United States for national-forest purposes, pursuant to section 7 of the act of March 1, 1911, 36 Stat. 962, as amended (16 U.S.C. 516); and

WHEREAS, because of changes in land use and for other reasons, it is no longer desirable that such lands be acquired for national-forest purposes, and they may properly be excluded from the exterior boundaries of the national forests; and

WHEREAS the United States has acquired through exchange under authority of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended (7 U.S.C. 1010-1012), certain lands adjacent to the Apalachicola National Forest in Florida, and through exchange or by purchase under authority of the act of March 1, 1911, as amended, certain lands adjacent to the De Soto National Forest in Mississippi and the Kisatchie National Forest in Louisiana; and

WHEREAS the lands thus acquired are suitable for national-forest purposes and can be most effectively administered as

(Continued on p. 9561)

CONTENTS

THE PRESIDENT

Executive Orders	Page
Amendment of Executive Order No. 10530, providing for the performance of certain functions vested in or subject to the approval of the President.....	9565
Delegating the authority of the President with respect to various allowances to certain Government personnel on foreign duty.....	9565
Enlarging the Chattahoochee, Kisatchie, Holly Springs, and Ouachita National Forests.....	9563
Establishing a seal for the National Aeronautics and Space Administration.....	9559
Extension of the application of the Federal Aviation Act of 1958.....	9565
Inspection of income tax returns by the Senate Committee on the Judiciary.....	9565
Modifying the exterior boundaries of certain National forests in Alabama, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, and South Carolina.....	9559

EXECUTIVE AGENCIES

Agricultural Conservation Program Service	
Rules and regulations:	
Agricultural conservation; Puerto Rico; 1960.....	9568
Agricultural Marketing Service	
Notices:	
Barton Livestock Commission Co. et al.; proposed posting of stockyards.....	9589
Raleigh Stock Yards et al.; de-posting of stockyards.....	9589
Rules and regulations:	
Milk in certain marketing areas: Greater Boston, Springfield, and Worcester, Mass.....	9567
North Texas.....	9568
St. Louis, Mo.....	9567
Poultry and poultry products inspection; miscellaneous amendments.....	9566

9559





Republic 7-7500

Extension 3261

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

Agriculture Department	Page
See Agricultural Conservation Program Service; Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service.	
Army Department	
See Engineers Corps.	
Atomic Energy Commission	
Notices:	
Worcester Polytechnic Institute; construction permit.....	9590
Civil Aeronautics Board	
Rules and regulations:	
International air freight forwarders; classification and exemption; extension of operating authority.....	9580
Commodity Credit Corporation	
Notices:	
Peanuts; applicability of certain provisions.....	9589
Commodity Stabilization Service	
Rules and regulations:	
Rice; State acreage allotments; 1960-61 marketing year.....	9567
Defense Department	
See Engineers Corps.	
Engineers Corps	
Rules and regulations:	
Bridge regulations; Wilmington River, Ga., and Pensacola Bay, Fla.....	9587

CONTENTS—Continued

Federal Aviation Agency	Page
Rules and regulations:	
Designation of Federal airway and reporting points.....	9581
Federal Home Loan Bank Board	
Rules and regulations:	
Definitions; organization of banks; additional directors and miscellaneous amendments.....	9578
Operations; grace periods with respect to withdrawals.....	9580
Federal Power Commission	
Notices:	
Hearings, etc.:	
Abercrombie, J. S., Mineral Co., Inc.....	9590
Idaho Power Co.....	9590
Johnston, Charles B., Jr.....	9590
Pacific Northwest Pipeline Corp. and El Paso Natural Gas Co.....	9591
Sinclair Oil & Gas Co. et al.....	9591
Socony Mobil Oil Co.....	9591
Swearingen, W. P., et al.....	9592
Federal Trade Commission	
Rules and regulations:	
Jewelry industry; miscellaneous amendments.....	9581
Foreign Assets Control	
Notices:	
Importation of certain merchandise; available certifications by the Governments of Spain and the Republic of Korea.....	9588
Housing and Home Finance Agency	
Notices:	
Regional Director, Community Facilities Activities (Philadelphia); redelegation of authority.....	9592
Interior Department	
See Land Management Bureau.	
Internal Revenue Service	
Proposed rule making:	
Scientific organizations; taxable years beginning after Dec. 31, 1953.....	9587
Rules and regulations:	
Income tax; taxable years beginning after Dec. 31, 1953; miscellaneous amendments.....	9582
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief.....	9593
Motor carrier transfer proceedings.....	9593
Labor Department	
See Wage and Hour Division.	
Land Management Bureau	
Rules and regulations:	
Public land orders:	
Idaho.....	9586
Wyoming.....	9586
Renegotiation Board	
Rules and regulations:	
Request for consolidated renegotiation of related group; when granted.....	9587

CONTENTS—Continued

Treasury Department	Page
See also Foreign Assets Control; Internal Revenue Service.	
Notices:	
Determination of no sales at less than fair value:	
Aluminum foil from West Germany.....	9588
Rayon staple fiber from Austria.....	9588
Wage and Hour Division	
Rules and regulations:	
Textile and hosiery industries in Puerto Rico; wage order giving effect to recommendations (2 documents).....	9585
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.	
3 CFR	Page
Proclamations:	
Dec. 18, 1907 (modified by EO 10850).....	9559
Nov. 24, 1908 (modified by EO 10850).....	9559
Apr. 17, 1911 (modified by EO 10850).....	9559
Jan. 15, 1918 (modified by EO 10850).....	9559
Oct. 17, 1927 (modified by EO 10850).....	9559
1349 (modified by EO 10850).....	9559
2169 (modified by EO 10850).....	9559
2173 (modified by EO 10850).....	9559
2174 (modified by EO 10850).....	9559
2178 (modified by EO 10850).....	9559
2187 (modified by EO 10850).....	9559
2188 (modified by EO 10850).....	9559
2189 (modified by EO 10850).....	9559
2190 (modified by EO 10850).....	9559
2285 (modified by EO 10850).....	9559
2289 (modified by EO 10850).....	9559
2293 (modified by EO 10850).....	9559
Executive orders:	
3820 (modified by EO 10850).....	9559
4436 (modified by EO 10850).....	9559
5814 (modified by EO 10850).....	9559
7443 (modified by EO 10850).....	9559
7908 (see EO 10851).....	9563
8531 (see EO 10851).....	9563
10000 (see EO 10853).....	9565
10011 (amended by EO 10853).....	9565
10530 (amended by EO 10852).....	9565
10849.....	9559
10850.....	9559
10851.....	9563
10852.....	9565
10853.....	9565
10854.....	9565
10855.....	9565
7 CFR	
81.....	9566
730.....	9567
903.....	9567
904.....	9567
943.....	9568

CODIFICATION GUIDE—Con.

7 CFR—Continued	Page
996	9567
999	9567
1102	9568
12 CFR	
521	9578
522	9578
545	9580
14 CFR	
297	9580
600	9581
601	9581
16 CFR	
23	9581
26 (1954) CFR	
1	9582
Proposed rules:	
1	9587
29 CFR	
687	9585
699	9585
32 CFR	
1464	9587
33 CFR	
203	9587
43 CFR	
Public land orders:	
750 (modified by EO 10850)	9559
2021	9586
2022	9586

parts of the aforementioned national forests; and

WHEREAS it is desirable and in the public interest that the exterior boundaries of such national forests be extended to include those lands and other intermingled lands of like character:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, as amended (16 U.S.C. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

SECTION 1. The exterior boundaries of (1) the Apalachicola National Forest, Florida, as described by Proclamation No. 2169 of May 13, 1936 (49 Stat. 3516), and modified by Proclamation No. 2289 of June 21, 1938 (53 Stat. 2453); (2) the William B. Bankhead National Forest, Alabama (formerly named the Alabama National Forest and later the Black Warrior National Forest), as described by Proclamation of January 15, 1918 (40 Stat. 1740), and modified by Proclamation No. 2178 of June 19, 1936 (49 Stat. 3526); (3) the Conecuh National Forest, Alabama, as described by Proclamation No. 2189 of July 17, 1936 (50 Stat. 1754); (4) the De Soto National Forest, Mississippi, as described by Proclamation No. 2174 of June 17, 1936 (49 Stat. 3524); (5) the Kisatchie National Forest, Louisiana, as described by Proclamation No. 2173 of June 3, 1936 (49 Stat. 3520); (6) the Ocala National Forest, Florida, as described by Proclamation of November 24, 1908 (35 Stat. 2206), as modified by Proclamation of April 17, 1911 (37

Stat. 1678), Proclamation of October 17, 1927 (45 Stat. 2927), Executive Order No. 5814 of March 1, 1932, Proclamation No. 2293 of July 16, 1938 (53 Stat. 2462), and Public Land Order No. 750 of August 29, 1951 (16 F.R. 9044); (7) the Ouachita National Forest, Arkansas and Oklahoma, established as the Arkansas National Forest by Proclamation of December 18, 1907 (35 Stat. 2167), as modified by several proclamations, executive orders, public land orders and the act of June 24, 1938 (52 Stat. 1038), which transferred land from the national forest to a national park, the name having been changed to Ouachita National Forest by Executive Order No. 4436 of April 29, 1926; (8) the Pisgah National Forest as described by Proclamation No. 1349 of October 17, 1916 (39 Stat. 1811), as modified by Executive Order No. 3820 of April 9, 1923, the acts of August 26, 1935 (49 Stat. 800), and July 26, 1950 (64 Stat. 377), and several proclamations, the latest being No. 2187 of July 10, 1936 (50 Stat. 1745); (9) the Sumter National Forest, South Carolina, as described by Proclamation No. 2188 of July 13, 1936 (50 Stat. 1750); and (10) the Talladega National Forest, Alabama, as described by Proclamation No. 2190 of July 17, 1936 (50 Stat. 1755), as modified by Executive Order No. 7443 of August 31, 1936, and Proclamation No. 2285 of May 11, 1938 (52 Stat. 1548), are hereby modified to exclude therefrom the following described lands:

1. LANDS EXCLUDED FROM THE APALACHICOLA NATIONAL FOREST, FLORIDA

TALLAHASSEE MERIDIAN

- T. 1 S., R. 1 E.,
Secs. 28, 29, and those parts of secs. 30, 31 and 32 lying east of U.S. Highway No. 319.
T. 2 S., R. 1 E.,
Sec. 5, that part lying east of U.S. Highway No. 319.
T. 2 S., R. 5 W.,
Secs. 31 and 32.
T. 3 S., R. 5 W.,
Secs. 5 to 10, inclusive, those parts of secs. 11 and 14 lying in Liberty County, and secs. 15 and 16.

2. LANDS EXCLUDED FROM THE WM. B. BANKHEAD NATIONAL FOREST, ALABAMA

HUNTSVILLE MERIDIAN

- T. 10 S., R. 6 W.,
Secs. 1 to 5, inclusive, secs. 8 to 17, inclusive, sec. 20 to 25, inclusive, sec. 26 except NE $\frac{1}{4}$ NE $\frac{1}{4}$, secs. 27 to 29, inclusive, sec. 32 except SE $\frac{1}{4}$ NE $\frac{1}{4}$, and secs. 33 to 36, inclusive.
T. 11 S., R. 6 W.,
Sec. 1 except SE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 2 to 4, inclusive, sec. 5 except SW $\frac{1}{4}$ SE $\frac{1}{4}$, secs. 8 to 10, inclusive, sec. 11 except NW $\frac{1}{4}$ NE $\frac{1}{4}$, secs. 12 to 17, inclusive, sec. 20, sec. 21 except SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 22 except NE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, sec. 23 except SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 24 except N $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 25 except N $\frac{1}{2}$ NW $\frac{1}{4}$, sec. 26, sec. 27 except SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 28 and 29, sec. 32 except SW $\frac{1}{4}$ NW $\frac{1}{4}$, and secs. 33 to 36, inclusive.
T. 12 S., R. 6 W.,
Sec. 1, sec. 2 except NE $\frac{1}{4}$ SE $\frac{1}{4}$, secs. 3 to 5, inclusive, sec. 8 except SE $\frac{1}{4}$, sec. 9, sec. 10 except SE $\frac{1}{4}$ SW $\frac{1}{4}$, secs. 11 and 12, sec. 13 except SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 14, and those parts of secs. 15, 16, 17 and 20 lying within the proclaimed boundaries of the National Forest.

- T. 9 S., R. 9 W.,
Secs. 19 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 10 S., R. 9 W.,
T. 11 S., R. 9 W.,
Secs. 5 to 8, inclusive, secs. 17 to 19, inclusive, sec. 20 except S $\frac{1}{2}$ SW $\frac{1}{4}$, and secs. 29 to 32, inclusive.
T. 12 S., R. 9 W.,
Secs. 1 to 16, inclusive, sec. 17 except SW $\frac{1}{4}$ NW $\frac{1}{4}$, and sec. 18.
T. 7 S., R. 10 W.,
Secs. 1 to 7, inclusive, sec. 8 except SE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 9 to 12, inclusive, sec. 13 except NE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 14 to 23, inclusive, sec. 26, sec. 27 except NE $\frac{1}{4}$ NE $\frac{1}{4}$, secs. 28 to 34, inclusive, and sec. 35 except SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 8 S., R. 10 W.,
Secs. 2 to 11, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 35, inclusive.
T. 9 S., R. 10 W.,
Secs. 2 to 11, inclusive, and secs. 14 to 36, inclusive.
T. 10 S., R. 10 W.,
Secs. 1 to 5, inclusive, sec. 6 except SW $\frac{1}{4}$ SE $\frac{1}{4}$, and secs. 7 to 36, inclusive.
T. 11 S., R. 10 W.,
Sec. 1, sec. 2 except SE $\frac{1}{4}$ SE $\frac{1}{4}$, secs. 3 to 18, inclusive, sec. 19 except SW $\frac{1}{4}$ NE $\frac{1}{4}$, and secs. 20 to 36, inclusive.
T. 12 S., R. 10 W.,
Secs. 1 to 18, inclusive.

3. LANDS EXCLUDED FROM THE CONECUH NATIONAL FOREST, ALABAMA

ST. STEPHENS MERIDIAN

- T. 1 N., R. 11 E.,
Secs. 1, 2;
Secs. 3 to 8, inclusive, those parts within the proclaimed national forest boundary;
Secs. 9 to 36, inclusive.
T. 2 N., R. 11 E.,
Secs. 33, 34, 35, and 36, those parts within the proclaimed national forest boundary.
T. 1 N., R. 12 E.,
Secs. 1 to 11, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 2 N., R. 12 E.,
Secs. 13, 14, 15, 16, 20, 21, 22, 29, 30 and 31, those parts within the proclaimed national forest boundary, and secs. 23 to 28, inclusive, secs. 32 to 36, inclusive.
T. 1 N., R. 15 E.,
Secs. 12, 13, 14, 22, 23, 27 and 34, those parts lying east of the Yellow River, except any national forest land lying within said parts of said sections, and secs. 24, 25, 26, 35 and 36.
T. 1 N., R. 16 E.,
Secs. 1 to 4, inclusive, those parts of secs. 5, 6 and 7 lying south and east of the Yellow River, except any national forest lands lying within said parts of said sections, and secs. 8 to 36, inclusive.
T. 2 N., R. 16 E.,
Secs. 13, 14, 23, 26, 27, 31, 32, 33 and 34, those parts lying south and east of the Yellow River, except any national forest lands lying within said parts of said sections, and secs. 24, 25, 35 and 36.
T. 1 N., R. 17 E.,
Secs. 1 to 24, inclusive, and secs. 29 to 32, inclusive.
T. 2 N., R. 17 E.,
Secs. 1, 2, 3, those parts of secs. 5, 7, 8 and 18 lying east of the Yellow River, except any national forest lands lying within said parts of said sections, and secs. 10 to 17, inclusive, secs. 19 to 36, inclusive.
T. 3 N., R. 17 E.,
Sec. 24, E $\frac{1}{2}$; secs. 25, 35 and 36.
T. 1 N., R. 18 E.,
T. 2 N., R. 18 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 3 N., R. 18 E.,
Secs. 19 to 21, inclusive, and secs. 28 to 33, inclusive.

TALLAHASSEE MERIDIAN

- T. 6 N., R. 20 W.,
Secs. 19 to 23, inclusive, and those parts of
secs. 26 to 30, inclusive, lying in Alabama.
- T. 6 N., R. 21 W.,
Secs. 19 and 20, and those parts of secs. 29
and 30 lying in Alabama.
- T. 6 N., R. 22 W.,
Secs. 19 to 24, inclusive, and those parts of
secs. 25 to 30, inclusive, lying in Alabama.
- T. 6 N., R. 23 W.,
Sec. 21, that part lying east of the Yellow
River, secs. 22 to 24, inclusive, those parts
of secs. 25 to 27, inclusive, lying in Ala-
bama, and that part of sec. 28 lying in
Alabama and east of the Yellow River.
- T. 6 N., R. 26 W.,
Secs. 29 and 30, those parts lying in
Alabama.
- T. 6 N., R. 27 W.,
Secs. 25 to 30, inclusive, those parts lying
in Alabama.
- T. 6 N., R. 28 W.,
Sec. 25, that part lying in Alabama.

4. LANDS EXCLUDED FROM THE DE SOTO
NATIONAL FOREST, MISSISSIPPI

ST. STEPHENS MERIDIAN

- T. 1 N., R. 14 W.
T. 1 N., R. 15 W.
T. 2 N., R. 15 W.,
Secs. 2 to 11, inclusive, secs. 14 to 23, inclu-
sive, and secs. 26 to 35, inclusive.
- Tps. 1, 2 and 3 N., R. 16 W.
T. 1 N., R. 17 W.,
Secs. 1 to 18, inclusive, sec. 19 east of the
Pearl River, secs. 20 to 29, inclusive, sec.
32, sec. 33 except $N\frac{1}{2}$ of Lot 3, and secs.
34 to 36, inclusive.
- Tps. 2 and 3 N., R. 17 W.
T. 2 S., R. 9 W.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclu-
sive, secs. 22 to 27, inclusive, and secs.
34 to 36, inclusive.
- T. 3 S., R. 9 W.,
Sec. 1, except $SW\frac{1}{4}NW\frac{1}{4}$, secs. 2, 3, secs. 10
to 15, inclusive, secs. 22 to 27, inclusive,
and secs. 34 to 36, inclusive.
- T. 6 S., R. 9 W.,
Secs. 19 to 21, inclusive, and secs. 25 to 36
inclusive.
- T. 3 S., R. 10 W.,
Secs. 3 to 10, inclusive, and secs. 15 to 36,
inclusive.
- T. 4 S., R. 10 W.,
Secs. 1 to 18, inclusive.
- T. 6 S., R. 10 W.,
Secs. 18 to 23, inclusive, sec. 24 except
 $SE\frac{1}{4}SW\frac{1}{4}$, and secs. 25 to 36, inclusive.
- T. 3 S., R. 11 W.,
Secs. 13, 14, 23, 24, 25, 26, 30, 31, 35 and 36.
- T. 4 S., R. 11 W.,
Secs. 1 to 16, inclusive.
- T. 6 S., R. 11 W.,
Secs. 6, 7, 13, 14, 15, 23, 24, and $NE\frac{1}{4}$ sec. 25.
- T. 3 S., R. 12 W.,
Secs. 19 to 36, inclusive.
- T. 4 S., R. 12 W.,
Secs. 1 to 12, inclusive.
- T. 5 S., R. 12 W.,
Secs. 1 to 20, inclusive, sec. 21 except
 $SW\frac{1}{4}NW\frac{1}{4}$, secs. 22 to 30, inclusive, sec.
31 except $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}$
 $SE\frac{1}{4}$, sec. 32 except $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
 $NE\frac{1}{4}SE\frac{1}{4}$, and secs. 33 to 36, inclusive.
- T. 6 S., R. 12 W.,
Secs. 1 to 12, inclusive.
- T. 3 S., R. 13 W.,
Secs. 21 to 28, inclusive, and secs. 35 and
36.
- T. 5 S., R. 13 W.,
Secs. 1 to 32, inclusive, sec. 33 except
 $W\frac{1}{2}NW\frac{1}{4}$, and secs. 34 to 36, inclusive.
- T. 6 S., R. 13 W.,
Secs. 1 to 12, inclusive.
- T. 1 S., R. 14 W.,
Secs. 6, 7, 18, 19, 30 and 31.
- T. 1 S., R. 15 W.,
T. 1 S., R. 16 W.,
Secs. 1 to 18, inclusive.

5. LANDS EXCLUDED FROM THE KISATCHIE
NATIONAL FOREST, LOUISIANA

LOUISIANA MERIDIAN

- T. 9 N., R. 3 W.,
Sec. 3 except $E\frac{1}{2}E\frac{1}{2}$, secs. 4 to 6, inclu-
sive, sec. 7 except $NW\frac{1}{4}NE\frac{1}{4}$, secs. 8 and
9, sec. 10 except $E\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$,
sec. 15 except $E\frac{1}{2}E\frac{1}{2}$, secs. 16 to 20,
inclusive, sec. 21 except $NE\frac{1}{4}$, and secs.
28 to 33, inclusive.
- T. 10 N., R. 3 W.,
Secs. 5 to 8, inclusive, sec. 9 except
 $NE\frac{1}{4}NE\frac{1}{4}$, sec. 10 except $NW\frac{1}{4}NW\frac{1}{4}$,
secs. 11 to 21, inclusive, sec. 22 except
 $E\frac{1}{2}SE\frac{1}{4}$, sec. 23, sec. 24 except
 $NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, secs. 27 to 33, inclu-
sive, and sec. 34 except $E\frac{1}{2}NW\frac{1}{4}$.
- T. 11 N., R. 3 W.,
Sec. 29 except $W\frac{1}{2}W\frac{1}{2}$, and sec. 32 except
 $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$.
- T. 9 N., R. 4 W.,
Secs. 1 to 13, inclusive, sec. 14 except
 $SW\frac{1}{4}SE\frac{1}{4}$, sec. 15, sec. 16 except
 $NW\frac{1}{4}SE\frac{1}{4}$, secs. 17 to 36, inclusive.
- T. 10 N., R. 4 W.,
Secs. 12 to 16, inclusive, $NW\frac{1}{4}SE\frac{1}{4}$,
 $S\frac{1}{2}SE\frac{1}{4}$, sec. 21, secs. 22 to 26, inclusive,
sec. 27 except $NE\frac{1}{4}SW\frac{1}{4}$, sec. 28 except
 $NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, secs. 29, 31, 32, sec.
33 except $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$,
and secs. 34 to 36, inclusive.

6. LANDS EXCLUDED FROM THE OCALA NATIONAL
FOREST, FLORIDA

TALLAHASSEE MERIDIAN

- T. 15 S., R. 23 E.,
Sec. 14, that part lying south of the
Sharps Ferry-Moss Bluff Road;
Sec. 15, that part of the $SE\frac{1}{4}$ lying east
of the Oklawaha River and south of the
Sharps Ferry-Moss Bluff Road;
Sec. 22, that part lying east of the Okla-
waha River;
Sec. 23, that part lying east of the Okla-
waha River and west of the Sharps
Ferry-Moss Bluff Road;
Sec. 24, that part lying west of the Sharps
Ferry-Moss Bluff Road;
Sec. 25, that part lying west of the Sharps
Ferry-Moss Bluff Road and north of the
Oklawaha River;
Secs. 26 and 36, those parts lying north and
east of the Oklawaha River.
- T. 15 S., R. 24 E.,
Sec. 30, that part lying west of the Sharps
Ferry-Moss Bluff Road;
Sec. 31, that part lying east of the Okla-
waha River and west of the Sharps
Ferry-Moss Bluff Road;
Sec. 32, that part of the $W\frac{1}{2}$ lying west
of the Sharps Ferry-Moss Bluff Road.
- T. 16 S., R. 24 E.,
Sec. 5, $W\frac{1}{2}$, and that part of the $SE\frac{1}{4}$ ly-
ing west of the Muck Farms Canal;
Secs. 6 and 7, those parts lying east of
the Oklawaha River;
Sec. 8, that part lying east of the Okla-
waha River and west of the Muck Farms
Canal;
Sec. 16, that part lying north of the Okla-
waha River and west of the Muck Farms
Canal;
Sec. 17, that part lying northeast of the
Oklawaha River;
Sec. 21, that part lying east of the Okla-
waha River;
Secs. 22 and 23, those parts lying north
of the Oklawaha River;
Sec. 24;
Secs. 25 and 26, those parts lying north
and east of the Oklawaha River;
Sec. 36, that part lying east of the Okla-
waha River.
- T. 17 S., R. 24 E.,
Sec. 1, that part of the $NE\frac{1}{4}NE\frac{1}{4}$ lying
north of Oklawaha River.
- T. 16 S., R. 25 E.,
Sec. 19, that part of the $SW\frac{1}{4}$ lying west
of Forest Service Road No. 8;
Secs. 30 and 31, those parts lying west of
Forest Service Road No. 8.

T. 17 S., R. 25 E.,

- Sec. 5, that part lying west of Forest Serv-
ice Road No. 8;
Sec. 6, that part lying west of Forest
Service Road No. 8, and east of the Okla-
waha River;
Sec. 7, that part lying east of the Oklawaha
River;
Sec. 8, that part lying west of Forest
Service Road No. 8;
Sec. 16, that part lying south and west of
Forest Service Road No. 8;
Sec. 17, that part lying south of Forest
Service Road No. 8 and east of the Okla-
waha River;
Sec. 18, that part lying east of the Okla-
waha River;
Sec. 20, that part lying east of the Okla-
waha River and north of Florida High-
way No. 42;
Sec. 21, that part lying north of Florida
Highway No. 42.
- T. 17 S., R. 27 E.,
Sec. 19 except $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ and $W\frac{1}{2}$
 $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 20 except Lot 1 and $NW\frac{1}{4}NW\frac{1}{4}$;
Sec. 28 except Lots 1, 2 and 5, $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 29, Lot 1, the W 11.81 chains of $NW\frac{1}{4}$
 $NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$,
 $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 30 except $N\frac{1}{2}NW\frac{1}{4}$ and $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$
 $NE\frac{1}{4}$;
Secs. 31 and 32, those parts lying north of
Florida Highway No. 42;
Sec. 33, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{4}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 34, $SW\frac{1}{4}$, and those parts of $W\frac{1}{2}SE\frac{1}{4}$
and $SE\frac{1}{4}SE\frac{1}{4}$ lying north of Florida
Highway No. 42.

7. LANDS EXCLUDED FROM THE OUACHITA NATIONAL
FOREST, OKLAHOMA

INDIAN MERIDIAN

- T. 4 N., R. 21 E.,
 $S\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$ sec. 12, secs. 13, 24, 25, and
 $N\frac{1}{2}N\frac{1}{2}$ sec. 36.
- T. 3 N., R. 22 E.,
 $S\frac{1}{2}S\frac{1}{2}$ sec. 1, $S\frac{1}{2}S\frac{1}{2}$ sec. 2, and $E\frac{1}{2}$ sec. 3.
- T. 4 N., R. 22 E.,
Secs. 1 to 4, inclusive, $E\frac{1}{2}E\frac{1}{2}$ sec. 5, secs.
7 to 23, inclusive, secs. 26 to 34, inclu-
sive, and $W\frac{1}{2}$ sec. 35.
- T. 5 N., R. 22 E.,
 $E\frac{1}{2}$, $SW\frac{1}{4}$ sec. 22, secs. 23 to 27, inclusive,
 $E\frac{1}{2}$ sec. 28, $E\frac{1}{2}$ sec. 33, and secs. 34 to
36, inclusive.
- T. 5 N., R. 23 E.,
 $S\frac{1}{2}$ sec. 19, and $W\frac{1}{2}$ sec. 30.
- T. 2 N., R. 24 E.,
 $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ sec.
1, and $NE\frac{1}{4}$ sec. 12.
- T. 5 N., R. 24 E.,
 $E\frac{1}{2}$ sec. 31, $W\frac{1}{2}$, $SE\frac{1}{4}$ sec. 32, and $SW\frac{1}{4}$
sec. 34.
- T. 4 N., R. 25 E.,
 $S\frac{1}{2}SE\frac{1}{4}$ sec. 11, $SE\frac{1}{4}$ sec. 13, $NE\frac{1}{4}$ sec.
14, and $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ sec. 24.
- T. 3 N., R. 26 E.,
 $E\frac{1}{2}$ sec. 1, and $NE\frac{1}{4}$ sec. 12.
- T. 4 N., R. 26 E.,
 $SE\frac{1}{4}$ sec. 7, $N\frac{1}{2}$ secs. 11, 12 and 18, $N\frac{1}{2}N\frac{1}{2}$
sec. 26, $N\frac{1}{2}$ sec. 27, and $NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$
sec. 28.
- T. 4 N., R. 27 E.,
Secs. 3, 4, $S\frac{1}{2}$ sec. 5, and $N\frac{1}{2}$ sec. 7.

8. LANDS EXCLUDED FROM THE PISGAH NATIONAL
FOREST, NORTH CAROLINA

All that part of the Pisgah National Forest
described in Division 1 of Proclamation No.
2187, dated July 10, 1936 (50 Stat. 1745), lying
west of the following described line:

Beginning at Pigeon Gap, at a point where
North Carolina State Highway No. 284 passes
through the Lickstone Ridge-Radcliff Moun-
tain Range; thence southerly and westerly
with the meanders of the top of Lickstone
Ridge about 4.4 miles to Richland Balsam
Mountain on the Jackson-Haywood County
line, the present proclaimed boundary.

All that part described in Division 2 of said proclamation lying south and east of the following described line:

Beginning at a point in the present proclaimed boundary on the French Broad River at Barnard; thence with the Big Pine Creek Road about 2 miles to the Rector Branch crossing; thence westerly up and with the meanders of Rector Branch to the top of Spring Creek Mountain; thence southerly with the lead divide of Spring Creek Mountain about 5 miles to Duckett Top Mountain; thence westerly about 1 mile to Ellison Gap, thence southwesterly down and with the meanders of the Bee Branch to North Carolina State Highway No. 63 about 1.4 miles; thence westerly with said North Carolina State Highway No. 63 about .5 mile to its intersection with North Carolina State Highway No. 209 at Trust; thence with the meanders of North Carolina State Highway No. 209, via the hamlet of Luck, Lusk Chapel and the hamlet of Cove, about 14 miles to Crabtree, at the present proclaimed boundary.

9. LANDS EXCLUDED FROM THE SUMTER NATIONAL FOREST, SOUTH CAROLINA

All that part of the Oconee Division of the Sumter National Forest, described in Proclamation No. 2188 of July 13, 1936 (50 Stat. 1750), which lies east of the Keowee River, being all that part of the said national forest lying in Pickens County, South Carolina.

10. LANDS EXCLUDED FROM THE TALLADEGA NATIONAL FOREST, ALABAMA (TALLADEGA DIVISION)

HUNTSVILLE MERIDIAN

T. 13 S., R. 11 E.,
Secs. 1 and 2, sec. 11 except NE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 12 to 14, inclusive, secs. 22 and 23, sec. 24 except SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 25, sec. 26 except that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the Old Creek and Cherokee boundary line, secs. 27, 34, sec. 35 except E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$, and sec. 36.

T. 14 S., R. 11 E.,
Sec. 1 except SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, secs. 2, 3, 10, sec. 11 except NW $\frac{1}{4}$ NE $\frac{1}{4}$, secs. 12 to 15, inclusive, sec. 22 except SW $\frac{1}{4}$ SW $\frac{1}{4}$, and secs. 23 and 24.

T. 13 S., R. 12 E.,
Secs. 5 to 8, inclusive, secs. 17 and 18, sec. 19 except S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, secs. 20, 29, sec. 30 except W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, secs. 31 and 32, and fractional sec. 4, fractional sec. 9 except fractional N $\frac{1}{2}$ NW $\frac{1}{4}$, and fractional secs. 16, 21, sec. 28 except NW $\frac{1}{4}$ SE $\frac{1}{4}$, and sec. 33.

T. 14 S., R. 12 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, fractional secs. 3, 10, 15, and fractional section 22 except E $\frac{1}{2}$ SW $\frac{1}{4}$.

ST. STEPHENS MERIDIAN

T. 19 N., R. 9 E.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.

T. 20 N., R. 9 E.,
Sec. 22, sec. 23 except N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, secs. 24 to 27, inclusive, and secs. 34 to 36, inclusive.

T. 19 N., R. 10 E.,
Secs. 6, 7, 18, 19, 30 and 31.

T. 20 N., R. 10 E.,
Secs. 19, 30, and 31.

T. 23 N., R. 10 E.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.

T. 22 N., R. 11 E.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 27, inclusive, sec. 28 except SE $\frac{1}{4}$ NW $\frac{1}{4}$, secs. 33 to 35, inclusive, and sec. 36 except NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 23 N., R. 11 E.

T. 21 N., R. 12 E.,

Secs. 5 to 8, inclusive, secs. 17 to 19, inclusive, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 20, W $\frac{1}{2}$ sec. 29, secs. 30 and 31, and W $\frac{1}{2}$ sec. 32.

T. 22 N., R. 12 E.,

Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, secs. 29 and 30, sec. 31 except SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$, and sec. 32.

T. 23 N., R. 12 E.,

Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.

Sec. 2. The exterior boundaries of the Apalachicola National Forest, the De Soto National Forest, and the Kisatchie National Forest, as described by the aforementioned proclamations, are hereby extended to include the lands hereinafter described, and all of such lands that have been acquired by the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended, or the act of March 1, 1911, as amended, are hereby added to and reserved as parts of the designated national forests; and all of such lands within the described areas that are hereafter acquired by the United States under the act of March 1, 1911, as amended, or any other law authorizing the acquisition of lands for national-forest purposes, shall likewise be added to and reserved as parts of the respective national forests immediately upon acquisition of title thereto by the United States;

LANDS INCLUDED WITHIN THE APALACHICOLA NATIONAL FOREST, FLORIDA

TALLAHASSEE MERIDIAN

Those lands situated in Liberty County, Florida, in secs. 20 and 29, T. 5 S., R. 8 W., and secs. 11, 12, 13 and 14, T. 5 S., R. 9 W., designated as Forest Service Tracts Nos. 91 and 91a, said tracts being those acquired from St. Joe Paper Company by deed dated June 24, 1950.

LANDS INCLUDED WITHIN THE DE SOTO NATIONAL FOREST, MISSISSIPPI

ST. STEPHENS MERIDIAN

T. 6 N., R. 10 W.,

Sec. 33, SE $\frac{1}{4}$.

T. 7 N., R. 11 W.,

Sec. 13, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 24, E $\frac{1}{2}$.

LANDS INCLUDED WITHIN THE KISATCHIE NATIONAL FOREST, LOUISIANA

LOUISIANA MERIDIAN

T. 8 N., R. 1 E.,

Secs. 6 and 7, those parts lying west of State of Louisiana Highway No. 123.

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

Sec. 6, that part lying west of U.S. Highway No. 165.

T. 2 N., R. 1 W.,

Secs. 19, 20, 29, 30 and 31, those parts lying west of U.S. Highway No. 165.

T. 1 N., R. 2 W.,

Secs. 2 to 11, inclusive, secs. 14 to 23, inclusive, secs. 27 to 33, inclusive, and those parts of secs. 1, 12, 13, 24, 25, 26, 34 and 35 lying west of U.S. Highway No. 165.

T. 2 N., R. 2.,

SE $\frac{1}{4}$ sec. 22, S $\frac{1}{2}$ sec. 23, S $\frac{1}{2}$ sec. 24, secs. 25 to 27, inclusive, NE $\frac{1}{4}$, S $\frac{1}{2}$ sec. 28, S $\frac{1}{2}$ sec. 29, S $\frac{1}{2}$ sec. 30, and secs. 31 to 36, inclusive.

T. 1 N., R. 3 W.,

Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.

T. 2 N., R. 3 W.,

Secs. 5 to 8, inclusive, SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 16, secs. 17 to 21, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 22, S $\frac{1}{2}$ sec. 25, S $\frac{1}{2}$ sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ sec. 27, sec. 28, and secs. 33 to 36, inclusive.

T. 2 N., R. 4 W.,

Secs. 1 to 24, inclusive.

T. 3 N., R. 4 W.,

T. 4 N., R. 4 W.,

Secs. 13 to 36, inclusive.

T. 5 N., R. 5 W.,

Secs. 6 and 7, W $\frac{1}{2}$ sec. 17, secs. 18 and 19, W $\frac{1}{2}$ sec. 20, sec. 30, and N $\frac{1}{2}$ sec. 31.

T. 4 N., R. 6 W.,

Secs. 2 and 3, and that part of sec. 4 lying east of Devil Creek.

T. 5 N., R. 6 W.,

Secs. 1, 2, 3, 8 to 17, inclusive, secs. 20 to 28, inclusive, E $\frac{1}{2}$ sec. 33, secs. 34 and 35, N $\frac{1}{2}$ sec. 36, and secs. 38 to 41, inclusive.

T. 1 S., R. 2 W.,

Secs. 5 to 8, inclusive, and those parts of secs. 3, 4 and 9 lying west of U.S. Highway No. 165.

T. 1 S., R. 3 W.,

Secs. 1 to 4, inclusive, and secs. 9 to 12, inclusive.

The reservations made by this order shall not affect any claim, filing, or entry heretofore made and hereafter legally maintained, or any prior withdrawal of land for other public purposes, so long as such withdrawal remains in effect.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10136; Filed, Nov. 30, 1959; 9:34 a.m.]

Executive Order 10851

ENLARGING THE CHATTAHOOCHEE, KISATCHIE, HOLLY SPRINGS, AND OUACHITA NATIONAL FORESTS

WHEREAS certain lands in the States of Georgia, Louisiana, Mississippi, and Oklahoma have been acquired by the United States under the authority of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), or Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 525), as amended (7 U.S.C. 1010-1012), for use in connection with the Limestone Valleys, Northwest Louisiana, Claiborne Parish, Yalobusha, and McCurtain County Land Utilization Projects; and

WHEREAS, by reason of the transfer effected by Executive Order No. 7908 of June 9, 1938, as amended by Executive Order No. 8531 of August 31, 1940, such projects are now being administered pursuant to Title III of the Bankhead-Jones Farm Tenant Act; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to include them in and reserve them as parts of certain hereinafter-designated national forests; and

WHEREAS it appears desirable to include within the exterior boundaries of such national forests certain State and privately-owned lands which are so in-

termingled with the lands owned by the United States that segregation thereof is impracticable; and

WHEREAS some of such lands owned by the United States are under lease to Soil Conservation Districts or to individuals, and it is desirable that such leases remain in force and effect until terminated as provided therein:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, as amended (16 U.S.C. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

The exterior boundaries of the Chattahoochee National Forest, in Georgia, the Kisatchie National Forest, in Louisiana, the Holly Springs National Forest, in Mississippi, and the Ouachita National Forest, in Oklahoma, are hereby extended to include, respectively, the areas hereinafter described under the names of such national forests; and, subject to the aforementioned leases and other valid existing rights, all lands of the United States within such areas which have been acquired by the United States under authority of the Emergency Relief Appropriation Act of 1935 or Title III of the Bankhead-Jones Farm Tenant Act and which are being administered as parts of the aforementioned land-utilization projects are hereby added to and reserved as parts of the respective national forests:

CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

Beginning at a point on the Tennessee-Georgia State Line, the county line corner of Catoosa and Whitfield Counties, Georgia; thence south and west with said county line to Tiger Creek Road; thence southeasterly with said road to a point west of the northwest corner of U.S. Tract No. 158; thence due east to said corner; thence south with west boundary of Tract 158; thence east with south boundary of said tract and continuing east to the westerly right-of-way line of the Southern Railroad right-of-way; thence south with said right-of-way to a point due east of the northeast corner of U.S. Tract No. 303; thence west to said corner and with the north boundary thereof, continuing west to the westerly right-of-way line of Waring Road; thence south with said road to the north boundary line of U.S. Tract 156; thence with said tract to its southeast corner near the Pleasant Grove Road; thence in a southeasterly and northeasterly direction with said road to the west and right bank of Coahulla Creek; thence up and with said bank of Coahulla Creek $1\frac{1}{4}$ miles to a point where an unnamed branch of the Creek enters from the northeast; thence due east to a point on the right and west bank of the Conasauga River; thence up and with the meanders of the Conasauga River and Sugar Creek to the Tennessee State Line; thence west with the Tennessee-Georgia State Line to the place of beginning.

The boundaries of the Chattahoochee National Forest addition described herein are graphically shown on the diagram attached hereto and made a part hereof.

KISATCHIE NATIONAL FOREST—LOUISIANA

LOUISIANA MERIDIAN

T. 22 N., R. 4 W.,
Secs. 1 to 6, inclusive, secs. 9 to 14, inclusive, and sec. 24.

T. 23 N., R. 4 W.,
Secs. 20 to 22, inclusive, secs. 27 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 22 N., R. 5 W.,
Secs. 6, 7, and secs. 16 to 20, inclusive.
T. 22 N., R. 6 W.,
Secs. 1 to 3, inclusive, secs. 9 to 17, inclusive, secs. 20 to 24, inclusive, and secs. 27 to 30, inclusive.
T. 23 N., R. 6 W.,
Secs. 34 to 36, inclusive.
T. 20 N., R. 8 W.,
Secs. 17 to 19, inclusive, and sec. 30.
T. 19 N., R. 9 W.,
Secs. 1 to 5, inclusive, and sec. 11.
T. 20 N., R. 9 W.,
Secs. 1 to 3, inclusive, secs. 9 to 16, inclusive, secs. 20 to 29, inclusive, and secs. 32 to 35, inclusive.
T. 21 N., R. 9 W.,
Secs. 34 to 36, inclusive.

HOLLY SPRINGS NATIONAL FOREST—MISSISSIPPI

CHOCTAW MERIDIAN

T. 24 N., R. 4 E.,
Secs. 1 to 3, inclusive, secs. 10 to 15, inclusive, secs. 23 to 26, inclusive, and secs. 35 and 36.

T. 25 N., R. 4 E.,
Secs. 10 to 15, inclusive, secs. 21 to 28, inclusive, and secs. 34 to 36, inclusive.
T. 23 N., R. 5 E.,
Secs. 1 to 3, inclusive.
T. 24 N., R. 5 E.,
Secs. 1 to 27, inclusive, secs. 29 to 32, inclusive, and secs. 34 to 36, inclusive.
T. 25 N., R. 5 E.,
Secs. 3 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 35, inclusive.

CHICKASAW MERIDIAN

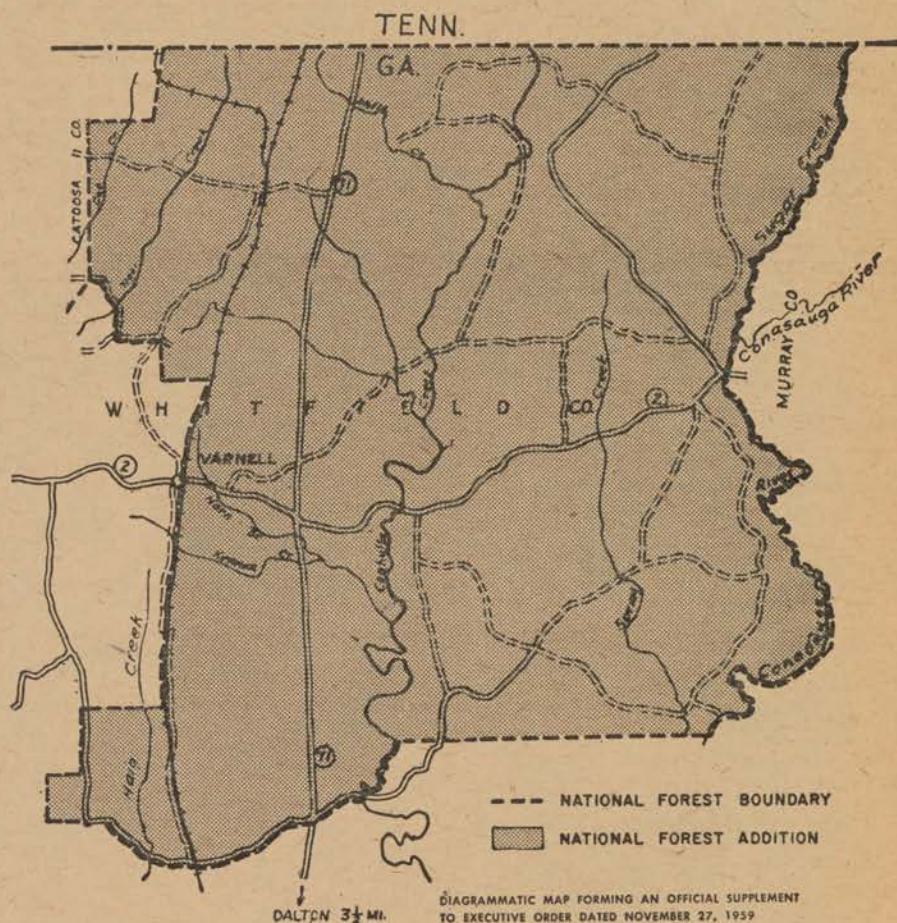
T. 12 S., R. 6 W.,
Sec. 2.

OUACHITA NATIONAL FOREST—OKLAHOMA

INDIAN MERIDIAN

T. 8 S., R. 24 E.,
Secs. 7 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 9 S., R. 24 E.,
Secs. 1 and 2.
T. 7 S., R. 25 E.,
Secs. 12 to 18, inclusive, those parts lying south of the Little River;
Sec. 19;

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE CHATTAHOOCHEE NATIONAL FOREST GEORGIA 1959



Secs. 20 and 21, those parts lying south of the Little River;
 Secs. 22 to 36, inclusive.
 T. 8 S., R. 25 E.
 T. 9 S., R. 25 E.,
 Secs. 1 to 17, inclusive, and secs. 20 to 24, inclusive.
 T. 7 S., R. 26 E.,
 Secs. 9, 10, and 12 to 20, inclusive, those parts lying south of the Little River;
 Secs. 21 to 36, inclusive.
 Tps. 8 and 9 S., R. 26 E.
 T. 7 S., R. 27 E.,
 Secs. 7, 16, 17, 18, those parts lying south of Little River;
 Sec. 19;
 Secs. 20 and 21, those parts lying south of Little River;
 Secs. 28 to 33, inclusive.
 T. 8 S., R. 27 E.,
 Secs. 4 to 9, inclusive; secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
 T. 9 S., R. 27 E.,
 Secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10137; Filed, Nov. 30, 1959; 9:34 a.m.]

Executive Order 10852

AMENDMENT OF EXECUTIVE ORDER NO. 10530,¹ PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10530 of May 10, 1954, entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President," be, and it is hereby, amended by deleting from section 4(b) thereof the words "capital grants with respect to projects assisted under Title I of the said act" and inserting in lieu thereof the following: "grants under Title I of that act".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10138; Filed, Nov. 30, 1959; 9:34 a.m.]

Executive Order 10853

DELEGATING THE AUTHORITY OF THE PRESIDENT WITH RESPECT TO VARIOUS ALLOWANCES TO CERTAIN GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by section 7(a) and 8(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216) and by section 235(a) of title 38 of the United States Code, and as President of the United States, it is ordered as follows:

¹ 19 F.R. 2709; 3 CFR, 1954 Supp., p. 55.

SECTION 1. The regulations contained in Executive Order No. 10000 of September 16, 1948, as now or hereafter amended, which govern the payment of additional compensation in foreign areas (referred to as foreign post differential) shall govern the payment of the additional compensation authorized by section 8(a) (2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, subject to the provisions of section 8(b) of that act (73 Stat. 216).

SEC. 2. Paragraph 1 of Executive Order No. 10011 of October 22, 1948, as amended, is hereby further amended by adding the following subsections (e) and (f) at the end thereof:

"(e) The authority vested in the President by section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 216) to prescribe regulations relating to quarters, quarters allowance, and storage, and the authority vested in the President by section 8(a) (1) of that act to prescribe regulations relating to cost-of-living allowances.

"(f) The authority vested in the President by section 235(a) of title 38 of the United States Code to prescribe rules and regulations with respect to allowances and benefits similar to those provided by those sections of the Foreign Service Act of 1946 designated in paragraphs (1), (2), (3), (5), (6), and (8) of section 235(a)."

SEC. 3. The Administrator of Veterans' Affairs is hereby authorized to exercise the authority vested in the President by section 235(a) of title 38 of the United States Code to prescribe rules and regulations with respect to allowances and benefits similar to those provided by those sections of the Foreign Service Act of 1946 designated in paragraphs (4) and (7) of section 235(a).

SEC. 4. The rules and regulations prescribed by the Secretary of State or the Administrator of Veterans' Affairs pursuant to section 2 or section 3 of this order shall become effective on such dates as those officials shall, respectively, determine, but not in any case earlier than July 28, 1959.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10139; Filed, Nov. 30, 1959; 9:34 a.m.]

Executive Order 10854

EXTENSION OF THE APPLICATION OF THE FEDERAL AVIATION ACT OF 1958

By virtue of the authority vested in me by section 1110 of the Federal Aviation Act of 1958 (72 Stat. 800; 49 U.S.C. 1510), and as President of the United States, and having determined that such action would be in the national interest, I hereby order as follows:

The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C.

1301 *et seq.*), to the extent necessary to permit the Administrator of the Federal Aviation Agency to accomplish the purposes and objectives of Titles III and XII thereof (49 U.S.C. 1341-1355 and 1521-1523), is hereby extended to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: *Provided*, that the Administrator, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10140; Filed, Nov. 30, 1959; 9:35 a.m.]

Executive Order 10855

INSPECTION OF INCOME TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by sections 55(a) and 508 of the Internal Revenue Code of 1939 (53 Stat. 29, 111; 54 Stat. 1008; 26 U.S.C. 55(a) and 508), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income tax return for the years 1945 to 1958, inclusive, shall, during the Eighty-sixth Congress, be open to inspection by the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, in connection with its study and investigation of the applicability of the antitrust and anti-monopoly laws of the United States to professional boxing, pursuant to Senate Resolution 57, 86th Congress, agreed to February 2, 1959, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

November 27, 1959.

[F.R. Doc. 59-10141; Filed, Nov. 30, 1959; 9:35 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

On October 7, 1959 there was published in the FEDERAL REGISTER (24 F.R. 8114) a notice of the proposed issuance of amendments to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) under the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The amendments provide that breathing shall have stopped prior to scalding of poultry, regulate the type of cuts to be made prior to chilling, require inspectors to make weight tests as they deem necessary, clarify chilling requirements, and make other changes.

After consideration of all relevant material, the regulations in 7 CFR Part 81, as amended, are hereby further amended as follows:

§ 81.49 [Amendment]

1a. In § 81.49, paragraph (b) is amended to read:

(b) Poultry shall be slaughtered in such a manner that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area.

b. In § 81.49, paragraphs (h), (i), (j), and (k) are deleted and new paragraphs (h) through (o) are inserted to read:

(h) Cuts for the removal of the viscera shall be limited to those necessary for proper processing operations and inspection. With respect to roaster style evisceration, opening cuts shall be made in such a manner that the skin between the thighs and rib cage will not be cut or torn open during the drawing operation. No additional cuts shall be made prior to chilling other than those necessary to perform the complete evisceration of the bird. With respect to poultry that is permitted to be opened by the "bar-cut" method, particular care shall be exercised in making transverse cuts so that the thigh areas will not be opened and the flesh at the posterior end of the keel will not be exposed. An occasional bird that is unintentionally opened in the aforesaid areas will be permitted. All birds which are opened by the "bar-cut" method shall be trussed (both legs) prior to chilling.

(i) The area at the junction of the neck with the body of the eviscerated bird shall be positively opened so that water will drain freely from the body cavity and not become trapped in the area between the neck skin and the neck.

(j) Ready-to-cook poultry shall be adequately drained to remove ice and free water prior to packaging or packing.

(k) Cut-up poultry shall be prepared from chilled carcasses (with or without necks) and the parts shall not be re-chilled in ice and water or water but may be temporarily held in containers of crushed ice which are continuously drained pending further processing and packaging. Notwithstanding the foregoing, giblets and necks and certain parts resulting from special processing operations approved by the Administrator, may be chilled in agitated ice and water slush or refrigerated water for a period not in excess of 20 minutes.

(l) All offal resulting from the evisceration operation shall be removed from the establishment as often as necessary to prevent the development of a nuisance.

(m) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances and odors and of sufficient strength and durability to protect the product adequately during normal distribution.

(n) Paper and other material used for lining barrels or other containers in which products are packed shall be of such kinds as do not tear readily during use but remain intact when moistened by the product. Wooden containers to be used for packing poultry shall be fully lined except when the individual birds to be packed therein are fully wrapped.

(o) Protective coverings shall be used for the product, in the plant and as it is distributed from the plant, which are adequate to protect the product against contamination by any foreign substances (including, but not being limited to, dust, dirt, and insects) considering the means intended to be employed in transporting the product from the plant.

c. In § 81.49, paragraph (l) is redesignated as paragraph (p).

§ 81.50 [Amendment]

2a. In § 81.50, paragraph (b) (3) (i) is amended to read:

(i) Poultry which is to be held in chilling tanks in excess of 24 hours shall at the end of the 24-hour chilling period be removed from the tanks and repacked in clean ice and in clean tanks which are continually drained, or as an alternative, the tanks shall be drained and re-iced and placed in a cooler which will maintain all of the poultry in the tanks at a temperature of 40° F. or below.

b. In § 81.50, paragraph (b) (3) (ii) is deleted and a new paragraph (b) (3) (ii) is inserted to read:

(ii) With respect to poultry that is to be consumer packaged or frozen, or both, chilling and draining procedures shall be such as will minimize moisture absorption and retention at time of packaging. The inspector will make such weight tests as he deems necessary to assure compliance with this requirement.

c. In § 81.50, paragraph (d) is amended to read:

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within two hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass the requirements of paragraphs (b) (2) and (f) (4) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media for a period in excess of 20 minutes, but may be cooled in perforated containers which are immersed in noncirculated ice and water chilling media: *Provided*, That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. Giblet wrappers shall be made of reasonably nonabsorbent materials and shall be no larger than necessary to properly wrap the giblets.

3. Section 81.89 is amended to read:

§ 81.89 Contamination.

Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, scald vat water in the air sac system, or other substances which affect the wholesomeness of the carcasses, shall be condemned. Any organ or part of a carcass which has been contaminated following mutilation shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

4. Section 81.120 is amended to read:

§ 81.120 Special procedure or requirements as to certification of slaughtered poultry for export to certain countries.

When export certificates are required by any foreign country for slaughtered poultry exported to such country, the Administrator shall prescribe or approve the form of export certificate to be used and the methods and procedures as he deems appropriate with respect to the preparation and transportation of such poultry, in order to comply with requirements specified by the foreign country regarding the exported products.

§ 81.130 [Amendment]

5. In § 81.130, paragraph (a) (3) is amended to read:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the retailer or distributor supplying the retailer agrees in writing to the Administrator to mark the true net weight on the label prior to display and sale thereof: *And provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to

display and sale": And provided further, That the total net weight of the contents of the shipping container shall be marked on such container. The net weight marked on immediate containers of poultry products shall be the net weight of the poultry and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

The foregoing amendments differ in some respects from the proposals set forth in the notice of rule-making. All of the differences are due to nonsubstantial changes made for clarification or simplification except for extension of § 81.49(j) to all ready-to-cook poultry. The latter change is deemed desirable in the public interest. It does not appear that further public rule-making procedure would make additional information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and other public rule-making procedure on the amendments are unnecessary and impracticable.

Issued at Washington, D.C., this 25th day of November 1959, to become effective January 1, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-10093; Filed, Nov. 30, 1959;
8:48 a.m.]

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

PART 730—RICE

Subpart—1960-61 Marketing Year

STATE ACREAGE ALLOTMENTS; MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of correcting typographical errors in the issuance of State rice acreage allotments for the 1960 crop (24 F.R. 9122).

Since the only purpose of these amendments is to correct typographical errors, it is hereby determined that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary. Therefore, the amendments shall become effective upon publication in the FEDERAL REGISTER.

Section 730.1104 is amended by striking out in the table of State acreage allotments the figure "299" for Arizona and inserting in lieu thereof the figure "229"; by striking out the figure "458,057" for the Producer Administrative Area of Louisiana and inserting in

lieu thereof the figure "16,951"; and by striking out the figure "16,951" for the Farm Administrative Area of Louisiana and inserting in lieu thereof the figure "458,057".

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 353, 52 Stat. 61, as amended; 7 U.S.C. 1353)

Issued at Washington, D.C., this 25th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10097; Filed, Nov. 30, 1959;
8:49 a.m.]

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

[Milk Order 3]

PART 903—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 903), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act with respect to the month of November 1959:

(1) The provision "and November" appearing in the first proviso of § 903.9(b).

Emergency conditions are such that this provision would prevent substantial numbers of producers regularly associated with the market from participation in the pool. The temporary and unexpected heavy fall production has made it virtually impossible for supply plants to qualify during November 1959, under the present order provision. Suspension of the provision cited will permit plants regularly associated with the market to continue pool plant status under these unusual circumstances. Other provisions will serve to limit the pool to plants associated with the market for the limited period provided.

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

(1) This suspension order involves a relief from certain aspects of the regulation.

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

(3) This suspension order has been requested by associations representing more than two-thirds of the producers whose milk is subject to pricing by the order.

Therefore, good cause exists for making this order effective for the month of November 1959.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended as of November 1, 1959, and until further ordered.

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

Issued at Washington, D.C., this 24th day of November 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-10072; Filed, Nov. 30, 1959;
8:46 a.m.]

PART 904—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

PART 999—MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), the Springfield, Massachusetts, marketing area (7 CFR Part 996), and the Worcester, Massachusetts, marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the month of December 1959 all the provisions of § 904.48(b), § 996.48(b) and § 999.48(b) of the respective orders, except the provision "The supply-demand adjustment factor shall be" and the provision ".88" as they appear in subparagraph (4), no longer tend to effectuate the declared policy of the Act.

The supply-demand adjustor, as set forth in the sections of the respective orders referred to above, is intended to reflect in the computation of the New England basic Class I price for the current month the current regional supply-demand balance based on experience in the second and third preceding months as measured by conditions existing in the Greater Boston, Springfield, and Worcester markets. With the institution of regulation in the Southeastern New England and Connecticut markets there has been a shifting of supplies and sales as between the five New England markets which has resulted in an apparent shortening of the regional supply as measured by the present mechanics of the supply-demand adjustor.

On the basis of the evidence introduced at a public hearing held in Boston on April 14-15, 1959, it was concluded that, in fact, there had been no significant change in the actual supply-demand situation in the region. Accordingly, the supply-demand adjustment factor was held by suspension action at 0.90 for the pricing months of May through October.

Evidence received at the public hearing held at Boston on October 19-20, 1959, indicated that the Class I price level maintained by suspension of the supply-demand adjustment factor to 0.90 since May 1959 had brought forth an adequate supply of milk to meet the

fluid milk uses in the five markets. While other factors contained in the New England basic Class I price formula indicated a price increase for the month of November, the overall supply-demand relationship did not warrant such action. Accordingly, suspension action was taken to set a supply-demand factor of 0.88 for the month of November 1959, thus continuing the same basic Class I price level as that which has provided an adequate supply of milk for the five markets during the preceding months of 1959.

There has been no significant change in the supply-demand situation in the five markets or in the other factors contained in the New England Class I price formula since the last suspension action. Use of a supply-demand adjustment factor of 0.88 for the month of December 1959, will provide for continuing the same basic Class I price level which has prevailed in the preceding months of 1959.

Failure to suspend the provisions as herein provided would result in a Class I price for the month of December 1959 in the five New England Federal order markets higher than would otherwise prevail. Any price higher than that which will result from this action would be higher than necessary to provide an adequate supply of pure and wholesome milk, and would be higher than justified by the actual supply-demand situation.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are not practical, not necessary, and contrary to public interest in that:

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

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order applicable for the month of December 1959.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective upon issuance, for the month of December 1959.

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

Issued at Washington, D.C., this 24th day of November 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-10071; Filed, Nov. 30, 1959; 8:46 a.m.]

[Milk Order No. 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 943), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act: § 943.51(a) (3) (ii) and (iii).

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

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

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

(3) This suspension will decrease the effect of the supply-demand adjustment in lowering the Class I price pending amendatory action with respect to the supply-demand adjuster.

(4) Suspension action is based on evidence presented at a hearing held at Dallas, Texas on October 28, 1959, and a request by cooperative associations supplying milk to the Texas Federal order marketing areas which are affected by the North Texas supply-demand adjuster; namely, North Texas, Central West Texas, Austin-Waco, San Antonio, and Corpus Christi. The producer members of these associations supply more than 90 percent of the milk for these markets.

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

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective December 1, 1959.

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

Issued at Washington, D.C., this 25th day of November 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-10092; Filed, Nov. 30, 1959; 8:48 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

Subpart—1960

The soil and water resources of the farmlands of our Nation must be protected and conserved. This is essential in order that farms will continue to have the capacity to produce sufficient food and other raw materials to meet the future needs of the Nation.

All the people of this Nation, not the farmers alone, have a stake in, and a part of the responsibility for protecting and conserving, our farmlands. Recognizing this, the Congress appropriates funds to share with farmers the cost of carrying

out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers.

INTRODUCTION

Sec.

1102.1000 Introduction.

GENERAL PROGRAM PRINCIPLES

1102.1001 General program principles.

ALLOCATION OF FUNDS

1102.1002 Allocation of funds.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

1102.1003 Selection of practices.

1102.1004 Responsibility for technical phases of practices.

1102.1005 Bulletins, instructions, and forms.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

1102.1006 Opportunity for requesting cost-sharing.

1102.1007 Prior request for cost-sharing.

1102.1008 Method and extent of approval.

1102.1009 Initial establishment or installation of practices.

1102.1010 Repair, upkeep, and maintenance of practices.

1102.1011 Pooling agreements.

PRACTICE COMPLETION REQUIREMENTS

1102.1012 Completion of practices.

1102.1013 Practices substantially completed during program year.

1102.1014 Practices involving the establishment or improvement of vegetative cover.

FEDERAL COST-SHARES

1102.1015 Conservation materials and services.

1102.1016 Practices carried out with State or Federal aid.

1102.1017 Division of Federal cost-shares.

1102.1018 Increase in small Federal cost-shares.

1102.1019 Maximum Federal cost-share limitation.

1102.1020 Persons eligible to file application.

1102.1021 Time and manner of filing application and required information.

1102.1022 Appeals.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

1102.1023 Compliance with regulatory measures.

1102.1024 Maintenance of practices.

1102.1025 Practices defeating purposes of programs.

1102.1026 Depriving others of Federal cost-shares.

1102.1027 Filing of false claims.

1102.1028 Misuse of purchase orders.

1102.1029 Federal cost-shares not subject to claims.

1102.1030 Assignments.

DEFINITIONS

1102.1033 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

1102.1035 Authority.

1102.1036 Availability of funds.

1102.1037 Applicability.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

1102.1041 Practice 1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.

- Sec.
1102.1042 Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.
- 1102.1043 Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.
- 1102.1044 Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.
- 1102.1045 Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.
- 1102.1046 Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.
- 1102.1047 Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.
- 1102.1048 Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.
- 1102.1049 Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation.
- 1102.1050 Practice 10: Planting vegetative barriers on cultivated land, orchards, or coffee groves of 10 percent or more slope.
- 1102.1051 Practice 11: Initial establishment of contour strip-cropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.
- 1102.1052 Practice 12: Leveling land for more efficient use of irrigation water and to prevent erosion.
- 1102.1053 Practice 13: Constructing or installing miscellaneous permanent structures such as dams, chutes, drops, flumes or similar structures to prevent or heal gullying, or in connection with farm drainage systems, or in connection with the reorganization systems.
- 1102.1054 Practice 14: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.
- 1102.1055 Practice 15: Planting of trees on farmland for purposes other than the prevention of wind or water erosion.
- 1102.1056 Practice 16: Controlling competitive shrubs by brushing established permanent pasture to permit growth of adequate desirable vegetative cover for soil protection on pasturelands.
- 1102.1057 Practice 17: Constructing permanent fences as a means of protecting vegetative cover.
- 1102.1058 Practice 18: Installing pipelines for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

- Sec.
1102.1059 Practice 19: Applying ground limestone, or its equivalent, to permit the initial establishment of grasses and legumes under practice 20 (§ 1102.1060) and the improvement of established permanent pastures under practice 22 (§ 1102.1062) or to improve pastures established prior to 1960.
- 1102.1060 Practice 20: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses, or a mixture of legumes and perennial grasses, or other approved forage plants.
- 1102.1061 Practice 21: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 20 (§ 1102.1060) for soil protection and moisture conservation.
- 1102.1062 Practice 22: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para grass by seeding Tropical Kudzu for soil or watershed protection.
- 1102.1063 Practice 23: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the initial establishment of coffee groves.
- 1102.1064 Practice 24: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the application of fertilizer to coffee groves more than 1 year old but not more than 4 years old.
- 1102.1065 Practice 25: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of formulas 12-6-10 or 12-6-16.
- 1102.1066 Practice 26: Installing sprinkler irrigation in permanent pasture to develop forage so as to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.
- 1102.1067 Practice 27: Shaping or land grading to permit effective drainage.

AUTHORITY: §§ 1102.1000 to 1102.1067 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g-590q.

INTRODUCTION

§ 1102.1000 Introduction.

(a) Through the 1960 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the "1960 program"), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be

shared when carried out on a particular farm, and the exact specifications and rates of cost-sharing for such practices, are set forth in this subpart. Any additional information may be obtained at the ASC district offices, or at the local offices of the Soil Conservation Service with respect to practices 1 to 14, 18, 26, and 27 (§§ 1102.1041 to 1102.1054, 1102.1058, 1102.1066, and 1102.1067) and at the offices of the Forest Service with respect to practice 15 (§ 1102.1055).

(c) The 1960 program was developed by the ASC State Office, the Territorial Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in Puerto Rico, the Director of Agricultural Extension Service, and representatives of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

GENERAL PROGRAM PRINCIPLES

§ 1102.1001 General program principles.

The 1960 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the soil and water conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1960 on lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed soil and water conservation practices.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the Public Treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers otherwise would not perform but which are essential to sound soil and water conservation, the farmers should assume responsibility for the up-

keep and maintenance of those practices through their life spans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm operator.

ALLOCATION OF FUNDS

§ 1102.1002 Allocation of funds.

The amount of funds available for conservation practices under this program is \$867,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.1018.

SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, AND FORMS

§ 1102.1003 Selection of practices.

The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 1102.1004 Responsibility for technical phases of practices.

(a) The Soil Conservation Service is responsible for the technical phases of practices 1 to 14, 18, 26, and 27 (§§ 1102.1041 to 1102.1054, 1102.1058, 1102.1066, and 1102.1067). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. Complete specifications for practices 1 to 12 (§§ 1102.1041 to 1102.1052) are contained in a document entitled "Detailed Specifications for Conservation Practices—Puerto Rico" prepared by the Soil Conservation Service, Caribbean Area Office, and available at the SCS work unit offices and the ASC district offices. The Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. 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 14 (§ 1102.1054).

(b) The Forest Service is responsible for the technical phases of practice 15 (§ 1102.1055). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the ASC State Office, determining performance in meeting these specifications. This responsibility also includes (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance. 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.

§ 1102.1005 Bulletins, instructions, and forms.

The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1960 program as it applies to Puerto Rico, and forms will be made available at the State and district ASC offices. Persons wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1102.1006 Opportunity for requesting cost-sharing.

Each farmer shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm.

§ 1102.1007 Prior request for cost-sharing.

(a) Costs will be shared only for those practices for which cost-sharing is requested by the farmer before performance thereof is started. For practices for which (1) approval was given under the 1959 Agricultural Conservation Program, (2) performance was started but not completed during the 1959 program year, and (3) the ASC State Office believes the extension of the approval to the 1960 program is justified under the 1960 program regulations and provisions, the filing of the request for cost-sharing under the 1959 program may be regarded as meeting the requirement of the 1960 program that a request for cost-sharing be filed before performance of the practice is started.

(b) Any farmer who wishes to participate in the 1960 program must file the applicable form as follows:

(1) For practices 1 to 15 and 27 (§§ 1102.1041 to 1102.1055 and 1102.1067), Cert. Form No. 39-60—P.R., Request for Federal Cost-Shares and Notice of Approval.

(2) For practices 16 to 22 and 26 (§§ 1102.1056 to 1102.1062 and 1102.1066), Cert. Form No. 40-60—P.R., Request for Cost-Shares and Purchase Order, Certification of Eligibility and Notice of Approval.

(3) For practices 23 to 25 (§§ 1102.1063 to 1102.1065), O-Form No. 112 (Revised), Request for Cost-Shares and Purchase Order, Certification of Eligibility and Notice of Approval.

(c) These forms may be obtained and filed at any of the ASC district offices, field offices of the Soil Conservation Service (SCS), field offices of the Extension Service, district offices of the Farmers Home Administration, and field offices of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

(d) These forms must be filed on or before June 30, 1960, or such extension thereof as determined by the ASC State Office, but not extending beyond July 31, 1960, except for cases of hardship as determined by the ASC State Office.

§ 1102.1008 Method and extent of approval.

The ASC State Office will determine, or may delegate to the district offices authority to determine, the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1960. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1102.1009 Initial establishment or installation of practices.

(a) Federal cost-sharing may be authorized under the 1960 program only for the initial establishment or installation of the practices contained in this subpart. The initial establishment or installation of a practice, for the purposes of the 1960 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(3) The ASC State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

(b) With normal upkeep and maintenance, practices 1 to 23, 26, and 27 (§§ 1102.1041 to 1102.1063, 1102.1066, and 1102.1067) carried out under the 1954 or a subsequent program would not have served their life spans by the end of the 1960 program year. Accordingly, cost-sharing for reestablishment or replacement of these practices may be authorized.

ized only under the conditions set forth in this section.

§ 1102.1010 Repair, upkeep, and maintenance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 1102.1011 Pooling agreements.

Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 1102.1012 Completion of practices.

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1102.1013 and 1102.1014, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1102.1013 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1960 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1102.1014 Practices involving the establishment or improvement of vegetative cover.

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the ASC State Office determines, in accordance with standards approved by the ASC State Office, 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 due to weather or other conditions beyond the control of the farm operator. The ASC State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

FEDERAL COST-SHARES

§ 1102.1015 Conservation materials and services.

(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the 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 ASC State Office, except in those cases where the agency to which the debt is owed waives its right to setoff in order to permit the furnishing of materials and services. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC district offices, field offices of the Extension Service, field offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, field offices of the Soil Conservation Service, and district offices of the Farmers Home Administration.

(2) Title to any material furnished through the Agricultural Conservation Program shall vest in the Federal Government until the material is applied or all charges for same are satisfied.

(3) When the material consists of ground limestone and the same is purchased direct by the farmer rather than obtained through a duly issued purchase order, the receipts or invoices, in triplicate, showing the purchase and calcium carbonate content of the ground limestone applied, properly dated and signed by the vendor, as well as a copy of the certificate of pH determination issued by the Agricultural Extension Service, Vocational Agriculture, or any other agency designated for this purpose by the ASC State Office, shall be retained by the farmer for presentation upon request of the ASC State Office.

(4) When the material consists of fertilizer and the same is purchased direct by the farmer, rather than obtained through a duly issued purchase order, the receipts or invoices, in triplicate, showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, shall be retained by the farmer for presentation upon request of the ASC State Office.

(b) *Cost to farmer.* The farmer shall pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPs, which is in excess of the Federal cost-share attributable to the use of the material or service. The Federal cost-share increase on the amount of the Federal cost-share attributable to the use of the material or service may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1960 program will be relieved of responsibility for the material or service upon determination by the ASC State Office that the material or service was used in performing the prac-

tice for which it was furnished. If the person 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 otherwise due him under the program.

(2) Any person 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 by circumstances beyond his control. If the materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPs, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1102.1016 Practices carried out with State or Federal aid.

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 ASC State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1960 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1102.1017 Division of Federal cost-shares.

(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services furnished under purchase orders shall be credited to the person to whom the materials or services are furnished, and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person 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 ASC State Office 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.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1102 of this chapter).

§ 1102.1013 Increase in small Federal cost-shares.

The sum of the Federal cost-shares computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.00.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
\$1 to \$1.99	\$0.40
\$2 to \$2.99	.80
\$3 to \$3.99	1.20
\$4 to \$4.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
\$7 to \$7.99	2.80
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	4.00
\$11 to \$11.99	4.40
\$12 to \$12.99	4.80
\$13 to \$13.99	5.20
\$14 to \$14.99	5.60
\$15 to \$15.99	6.00
\$16 to \$16.99	6.40
\$17 to \$17.99	6.80
\$18 to \$18.99	7.20
\$19 to \$19.99	7.60
\$20 to \$20.99	8.00
\$21 to \$21.99	8.20
\$22 to \$22.99	8.40
\$23 to \$23.99	8.60
\$24 to \$24.99	8.80
\$25 to \$25.99	9.00
\$26 to \$26.99	9.20
\$27 to \$27.99	9.40
\$28 to \$28.99	9.60
\$29 to \$29.99	9.80
\$30 to \$30.99	10.00
\$31 to \$31.99	10.20
\$32 to \$32.99	10.40
\$33 to \$33.99	10.60
\$34 to \$34.99	10.80
\$35 to \$35.99	11.00
\$36 to \$36.99	11.20
\$37 to \$37.99	11.40
\$38 to \$38.99	11.60
\$39 to \$39.99	11.80
\$40 to \$40.99	12.00
\$41 to \$41.99	12.10
\$42 to \$42.99	12.20
\$43 to \$43.99	12.30
\$44 to \$44.99	12.40
\$45 to \$45.99	12.50
\$46 to \$46.99	12.60
\$47 to \$47.99	12.70
\$48 to \$48.99	12.80
\$49 to \$49.99	12.90
\$50 to \$50.99	13.00
\$51 to \$51.99	13.10
\$52 to \$52.99	13.20
\$53 to \$53.99	13.30
\$54 to \$54.99	13.40

Amount of cost-share computed—Continued	Increase in cost-share
\$55 to \$55.99	\$13.50
\$56 to \$56.99	13.60
\$57 to \$57.99	13.70
\$58 to \$58.99	13.80
\$59 to \$59.99	13.90
\$60 to \$185.99	14.00
\$186 to \$199.99	(¹)
\$200 and over	(²)

¹ Increase to \$200.

² No increase.

§ 1102.1019 Maximum Federal cost-share limitation.

(a) The total of all Federal cost-shares under the 1960 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1960 program may 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 any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1102.1020 Persons eligible to file application.

Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.1021 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the ASC district offices forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the ASC district offices and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases

where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC district offices not later than February 28, 1961, except that the ASC State Office may accept an application filed after February 28, 1961, but not later than December 31, 1961, in cases where the failure to timely file was not the fault of the applicant. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC district office within the applicable time limit. Receipts or invoices required by the wording of practices as evidence of performance shall be retained by the applicant for presentation to the ASC State Office for a period of two years following the end of the program year.

(c) If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1961.

§ 1102.1022 Appeals.

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the ASC State Office, may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the ASC State Office, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer would have been entitled if the performance ren-

dered had met all requirements for the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1102.1023 Compliance with regulatory measures.

Persons who carry out conservation practices under the 1960 program 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 person 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 and regulations.

§ 1102.1024 Maintenance of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1960 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.1025 Practices defeating purposes of programs.

If the ASC State Office finds that any person has adopted or participated in any practice during the 1960 program year which tends to defeat the purposes of the 1960 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1102.1026 Depriving others of Federal cost-shares.

If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1102.1027 Filing of false claims.

If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1960 program and shall refund all amounts that may have been paid to him under the 1960 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other

penalty or liability which might otherwise be imposed.

§ 1102.1028 Misuse of purchase orders.

If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1960 program and shall refund all amounts that may have been paid to him under the 1960 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.1029 Federal cost-shares not subject to claims.

Any Federal cost-share, or portions thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.1030, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.1030 Assignments.

Any person who may be entitled to any Federal cost-share under the 1960 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

DEFINITIONS

§ 1102.1033 Definitions.

For the purposes of the 1960 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ACS State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means that area of land considered as a farm under the current definition of farm applicable to market-

ing quota and acreage allotment programs.

(g) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(h) "Sugarcane farm" means any farm that has sugarcane growing in 1960.

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(k) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Program year" means the period from January 1, 1960, through December 31, 1960.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.1035 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g-590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960.

§ 1102.1036 Availability of funds.

(a) The provisions of the 1960 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1960 program will not be available for paying Federal cost-shares for which applications are filed in the ASC district offices after December 31, 1961.

§ 1102.1037 Applicability.

(a) The provisions of the 1960 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing land administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b)(6) of this section; and (3) nonprivate persons for performance on any land owned by the

United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1102.1041 Practice 1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.

In order to qualify for Federal cost-sharing, the establishment of natural waterways or disposal areas and the construction of outlet channels must conform with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) \$2.25 per 1,000 square feet, when established by shaping and planting cuttings, runners, stolons, or broadcasting seed.

(b) \$9.75 per 1,000 square feet, when established by shaping and sodding.

(c) \$0.30 per cubic yard of earth moved, when a channel is constructed by excavation and vegetation is established.

§ 1102.1042 Practice 2: Constructing continuous terraces to detain or control the flow of water and check soil erosion on sloping land.

In order to qualify for Federal cost-sharing, a channel or Nichols type terrace shall be constructed on land of from 2 to 12 percent slope. The terrace system must also comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$1.25 per 100 linear feet of terrace.

§ 1102.1043 Practice 3: Establishing field diversion ditches or diversion terraces to intercept surface runoff from the watershed above and divert it into protected outlets to prevent erosion and protect lower lying cultivated areas.

No Federal cost-sharing will be allowed for this practice if the cultivation

of the lower lying areas does not follow the approximate contour. Necessary protected outlets must be established in accordance with the specifications for practice 1 (§ 1102.1041) prior to construction of field diversion ditches. In order to qualify for Federal cost-sharing, the establishment of field diversion ditches or diversion terraces must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$0.20 per cubic yard of earth moved.

§ 1102.1044 Practice 4: Constructing or enlarging permanent open drainage systems to dispose of excess water.

(a) Federal cost-sharing will be allowed for both new ditches and for clearing and/or enlarging old channels where there is poor drainage and flood damage due to poor conditions of natural streams of extremely low gradients, or to impaired carrying capacity because of vegetative or woody growth or irregularities in channel gradients, and where a new straight channel would have excessive gradient.

(b) No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. No Federal cost-shares are allowable for cleaning a ditch, installing crossing structures, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed or enlarged on sugarcane land, except where such drainage is carried out as a community project under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for this practice where there is any likelihood that it will create an erosion or flood hazard.

(c) Construction or improvement of channels under this practice will not be approved where the watershed being drained discharges large quantities of sand or silt creating a sedimentation problem in drainage channels, unless protective measures are applied in the contributing watershed such as vegetative cover on sand or silt contributing areas and/or silt detention reservoirs or desilting basins established prior to construction of ditches.

(d) In order to qualify for Federal cost-sharing, the construction or enlargement of permanent open drainage systems must conform with the specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) \$0.20 per cubic yard of earth moved.

(b) \$15.00 per acre for clearing existing channel and 15 feet beyond each bank, but not to exceed 50 percent of actual cost of clearing. (Receipts or records showing payment for labor will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

§ 1102.1045 Practice 5: Installing permanent underground tile drainage systems to dispose of excess water.

(a) This practice will be applicable where internal drainage is needed, soils are adaptable, and all possible surface drainage consistent with farming practices has been completed.

(b) No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

(c) Regardless of the size of tile used, Federal cost-sharing shall not exceed \$50.00 per acre. No Federal cost-sharing will be allowed for repairing or maintaining existing tile drainage systems.

(d) In order to qualify for Federal cost-sharing, acceptable size and grade of tile shall be laid to a predesigned depth, grade, and alignment, and covered, all in a workmanlike manner. An acceptable outlet must be provided.

(e) The tile drainage system must comply with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) \$0.08 per linear foot for 4-inch tile.

(b) \$0.10 per linear foot for 6-inch tile.

(c) \$0.12 per linear foot for 8-inch tile.

(d) \$0.15 per linear foot for 10- to 12-inch tile.

(e) \$0.20 per linear foot for 12-inch tile and above.

§ 1102.1046 Practice 6: Constructing hillside ditches with or without vegetative barriers to detain or control the flow of water and check erosion on sloping land.

(a) In order to qualify for cost-sharing, the hillside ditch system must be

established on fields cultivated along approximate contour or in orchards of 2 to 40 percent slope in accordance with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

Maximum Federal cost-share. (a) \$1.00 per 100 linear feet of ditches without vegetative barriers.

(b) \$1.30 per 100 linear feet of ditches with vegetative barriers.

§ 1102.1047 Practice 7: Constructing rock barriers to form and support bench terraces and control the flow of water and check erosion on sloping land.

In order to qualify for Federal cost-sharing, the rock barriers must be constructed in accordance with specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. \$1.50 per cubic yard of rock used.

§ 1102.1048 Practice 8: Constructing, enlarging, or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

(a) The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) \$0.20 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(b) \$15.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(c) \$22.00 per cubic yard of steel reinforced concrete used for cutoff walls, headwalls, outlet structures, and/or risers.

(d) 50 percent of actual cost of conduits and metal cutoff collars. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

§ 1102.1049 Practice 9: Constructing, enlarging, or sealing dams, pits, or ponds to impound surface water for irrigation.

(a) The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining

dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(b) In order to qualify for Federal cost-sharing, the construction, enlarging, or sealing of dams, pits, or ponds for irrigation water must conform with the conditions and specifications set forth in "Detailed Specifications for Conservation Practices—Puerto Rico," prepared by the Soil Conservation Service, Caribbean Area Office.

Maximum Federal cost-share. (a) \$0.20 per cubic yard of earth moved in the construction of an earth dam, pond, or pit.

(b) \$15.00 per cubic yard of concrete or rubble masonry used in the construction of a concrete dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable, or in the construction of a masonry dam.

(c) \$22.00 per cubic yard of steel reinforced concrete used for box culvert, cradle, cutoff walls, headwalls, outlet structures, and/or risers.

(d) 50 percent of actual cost of conduits, slide gates, and metal cutoff collars. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

§ 1102.1050 Practice 10: Planting vegetative barriers on cultivated land, orchards, or coffee groves of 10 percent or more slope.

No Federal cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Cost-sharing will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(a) Grasses listed under the specifications for practice 6 (§ 1102.1046) may be used and must be planted along contour lines.

(b) The vertical distance between the barriers must not exceed 9 feet.

(c) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(d) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

Maximum Federal cost-share. \$0.30 per 100 linear feet.

§ 1102.1051 Practice 11: Initial establishment of contour strip-cropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.

No cost-sharing will be allowed on cultivated land if cultivation does not follow the approximate contour. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of

the Soil Conservation Service. The width of the clean-tilled area must not exceed twice the width of the noncultivated area of vegetation.

Maximum Federal cost-share. \$6.00 per acre.

§ 1102.1052 Practice 12: Leveling land for more efficient use of irrigation water and to prevent erosion.

(a) The purpose of this practice is to alter the slope or topography of irrigated land in such a manner as to (1) hold erosion damage to the minimum, (2) make maximum use of rainfall, (3) obtain effective use of irrigation water, and (4) facilitate soil and water management.

(b) Federal cost-sharing will not be approved for routine floating or restoration of grade, or on any land for which cost-sharing for leveling was given under a previous program. Federal cost-sharing will not be approved if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

(c) The practice must be recommended, supervised, and approved by a Soil Conservation Service representative, and performed to meet the requirements of SCS Conservation Practice Engineering Specifications on "Land Leveling for Irrigation."

Maximum Federal cost-share. \$0.20 per cubic yard, not to exceed \$25.00 per acre.

§ 1102.1053 Practice 13: Constructing or installing miscellaneous permanent structures such as dams, chutes, drops, flumes, or similar structures to prevent or heal gullying, or in connection with farm drainage systems, or in connection with the reorganization of farm irrigation systems.

(a) In order to qualify for cost-sharing, measures performed under this practice must be in accordance with technical standards approved by the Soil Conservation Service, Caribbean Area Office.

(b) The reorganization of farm irrigation systems (a change for the better in the method of conveying water to and in fields) must be in accordance with a plan approved by an SCS technician. No Federal cost-sharing will be allowed for structures installed for crossings, or for other structures primarily for the convenience of the farm operator.

(c) No Federal cost-sharing will be allowed for structures constructed or installed in connection with irrigation if the primary purpose is to bring additional land under irrigation or to reorganize a system not used during at least 2 of the last 5 years.

(d) No Federal cost-sharing will be allowed for structures constructed or installed in connection with drainage, the primary purpose of which is to bring new land into agricultural production.

Maximum Federal cost-share. (a) \$0.20 per cubic yard of earth moved in the construction of earth dams.

(b) \$15.00 per cubic yard of rubble masonry.

(c) \$22.00 per cubic yard of steel reinforced concrete.

(d) 50 percent of the actual cost of materials used other than concrete and rubble masonry. (Receipts or invoices showing the purchase of these materials will be required by the inspector as evidence of accomplishment under this rate of cost-sharing.)

§ 1102.1054 Practice 14: Initial establishment of a stand of fruit trees for erosion control and/or for windbreaks.

For erosion control, trees must be planted on the contour and be protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. For windbreaks, the trees must be planted in such a pattern as to constitute an effective barrier against the prevailing winds. They must afford protection for adjacent areas which are devoted to agricultural purposes. Federal cost-sharing will be allowed for not more than 200 trees on a farm.

Maximum Federal cost-share. \$0.10 per tree.

§ 1102.1055 Practice 15: Planting of trees on farmland for purposes other than the prevention of wind or water erosion.

In order to qualify for Federal cost-sharing, at least $\frac{1}{4}$ acre must be planted, and the trees are to be spaced no wider than 8 by 8 feet. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for fences, where needed to protect the trees being planted, but shall be limited to permanent fences. Boundary and road fences and the repair, replacement, or maintenance of existing fences are excluded. The fences must be constructed with new materials. The posts must be spaced not more than 8 feet apart with the corner posts adequately braced. Three strands of barbed wire, No. 12½ gauge or heavier, properly stretched must be used.

Maximum Federal cost-share. (a) \$4.00 per 100 trees living at the time of inspection, not to exceed 1,750 trees per acre.

(b) \$3.00 per 100 linear feet of fences.

§ 1102.1056 Practice 16: Controlling competitive shrubs by brushing established permanent pasture to permit growth of adequate desirable vegetative cover for soil protection on pasturelands.

(a) This practice is eligible only on pastures of the grasses and legumes specified in practice 20 (§ 1102.1060). In order to qualify for the cost-share allowed under this practice, all competitive shrubs, such as the following, must be eliminated by uprooting or through the use of herbicides: Santa Maria, Zarzas, Tunas, Margarita, Albahaca, Cadillo, Guayabo, Jaraguazo, Verbena, Aroma, Escoba, Mesquite.

(b) On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

(c) Cost-sharing for carrying out this practice is limited to farms located within the North Area, comprising the municipalities of Toa Baja, Bayamon, Cagayan, Guaynabo, Carolina, Rio Piedras, Trujillo Alto, and Dorado; the West Area, comprising the municipalities of Aguada, Aguadilla, Anasco, Rincon, Moca, Mayaguez, Cabo Rojo, Hormigueros, and San German; the Southeast Area, comprising the municipalities of Arroyo, Cayey, Guayama, and Salinas; the Southwest Area, comprising the municipalities of Guanica, Lajas, Sabana Grande, and Yauco; the South Area, comprising the municipalities of Guayanilla, Penuelas, Juana Diaz, Villalba, Santa Isabel, and Ponce; the East Area, comprising the municipalities of Humacao, Juncos, Las Piedras, Naguabo, Patillas, Yabucoa, and Maunabo; the Central East Area, comprising the municipalities of Gurabo, Aguas Buenas, Cidra, Caguas, and San Lorenzo; and the Northeast Area, comprising the municipalities of Loiza, Luquillo, Rio Grande, Fajardo, Ceiba, Vieques, and Culebra.

(d) No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which cost-sharing for eliminating the same competitive shrubs was allowed by the Commonwealth Government under a previous program. No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$4.00 per acre.

§ 1102.1057 Practice 17: Constructing permanent fences as a means of protecting vegetative cover.

(a) This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing. Fences must have pasture or range land on both sides of the fence.

(b) Cost-sharing will be allowed only for new fences constructed entirely of new materials. Cost-sharing will not be allowed for the repair, replacement, or maintenance of existing fences.

(c) Eligible fences are generally those which are constructed for the purpose of dividing an original field into two or more small fields between which livestock will be rotated. If it is necessary to construct some boundary or road fence, as well as the dividing fence, to accomplish the needed protection of the vegetative cover, cost-sharing will be allowed for the boundary or road fence.

(d) Hardwood, steel, or concrete posts or living tree posts shall be used. Posts must be spaced not more than 8 feet apart with corner posts adequately braced. For barbed wire fences, three strands of No. 12½ standard gauge or heavier wire must be used and tightly stretched. For woven wire fences, the wire must be not less than 4 feet high with a top and bottom strand of No. 10 standard gauge wire, and No. 12½ standard gauge in all intermediate wires and with stay wires 12 inches apart. The woven wire must be tightly stretched.

(e) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(f) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$3.00 per 100 linear feet.

§ 1102.1058 Practice 18: Installing pipelines for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

(a) The pipelines must deliver water to locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

(b) Cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs have been provided; and where the pipe used is new galvanized or comparable pipe meeting the following minimum specifications: (1) Metal pipes (galvanized, wrought iron, welded steel, lead, copper, or brass) meeting specifications as adopted by all reputable pipe manufacturers; (2) plastic pipes either flexible or rigid as specified in standards established by the Society of Plastic Industry. The pipe will be buried sufficiently deep to prevent damage by farm machinery where crossings are needed.

(c) Receipts or invoices showing the purchase of new pipe, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(d) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(e) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) \$0.10 per linear foot when new pipes of from $\frac{1}{2}$ to 1 inch diameter are used.

(b) \$0.15 per linear foot when new pipes of from 1¼ to 1½ inches diameter are used.

(c) \$0.25 per linear foot when new pipes of 2 inches or more diameter are used.

§ 1102.1059 Practice 19: Applying ground limestone, or its equivalent, to permit the initial establishment of grasses and legumes under practice 20 (§ 1102.1060) and the improvement of established permanent pastures under practice 22 (§ 1102.1062) or to improve pastures established prior to 1960.

(a) Cost-sharing for the application of ground limestone is based on soil pH as follows: (1) If the pH determination shows 5.2 or less, cost-sharing will be allowed for applying up to 4 tons per acre. (2) If the pH determination shows more than 5.2, but not more than 5.8, cost-sharing will be allowed for applying up to 2 tons per acre. (3) If the pH determination shows more than 5.8, no cost-sharing will be allowed.

(b) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(c) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$4.00 per ton of ground limestone containing at least 80 percent calcium carbonate equivalent.

§ 1102.1060 Practice 20: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annual or perennial grasses, or a mixture of legumes and perennial grasses, or other approved forage plants.

(a) Commercial fertilizers of formulas other than 12-6-10 or 12-6-8 may be accepted if approved by the ASC State Office.

(b) The varieties of grasses and legumes planted must be well adapted to the conditions of the particular area. Plantings must be carried out on not less than ½ acre to qualify for cost-sharing. The land must be properly prepared by plowing, harrowing (if necessary), and furrowing on approximate contour lines, or by hand preparation. Sufficient clump divisions, sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(c) When a Guinea grass pasture is established by using seed, the rate of seeding should not be less than 20 pounds per acre. When Guinea and/or Molasses grass is seeded in mixtures with Tropical Kudzu, the rate of seeding will be as follows: (1) Molasses grass, 5 pounds per acre, Tropical Kudzu, 4 pounds per acre; (2) Guinea grass, 8 pounds per acre, Tropical Kudzu, 4 pounds per acre.

(d) When grass pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the plantings and all cultivating must be as near as practicable along the contour lines.

(e) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(f) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) \$15.00 per acre for planting Para, Guinea, Gramalote, Pangola, Giant St. Augustine, Buffel, or Merker grass, or any combination of these grasses.

(b) \$18.00 per acre for planting Tropical Kudzu in combination with Molasses, Guinea, Gramalote, or Para grass, or a combination of these grasses.

(c) \$35.00 per ton of 12-6-10 or 12-6-8 fertilizer applied to permit the initial establishment of grasses and legumes under rates (a) and (b), but not exceeding 1,000 pounds per acre.

§ 1102.1061 Practice 21: Initial application of refuse from sugar mill grinding operations, known as filter cake, to permit the initial establishment of pasture under practice 20 (§ 1102.1060) for soil protection and moisture conservation.

(a) Farms from which more than 100 acres of sugarcane are harvested in 1960, and any farm operated by a producer-processor as defined under the Sugar Program, are not eligible for cost-sharing under this practice.

(b) The filter cake should be spread over the land and plowed under with the second plowing and before furrowing. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the farmer must request the corresponding ASC district office to inspect the filter cake before it is spread over the land.

(c) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$0.50 per ton, but not exceeding 20 tons per acre.

§ 1102.1062 Practice 22: Improvement of established permanent pasture of Molasses, Guinea, Gramalote, and Para grass by seeding Tropical Kudzu for soil or watershed protection.

(a) Commercial fertilizers of formulas other than 12-6-10 or 12-6-8 may be accepted if approved by the ASC State Office.

(b) To qualify for cost-sharing, the seeding must be carried out on not less than ½ acre and the Tropical Kudzu must occupy at least 40 percent of the area in pasture to be improved.

(c) Cost-sharing for carrying out this practice is limited to farms located within the eight areas mentioned in practice 16 (§ 1102.1056).

(d) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) \$10.00 per acre for seeding at a rate of not less than 4 pounds of Tropical Kudzu. This rate of cost-sharing applies to the total area occupied by the Tropical Kudzu and the established pasture.

(b) \$35.00 per ton of 12-6-10 or 12-6-8 fertilizer applied to the area seeded to Tropical Kudzu, but not exceeding 500 pounds per acre.

§ 1102.1063 Practice 23: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the initial establishment of coffee groves.

(a) In order to qualify for cost-sharing, all components which are needed must be carried out on the 1960 area

designated for the initial establishment of the coffee groves. Such designated area shall not exceed 25 acres on the farm of any program participant.

(b) The shade trees to be planted must be of the leguminous species currently used such as guaba venezolana, guaba, guama, moca, bucare enano, madre de cacao, Leucaena, etc. Not more than 100 shade trees should be planted per acre and they must be well distributed throughout the area in order to provide, when grown, not less than approximately 20 percent shade nor more than approximately 40 percent shade. As far as practicable, all new permanent shade trees must be planted along the approximate contour. Cost-sharing will be allowed only for shade trees which are well established, free from vines and weeds, and at least 18 inches high at the time of inspection.

(c) Measures for the improvement of an existing stand of shade trees shall consist of thinning, pruning, cutting, and protection of desirable trees by removing or killing competing and undesirable vegetation. To be eligible for cost-sharing, the trees left must be less than 6 inches in diameter at breast height and the residual stand of trees shall provide not less than approximately 20 percent shade nor more than approximately 40 percent shade.

(d) The live and dead ground cover must be maintained so that not less than 80 percent of the soil surface within the designated area is adequately maintained. The live ground cover must be dense and not less than about 6 inches tall. The forest litter accumulated shall not be removed.

(e) Coffee trees of improved varieties or of approved selections shall be planted. Trees shall be spaced as nearly as possible in rows 10 feet apart along the approximate contour. Within rows, the distance between trees may vary so as to allow between 700 and 1,200 trees per acre. The height of the coffee trees shall be not less than 18 inches at the time of inspection. The coffee trees must have full crowns with not more than one-fourth of the foliage area showing visible signs of insect damage or disease. Where necessary to maintain the coffee trees in a healthy condition, spraying or dusting must be carried out in accordance with the specifications approved by the ASC State Office. In the event severe minor element deficiencies are detected, the farmer shall take appropriate corrective measures by applying the minerals recommended by the Agricultural Experiment Station or the Department of Agriculture and Commerce of Puerto Rico.

(f) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(g) No Federal cost-sharing will be allowed for any component of this practice for which the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (a) Initial establishment of permanent shade trees or

initial improvement of an existing stand of shade trees:

(1) \$0.04 per tree planted in 1960, but in no event for more than 100 trees per acre.

(2) 60 percent of the actual cost of thinning, pruning, or removing old shade trees, but in no event more than \$12.00 per acre. (Receipts or records showing actual cost must be furnished as evidence of accomplishment.)

(b) \$35.00 per ton of fertilizer applied of the formulas 9-10-5 or 10-10-8, but for not more than 500 pounds per acre.

§ 1102.1064 Practice 24: Development of permanent woodland cover for erosion control on steep slopes and for watershed protection through the application of fertilizer to coffee groves more than 1 year old but not more than 4 years old.

(a) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(b) Cost-shares will be allowed only for acreage rejuvenated or initially established in prior years and which is still less than 4 years old.

(c) The coffee trees shall be healthy trees free of diseases and harmful insects. The live ground cover (grass and herbs) should not be cut to a height of less than about 6 inches and the forest litter must not be removed. The shade trees should be kept so pruned or thinned that their shade does not exceed 40 percent. When new coffee trees are planted they must be planted, as far as practicable, along the contour.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$35.00 per ton of fertilizer applied of formulas 9-10-5 or 10-10-8 for young coffee and 12-6-10 or 12-6-16 for bearing coffee, but for not more than 1,000 pounds per acre.

§ 1102.1065 Practice 25: Improving the woodland protection which coffee groves provide for steep slopes by applying to coffee trees fertilizer of formulas 12-6-10 or 12-6-16.

(a) Fertilizer formulas other than those specified in this practice may be accepted only upon request and with the approval of the ASC State Office.

(b) The maximum number of pounds of coffee fertilizer for which cost-sharing will be allowed shall be the product of (1) 600 and (2) 25 percent of the actual number of coffee-bearing acres on the farm.

(c) To qualify for cost-sharing, the shade trees on the area where the fertilizer is applied must have been properly pruned, the forest litter and live ground cover properly maintained, and old or nonproductive coffee trees removed; all in accordance with the specifications approved by the ASC State Office.

(d) No Federal cost-sharing will be allowed under this practice if the Commonwealth of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. \$35.00 per ton of fertilizer applied.

§ 1102.1066 Practice 26: Installing sprinkler irrigation in permanent pasture to develop forage so as to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.

(a) Installation of sprinklers must be solely for irrigation in connection with the initial establishment or improvement of old or new permanent pastures on steep slopes and in accordance with a written plan approved by an SCS field engineer prior to the installation.

(b) No Federal cost-sharing will be allowed under this practice if the Commonwealth Government shares in the cost under any other program.

Maximum Federal cost-share. 35 percent of the cost of plain or perforated pipe, sprinklers, and fittings, but not over \$100 per acre. (Receipts or invoices showing the purchase of these materials will be required as evidence of accomplishment under this practice.)

§ 1102.1067 Practice 27: Shaping or land grading to permit effective drainage.

(a) No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

(b) The practice must be recommended, supervised, and approved by a Soil Conservation Service representative, and performed to meet the requirements of SCS Conservation Practice Engineering Specifications on "Land Grading for Drainage."

Maximum Federal cost-share. \$0.20 per cubic yard, not to exceed \$25.00 per acre.

Done at Washington, D.C., this 25th day of November 1959.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 59-10086; Filed, Nov. 30, 1959;
8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 12,941]

PART 521—DEFINITIONS

PART 522—ORGANIZATION OF THE BANKS

Miscellaneous Amendments

NOVEMBER 24, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Parts 521 and 522 of the regula-

tions for the Federal Home Loan Bank System (12 CFR Parts 521, 522) and for the purpose of effecting such amendment hereby amends the aforesaid parts as follows, effective December 1, 1959:

(1) Amend § 521.10 (12 CFR 521.10) of said Part 521 (12 CFR Part 521) by striking therefrom the language "Guam, or the Territory of Alaska or Hawaii," and inserting in lieu of the language so stricken the following: "or Guam." as amended, § 521.10 reads as follows:

§ 521.10 State.

Except as defined in § 522.45 of this subchapter, the term "State" means any one of the States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(2) Amend § 522.20 (12 CFR 522.20) of Part 522 (12 CFR Part 522) to read as follows:

§ 522.20 Appointment.

Four directors of each bank will be appointed by the Board: *Provided*, That, in the case of the Federal Home Loan Bank of San Francisco, six directors will be appointed by the Board for said Bank.

(3) Amend § 522.21 (12 CFR 522.21) by striking the word "eleven" from said section and inserting in lieu of the word so stricken, the word "thirteen". As amended, § 522.21 reads as follows:

§ 522.21 Election.

Not less than eight nor more than thirteen directors of each Bank will be elected in accordance with the provisions of §§ 522.21 to 522.45.

(4) Amend § 522.23 (12 CFR 522.23) by amending the proviso in the first sentence of said section to read as follows: "*Provided*, That, in the case of the Federal Home Loan Bank of San Francisco, there shall be four elective directors who shall be known as Class A directors, three as Class B and three as Class C, and shall hold office for terms of two years." As amended, § 522.23 reads as follows:

§ 522.23 Class directors.

Two of the elective directors shall be known as Class A directors, two as Class B and two as Class C, and shall hold office for terms of two years: *Provided*, That, in the case of the Federal Home Loan Bank of San Francisco, there shall be four elective directors who shall be known as Class A directors, three as Class B and three as Class C, and shall hold office for terms of two years. Each of these directors shall be a citizen of the United States, a bona fide resident of the district in which the Bank is located; shall be an officer or director of a member of the Bank in the group electing him and shall be deemed to be from the State in which such member is located.

(5) Amend § 522.24 (12 CFR 522.24) by striking the period at the end of the first sentence and adding the following proviso: "*Provided*, That, in the case of the Federal Home Loan Bank of San Francisco, there shall be three elective directors who shall be known as direc-

tors-at-large, elected by the membership-at-large, without regard to classes, who shall hold office for terms of two years." As amended, § 522.24 reads as follows:

§ 522.24 Directors-at-large.

Two of the elective directors shall be known as directors-at-large, shall be elected by the membership-at-large, without regard to classes, and shall hold office for terms of two years: *Provided*, That, in the case of the Federal Home Loan Bank of San Francisco, there shall be three elective directors who shall be known as directors-at-large, elected by the membership-at-large, without regard to classes, who shall hold office for terms of two years. Each of these directors shall be a citizen of the United States, a bona fide resident of the Bank district and if affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which such member is located. Each of these directors who is not affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which he has established a bona fide residence.

(6) Amend § 522.25 (12 CFR 522.25) by striking from the second sentence in said section the language "10 days" whenever it appears in said sentence and inserting in lieu of the language so stricken the following language: "10 calendar days". As amended § 522.25 reads as follows:

§ 522.25 Conduct of election.

The election of directors shall be held annually and shall be conducted by mail under the supervision of the Board. No nominations shall be accepted from members which were admitted to membership within the 10 calendar days prior to the date nomination certificates are to be forwarded to members as set forth in § 522.26 and no votes for the election of candidates shall be accepted from members which were admitted to membership within the 10 calendar days prior to the date election ballots are to be forwarded to members as set forth in §§ 522.30 and 522.36, respectively.

(7) Amend § 522.26 (12 CFR 522.26) by striking from the fifth sentence the language "as of the date of admittance." and inserting in lieu of the language so stricken the following language: "appearing on the most recent report in the possession of the Board immediately preceding the date of admittance." As amended, § 522.26 reads as follows:

§ 522.26 Notification of nomination and classification.

Not later than January 15 of each year the Board will mail to members, as of the immediately preceding December 31, forms upon which each member shall report the aggregate unpaid principal of its home mortgage loans at the close of said December 31. The forms shall be duly executed and mailed so as to be received by the Secretary to the Board not later than February 15. On the basis of the size of the members, as determined from the aggregate unpaid principal of each member's home mortgage loans

appearing on such forms, the Board will establish lines of class demarcation for, and divide the members of each Bank into, classes A, B, and C. In the event the above described form shall not have been received from a member before the time limit specified in this section, the size of such member will be determined from the unpaid principal of its home mortgage loans appearing on the most recent report in the possession of the Board on the immediately preceding December 31. Any institution admitted to membership subsequent to the said December 31 will be classified on the basis of the unpaid principal of its home mortgage loans appearing on the most recent report in the possession of the Board immediately preceding the date of admittance. The Board will then notify each member not later than August 1 of each year of its classification and of its right to nominate and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, reflecting each class directorship and each directorship-at-large and containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director and his title, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. At the same time each member will be furnished with a copy of the regulations in this part governing the nomination and election of Bank directors and the necessary nominating certificate and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class.

(8) Amend § 522.27 (12 CFR 522.27) by striking the language at the beginning of the first sentence of said section "Upon receipt of the nominating certificate" and capitalizing the word "each" immediately following the language so stricken. As amended, § 522.27 reads as follows:

§ 522.27 Nominating certificates.

Each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificate shall then be duly executed and mailed to the Secretary to the Board, so as to be delivered to his office in Washington, D.C., not later than August 31.

(9) In § 522.29 (12 CFR 522.29) amend the first sentence to read as follows: "In the event any person is nominated for more than one directorship, he will be so informed by the Board in the letter referred to in § 522.28 and given the opportunity to express his order of preference for the directorships for which he has been nominated." Amend the second sentence of said section by striking the

numeral "15" and inserting in lieu thereof the numeral "20". As amended § 522.29 reads as follows:

§ 522.29 Nominations for more than one directorship.

In the event any person is nominated for more than one directorship, he will be so informed by the Board in the letter referred to in § 522.28 and given the opportunity to express his order of preference for the directorships for which he has been nominated. In each such case the nominee will be informed by said letter that it is necessary that the Board receive from him, not later than September 20, an expression of preference in order to have his name placed on an election ballot. In each such case where the Board has received from a nominee an expression of preference within the time referred to and the other information as required in this part, the Board will, in accordance with the preference expressed, designate the directorship for which the nominee shall be a candidate; however, if it appears to the Board that such action would impair, or result in such nominee having no chance of being elected on account of, the representation per State as set forth in § 522.32, the Board will designate such person as a candidate only for the directorship which appears to the Board to be the most suitable, if it also appears to the Board such person has a chance of being elected to such directorship. If it appears to the Board that a candidate has no chance of being elected to a directorship or to any of the directorships for which he has been nominated, on account of the representation per State as set forth in § 522.32, the name of such candidate will not be placed on an election ballot if he has made a request that his name not be so placed in such event.

(10) (a) Amend § 522.32 (12 CFR 522.32) by inserting immediately following the numeral "522.23," the following "522.24,"

(b) Amend § 522.32 (12 CFR 522.32) by striking all the language of said section appearing after the line beginning with the word "Topeka" and inserting in lieu of the language so stricken the following language:

"San Francisco: _____ 3
California _____ 3
Each other State _____ 1

Provided further, That in the case of the Federal Home Loan Bank of San Francisco, there shall not be more than three elective directors from any of the States."

As amended § 522.32 reads as follows:

§ 522.32 State representation.

In determining the results of balloting by the members, the Board will, subject to the provisions of §§ 522.23, 522.24, 522.33 and 522.34, see that each State is represented on the new board of directors by at least the number of elective directors set forth below: *Provided*, There has been an eligible candidate from such State who has been voted for:

	Directors per State
Federal Home Loan Bank of—	
Boston _____	1
New York _____	3

RULES AND REGULATIONS

Federal Home Loan Bank of—	Directors per State
Pittsburgh	1
Greensboro	1
Cincinnati	2
Indianapolis	3
Chicago	3
Des Moines	1
Little Rock	1
Topeka	1
San Francisco:	
California	3
Each other State	1

Provided further, That in the case of the Federal Home Loan Bank of San Francisco, there shall not be more than three elective directors from any of the States.

(11) Amend § 522.40 (12 CFR 522.40) by inserting in the first sentence of said section immediately preceding the language "Puerto Rico" the following: "Guam." As amended § 522.40 reads as follows:

§ 522.40 Mailing of nominating certificates and balloting material.

All nominating and balloting material sent to members shall be forwarded by regular mail, except that such material sent to members in Guam, Puerto Rico, the Virgin Islands, Alaska and Hawaii shall be forwarded by airmail. Each Bank will be furnished with copies of all nominating certificates, ballots and other election material which has been forwarded to its members.

(12) Amend § 522.43 (12 CFR 522.43) by inserting in the first sentence of said section immediately preceding the word "Sunday" the following: "Saturday." As amended § 522.43 reads as follows:

§ 522.43 Polling time.

In the event any date specified in §§ 522.22 to 522.37 falls on a Saturday, Sunday or a holiday, the next business day shall be included in the time allowed. All polls shall be closed on the dates specified at 5:00 p.m., e.s.t. No nominating certificate, questionnaire or ballot shall be considered unless delivered at the office of the Secretary to the Board, Washington, D.C., at or before the time specified.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that to afford notice and public procedures, and to defer the effective date of the amendments to §§ 522.20, 522.21, 522.23, 522.24, and 522.32 (12 CFR 522.20, 522.21, 522.23, 522.24, 522.32) would make it impossible by the commencement of calendar year 1960 to give effect to the provisions of Public Law 86-349, 86th Congress, approved September 22, 1959, authorizing an increase in the number of directors, and since it is desirable to amend said regulations to permit an increase in the number of directors by the commencement of calendar year 1960, so as to give effect to said legislation, the Board hereby finds that notice and public procedure with respect to said amendments would be impracticable under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the

same cause, deferment of the effective date of such amendments is not required under section 4(c) of said Act; and that the remaining amendments being of a minor, noncontroversial nature, the Board hereby finds that notice and public procedure with respect to such amendments are unnecessary under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and, for the same cause, deferment of the effective date of said amendment is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-10080; Filed, Nov. 30, 1959; 8:47 a.m.]

[No. 12942]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Grace Periods With Respect To Withdrawals

NOVEMBER 24, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment as hereinafter set forth of Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545), and for the purpose of effecting such amendment, hereby amends said part by adding thereto, immediately after § 545.1-2, the following new section, effective December 1, 1959:

§ 545.1-3 Grace periods with respect to withdrawals.

Where (a) a Federal association has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provisions of this section, and (b) there is outstanding, immediately prior to the beginning of the first of the last three business days of a dividend period of such association, a resolution or other action of the association's board of directors adopting the basis of distribution provided for in this section, any withdrawal, total or partial, made during such last three business days shall, for the purpose of the calculation of dividends, be considered as having been made immediately after the close of such period.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendment relieves re-

striction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-10081; Filed, Nov. 30, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. No. ER-287]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

Classification and Exemption; Extension of Operating Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of November 1959.

Part 297 of the Economic Regulations establishes the classification of, and grants a temporary exemption to, International Air Freight Forwarders. Section 297.8 provides that such temporary authority shall terminate 60 days after the final Board disposition of Docket 7132, the International Air Freight Forwarder Investigation. The Board having adopted its Supplemental Opinion and Order on Reconsideration (Order E-14510) on October 1, 1959, which finalized its Opinion and Order (Order E-13141) of November 6, 1958 terminating that investigation, Part 297 will expire on November 30, 1959, unless further Board action is taken.

On November 6, 1958, the Board issued a Notice of Proposed Rule Making (Draft Release 100) concerning the formulation of an appropriately revised Part 297 but has not yet taken final action thereon. Accordingly, the Board has decided to maintain the status quo by extending the life of current Part 297 until the effective date of a revision thereof adopted in the presently pending rule making proceeding or until further appropriate action is taken by the Board.

Since this amendment imposes no additional requirement on any person and extends this temporary operating authority only for the interim period prior to the Board's final disposition of the pending rule making proceeding, prior notice and public procedure thereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 297.8 of the Economic Regulations (14 CFR Part 297), effective November 27, 1959, to read as follows:

§ 297.3 Duration.

The temporary authority provided by this part shall continue in effect until the effective date of a revision of Part 297 adopted in the pending rule making proceeding instituted by Draft Release

100 of November 6, 1958, or until the further action of the Board.
(Sec. 204(a), 101(3), 416, 72 Stat. 743, 731, 771; 49 U.S.C. 1324, 1301, 1386)

By the Civil Aeronautics Board.

[SEAL]

MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-10127; Filed, Nov. 30, 1959;
9:13 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-296]

[Amdt. 88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 98]

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

Modification of Federal Airway and Designation of Reporting Points

The purpose of these amendments to §§ 600.6193 and 601.7001 of the Regulations of the Administrator is to modify the segment of VOR Federal airway No. 193, which extends from Traverse City, Mich., to Sault Ste. Marie, Mich., and designate Pellston, Mich., VOR as a reporting point.

Victor 193 presently extends from Keeler, Mich., to Sault Ste. Marie. The Federal Aviation Agency is realigning the segment between Traverse City and Sault Ste. Marie via an intermediate VOR to be commissioned on or about December 17, 1959 near Pellston, Mich., at latitude 45° 37'47" N., longitude 84°39'42" W., to provide more precise navigational guidance. This modification will also align this segment of the airway so as to bypass the Kinross AFB Restricted Area/Military Climb Corridor (R-562). Victor 193 is hereby designated from the Traverse City VOR to the Sault Ste. Marie VOR via the Pellston VOR and the intersection of the Pellston VOR 003° and the Sault Ste. Marie VOR 214° radials. The control areas associated with Victor 193 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Coincident with this action, § 601.7001 pertaining to domestic VOR reporting points, is amended by adding the Pellston VOR.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appro-

priate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6193 (24 F.R. 3227) and § 601.7001 (14 CFR, 1958 SUPP., 601.7001), are amended as follows:

1. In the text of § 600.6193 VOR Federal airway No. 193 (Keeler, Mich., to Sault Ste. Marie, Mich.), delete "INT of the Traverse City VOR 018° and the Sault Ste. Marie VOR 214° radials;" and substitute therefor "Pellston VOR; INT of the Pellston VOR 003° and the Sault Ste. Marie VOR 214° radials;"

2. In the text of § 601.7001 Domestic VOR reporting points add: Pellston, Mich., VOR.

These amendments shall become effective 0001 e.s.t. January 14, 1960.

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

Issued in Washington, D.C., on November 23, 1959.

G. S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-10058; Filed, Nov. 30, 1959;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER B—TRADE PRACTICE CONFERENCE RULES

[File No. 21-515]

PART 23—JEWELRY INDUSTRY

Miscellaneous Amendments

The following miscellaneous amendments to Part 23, Jewelry Industry are set forth below:

1. Section 23.22(d) is amended and paragraphs (e) and (f) are added to read as follows:

§ 23.22 Misrepresentation as to gold content.

(d) The requirements of this section relating to markings and descriptions of industry products and parts thereof are subject to the tolerances applicable thereto under the National Stamping Act (15 U.S. Code, sections 294, et seq.) and to the exemptions applicable thereto under section 10 of Commercial Standard CS 67-38, relating to marking articles made of karat gold, and under section 12(a) of Commercial Standard CS 47-34 (including supplement thereof effective February 25, 1939), relating to marking of gold filled and rolled gold plate articles other than watch cases.

(e) The exemption provisions of Commercial Standard CS 67-38, mentioned in paragraph (d) of this section, are as follows:

10. Exemptions recognized in the jewelry trade and not to be considered in any assay for quality include springs, posts, and separable backs of lapel buttons, posts, and nuts for attaching interchangeable ornaments, and wire pegs or rivets used for applying mountings and other ornaments, which mountings or ornaments shall be of the quality marked.

(f) The exemption provisions of Commercial Standard CS 47-34, mentioned in paragraph (d) of this section, are as follows:

12(a). Exemptions recognized in the jewelry trade and not to be considered in any assay for quality include joints, catches, screws, pin stems, pins of scarf pins, hat pins, etc., field pieces and bezels for lockets, posts and separable backs of lapel buttons, springs, and metallic parts completely and permanently encased in a nonmetallic covering. Field pieces of lockets are those inner portions used as frames between the inside edges of the locket and the spaces for holding pictures. Bezels are the separable inner metal rings used to hold the pictures in place.

2. Footnote 4 to § 23.23(a) is amended to read as follows:

§ 23.23 Misrepresentation as to silver content.

(a) * * *

* The requirements of this section relating to markings and descriptions of industry products and parts thereof are subject to the tolerances applicable thereto under the National Stamping Act (15 U.S. Code, section 294, et seq.) and to the exemptions applicable thereto under section 8 of Commercial Standard CS 118-44 (Marking of Jewelry and Novelties of Silver), and section 8(a) of Commercial Standard CS 51-35 (Marking Articles Made of Silver in Combination with Gold).

The exemption provisions of Commercial Standard CS 118-44, above mentioned, are as follows:

8. Exemptions: The only exemptions recognized and not to be included in any assay for quality include screws, rivets, springs, spring pins for wrist watch straps; posts and separable backs of lapel buttons; wire pegs, posts and nuts used for applying mountings or other ornaments, which mountings or ornaments shall be of the quality marked; pin stems of badges, brooches, emblem pins, hat pins, and scarf pins; levers for belt buckles; and blades and skeletons of pocket knives.

The exemption provisions of Commercial Standard CS 51-35, above mentioned, are as follows:

8(a). Unless otherwise required by the National Stamping Act, exemptions recognized in the jewelry trade and not to be considered in any assay for quality include joints, catches, screws, pin stems, pins of scarf pins, hat pins, etc., posts and separable backs of lapel buttons, springs, and metallic parts completely and permanently encased in a nonmetallic covering.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Issued: November 25, 1959.

Effective date: December 1, 1959.

By direction of the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-10034; Filed, Nov. 30, 1959;
8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6426]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DE- CEMBER 31, 1953

Miscellaneous Amendments

On January 14, 1959, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under sections 167(d), 911, and 6015(f) of the Internal Revenue Code of 1954 to reflect the changes made by sections 72(b), 74, and 89(b) of the Technical Amendments Act of 1958 (72 Stat. 1660, 1665), and with respect to the issuance of Income Tax Regulations under section 6851 of the Internal Revenue Code of 1954, as amended by section 87 of the Technical Amendments Act of 1958 (72 Stat. 1665), was published in the FEDERAL REGISTER (24 F.R. 316). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below. The regulations hereby adopted are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise specifically provided.

Section 1.6851-2, as set forth in paragraph 6 of the notice of proposed rule making, is revised.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

CHARLES I. FOX,
Acting Commissioner
of Internal Revenue.

Approved: November 25, 1959.

FRED C. SCRIBNER, JR.,

Acting Secretary of the Treasury.

§ 1.167 [Amendment]

PARAGRAPH 1. Section 1.167(d) is amended—

(A) By striking out "registered mail" in the last sentence of section 167(d) and inserting in lieu thereof "certified mail or registered mail"; and

(B) By adding at the end thereof the following historical note:

[Sec. 167(d) as amended by sec. 89(b), Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 2. Section 1.167(d)-1 is amended by striking out the fourth sentence from the end of the section and inserting in lieu thereof the following: "Any change in the useful life or rate specified in such agreement shall be effective only prospectively, that is, it shall be effective beginning with the taxable year in which notice of the intention to change, including facts and circumstances warranting the adjustment of useful life and

rate, is sent by the party proposing the change to the other party and is sent by registered mail, if such notice is mailed before September 3, 1958, or is sent by certified mail or registered mail, if such notice is mailed after September 2, 1958."

§ 1.911 [Amendment]

PAR. 3. Section 1.911 is amended—

(A) By adding to section 911 the following new subsection:

(c) *Cross reference.* For administrative and penal provisions relating to the exclusion provided for in this section, see sections 6001, 6011, 6012(c), and the other provisions of subtitle F.

(B) By adding at the end thereof the following historical note:

[Sec. 911 as amended by sec. 72(b), Technical Amendments Act 1958 (72 Stat. 1660)]

§ 1.911-1 [Amendment]

PAR. 4. Section 1.911-1 is amended—

(A) By striking out paragraph (a) (7) and inserting in lieu thereof the following:

(7) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911(a)(1) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section 911(a)(1). A taxpayer desiring an extension of time (in addition to the automatic extension of time granted by § 1.6081-2) for filing the return until after the completion of the qualifying period under section 911(a)(1) shall make application therefor on Form 2350, Application for Extension of Time for Filing U.S. Income Tax Return. Such application shall be filed with the internal revenue officer (Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., or the district director) with whom the return is required to be filed. The application shall set forth the facts relied upon to justify the extension of time requested and include a statement as to the earliest date the taxpayer expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911(a)(1). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. See section 6081 and § 1.6081-1. See section 6012(c) and paragraph (a) (3) of § 1.6012-1 relating to the returns to be filed and the information to be furnished by individuals who qualify for exemption under section 911.

(B) By striking out paragraph (b) (3) and inserting in lieu thereof the following:

(3) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911(a)(2) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section

911(a)(2). A taxpayer desiring an extension of time (in addition to the automatic extension of time granted by § 1.6081-2) for filing the return until after the completion of the qualifying period under section 911(a)(2) shall make application therefor on Form 2350, Application for Extension of Time for Filing U.S. Income Tax Return. Such application shall be filed with the internal revenue officer (Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., or the district director) with whom the return is required to be filed. The application shall set forth the facts relied upon to justify the extension of time requested and include a statement as to the earliest date the taxpayer expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911(a)(2). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. See section 6081 and § 1.6081-1. See section 6012(c) and paragraph (a) (3) of § 1.6012-1 relating to the returns to be filed and the information to be furnished by individuals who qualify for exemption under section 911.

§ 1.6015 [Amendment]

PAR. 5. Section 1.6015(f) is amended—

(A) By adding after paragraph (2) of section 6015(f) the following:

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

(B) By adding at the end thereof the following historical note:

[Sec. 6015(f) as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660)]

PAR. 6. The regulations adopted under section 6851 of the Internal Revenue Code of 1954 read as follows:

TERMINATION OF TAXABLE YEAR IN CASE OF JEOPARDY

§ 1.6851 Statutory provisions; termination of taxable year.

SEC. 6851. *Termination of taxable year—*
(a) *Income tax in jeopardy.*—(1) In general. If the Secretary or his delegate finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Secretary or his delegate, made as herein provided, whether made after notice to the taxpayer or not,

shall be for all purposes presumptive evidence of jeopardy.

(2) *Corporation in liquidation.* If the Secretary or his delegate finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable.

(b) *Reopening of taxable period.* Notwithstanding the termination of the taxable period of the taxpayer by the Secretary or his delegate, as provided in subsection (a), the Secretary or his delegate may reopen such taxable period each time the taxpayer is found by the Secretary or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Secretary or his delegate may be reopened by the taxpayer (other than a nonresident alien) if he files with the Secretary or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information as the Secretary or his delegate may by regulations prescribe. If the taxpayer is a nonresident alien the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Secretary or his delegate a true and accurate return of his total income derived from all sources within the United States, in the manner prescribed in this title.

(c) *Citizens.* In the case of a citizen of the United States or of a possession of the United States about to depart from the United States, the Secretary or his delegate may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(d) *Departure of alien.* Subject to such exceptions as may, by regulations, be prescribed by the Secretary or his delegate—

(1) No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(2) Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if, in the case of an alien about to depart from the United States, the Secretary or his delegate determines that the collection of the tax will not be jeopardized by the departure of the alien.

(e) *Furnishing of bond where taxable year is closed by the Secretary or his delegate.* Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the Secretary or his delegate, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income or excess profits taxes for prior years.

[Sec. 6851 as amended by sec. 87, Technical Amendments Act 1958 (72 Stat. 1665)]

No. 233—4

§ 1.6851-1 Termination of taxable period by district director.

(a) *Income tax in jeopardy—(1) In general.* If a taxpayer designs by immediate departure from the United States, or otherwise, to avoid the payment of income tax for the preceding or current taxable year, the district director may, upon evidence satisfactory to him, declare the taxable period for such taxpayer immediately terminated and cause to be served upon him notice and demand for immediate payment of the income tax for the short taxable period resulting from such termination, and of the income tax for the preceding taxable year, or so much of such tax as is unpaid. In such a case, the taxpayer is entitled to a deduction for his personal exemptions (as limited in the case of certain nonresident aliens) without any proration because of the short taxable period.

(2) *Corporations in liquidation.* If the district director finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, he shall declare the taxable period for such corporation immediately terminated and cause to be served upon the corporation notice and demand for immediate payment of the income tax for the short taxable period resulting from such termination, and of the income tax for the preceding taxable year, or so much of such tax as is unpaid.

(3) *Presumptive evidence of jeopardy.* In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of section 6851 and this paragraph, the finding of the district director shall be for all purposes presumptive evidence of jeopardy.

(4) *Bond.* For the provisions relating to the furnishing of a bond in lieu of making immediate payment of the taxes which become due by action pursuant to this paragraph, see § 1.6851-3.

(b) *Reopening of taxable period.* (1) If a taxpayer whose taxable period has been terminated under section 6851 and paragraph (a) of this section receives other income subsequent to such termination within his current taxable year, the district director may reopen the period so terminated and may, in accordance with section 6851 and paragraph (a) of this section, again terminate the taxable period of such taxpayer. In such case, tax liability shall be computed for the period beginning with the first day of the current taxable year of the taxpayer and ending at the time of the later termination.

(2) When a taxpayer whose taxable period has been terminated under section 6851 and paragraph (a) of this section files the return required by paragraph (c) of this section, the taxable period so terminated shall be reopened.

(c) *Taxable year not affected by termination.* Notwithstanding any action by a district director under section 6851 and this section, a taxpayer shall file

a return in accordance with section 6012 and the regulations thereunder for his current taxable year showing all items of gross income, deductions, and credits for such taxable year. The term "current taxable year" means the taxpayer's usual annual accounting period determined without regard to any action under section 6851 and this section. Any tax paid as a result of a termination under section 6851 and this section will be applied against the tax due for his current taxable year.

(d) *Evidence of compliance with income tax obligations.* Citizens of the United States or of possessions of the United States departing from the United States or its possessions will not be required to procure certificates of compliance or to present any other evidence of compliance with income tax obligations. However, for the rules relating to the furnishing of evidence of compliance with the income tax obligations by certain departing aliens, see § 1.6851-2.

§ 1.6851-2 Certificates of compliance with income tax laws by departing aliens.

(a) *In general—(1) Requirement.* Except as provided in subparagraph (2) of this paragraph, no alien, whether resident or nonresident, may depart from the United States unless he first procures a certificate that he has complied with all of the obligations imposed upon him by the income tax laws. In order to procure such a certificate an alien who intends to depart from the United States (i) must file with the district director for the internal revenue district in which he is located the statements or returns required by paragraph (b) of this section to be filed before obtaining such certificate, (ii) must appear before such district director if the district director deems it necessary, and (iii) must pay any taxes required under paragraph (b) of this section to be paid before obtaining the certificate. Either such certificate of compliance, properly executed, or evidence that the alien is excepted under subparagraph (2) of this paragraph from obtaining the certificate must be presented at the point of departure. An alien who presents himself at the point of departure without a certificate of compliance, or evidence establishing that such a certificate is not required, will be subject at such departure point to examination by an internal revenue officer or employee and to the completion of returns and statements and payment of taxes as required by paragraph (b) of this section.

(2) *Exceptions—(1) Diplomatic representatives.* (a) Representatives of foreign governments bearing diplomatic passports, whether accredited to the United States or other countries, and members of their households shall not, upon departure from the United States or any of its possessions, be examined as to their liability for United States income tax or be required to obtain a certificate of compliance. If a foreign government does not issue diplomatic passports but merely indicates on passports issued to members of its diplomatic service the status of the bearer as a mem-

ber of such service, such passports are considered as diplomatic passports for income tax purposes.

(b) Likewise, the servant of a representative described in (a) of this subdivision who accompanies any individual bearing a diplomatic passport upon departure from the United States or any of its possessions shall not be required, upon such departure, to obtain a certificate of compliance or to submit to examination as to his liability for United States income tax. If the departure of such a servant from the United States or any of its possessions is not made in the company of an individual bearing a diplomatic passport, the servant is required to obtain a certificate of compliance. However, such certificate will be issued to him on Form 2063 without examination as to his income tax liability upon presentation to the district director for the internal revenue district in which the servant is located of a letter from the chief of the diplomatic mission to which the servant is attached certifying (1) that the name of the servant appears on the "White List", a list of employees of diplomatic missions, and (2) that the servant is not obligated to the United States for any income tax, and will not be so obligated up to and including the intended date of departure.

(c) An alien who has filed with the Attorney General the waiver provided for under section 247(b) of the Immigration and Nationality Act is not entitled to the exception provided by this subdivision.

(ii) *Alien visitors or tourists.* An alien visitor or tourist in the United States or any of its possessions shall not, upon departure therefrom, be examined as to his liability for United States income tax or be required to obtain a certificate of compliance provided—

(a) He was admitted solely on a B-2 visa;

(b) He has been in the United States or any of its possessions for not more than 60 consecutive days, whether or not within the same calendar year, or not more than a total of 60 days, whether or not consecutive, during the calendar year;

(c) He has received no gross income from sources within the United States for the taxable year up to and including the date of his intended departure (and for the preceding taxable year in any case in which the period for making the income tax return for such preceding year has not expired); and

(d) He is not in default in making return of, or paying, United States income tax for any taxable year.

(iii) *Aliens in transit.* An alien in transit through the United States or any of its possessions who remains in the United States or a possession thereof for a period of not more than five days in any one trip shall not upon departure be examined as to his income tax liability or be required to procure a certificate of compliance, unless the internal revenue officer or employee at the point of departure is in possession of information indicating that the alien is obligated to the United States for income tax. This exception applies to any alien who is

admitted on a C-1 visa or who is admitted under a contract, including a bond agreement, between a transportation line and the Attorney General pursuant to section 238(d) of the Immigration and Nationality Act.

(iv) *Alien commuters.* An alien resident of Canada or Mexico who commutes between such country and the United States at frequent intervals for the purpose of employment and whose wages are subject to the withholding of tax shall not, upon departure from the United States, be examined as to his United States income tax liability or required to obtain a certificate of compliance, unless the internal revenue officer or employee at the point of departure is in possession of information indicating that collection of income tax from such alien will be jeopardized by his departure from the United States.

(b) *Issuance of certificate of compliance.*—(1) *In general.* (i) Upon the departure of an alien required to secure a certificate of compliance under paragraph (a) of this section, the district director shall determine under section 6851 whether the departure of such alien jeopardizes the collection of any income taxes for the current or the preceding taxable year, but the district director may determine that jeopardy does not exist in some cases. If the district director finds that the departure of such an alien results in jeopardy, the taxable period of such alien will be terminated, and such alien will be required to file returns and make payment of taxes in accordance with subparagraph (4) of this paragraph. On the other hand, if the district director finds that the departure of such an alien does not result in jeopardy, such alien will be required to file returns in accordance with subparagraph (2) or (3) of this paragraph, but will not be required upon departure to pay income tax before the usual time for payment.

(ii) The fact that an alien intends to depart from the United States will justify a finding that jeopardy exists unless the district director is convinced that the alien (whether resident or not) will return to the United States or any of its possessions or unless the district director is convinced that the alien will leave sufficient property in the United States or its possessions to secure payment of his income taxes. The fact that a resident alien leaves a family in the United States or that an alien (whether resident or not) is engaged in a trade or business in the United States may provide such evidence.

(iii) A departing alien who wishes to establish that his departure does not result in jeopardy shall furnish to the district director a statement showing—

(a) The reason for his departure and facts evidencing his intention to return;

(b) The anticipated duration of his absence;

(c) The nature and extent of his business and property and of his family in the United States or any of its possessions; and

(d) Such other information as the district director may consider necessary to enable him to determine whether the

departure of the alien will result in jeopardy.

(2) *Nonresident alien having no taxable income.* A statement on Form 2063 shall be filed with the district director by every nonresident alien individual required to obtain a certificate of compliance—

(i) Who is not in default in making return of, or paying, any United States income tax, and

(ii) Who has had no taxable income for the taxable year up to and including the date of his departure, and for the preceding taxable year where the period for making the income tax return for the preceding taxable year has not expired.

If the district director is satisfied that such nonresident alien fulfills the conditions of subdivisions (i) and (ii) of this subparagraph, he shall execute and issue to the departing alien the certificate of compliance attached to the Form 2063.

(3) *Alien whose taxable period is not terminated.*—Any alien required to obtain a certificate of compliance (but not described in subparagraph (2) of this paragraph) whose taxable period is not terminated upon departure shall file with the district director—

(i) A return in duplicate on Form 1040C for the taxable year of his intended departure, showing income received, and reasonably expected to be received, during the entire taxable year within which the departure occurs;

(ii) Where the period for filing has not expired, the return required under section 6012 and § 1.6012-1 for the preceding taxable year; and

(iii) Any income tax returns which have not been filed as required.

Upon compliance by the alien with the foregoing requirements of this subparagraph, and payment of any income tax due and owing, the alien will be issued the certificate of compliance on the duplicate copy of Form 1040C completed to certify that the alien has complied with all of the obligations imposed upon him at the time of his departure by the income tax laws and the regulations thereunder with respect to income for his current and prior taxable years. A certificate of compliance so issued shall be subject to revocation by the district director if the taxable period is terminated upon a subsequent departure from the United States or any of its possessions during the same taxable year. A return on Form 1040C will not be required upon any such subsequent departure in the same taxable year unless the taxable period is terminated upon such subsequent departure. The return required under subdivision (i) of this subparagraph, if made for a taxable year beginning before January 1, 1960, may be made on a Form 1040D in lieu of a Form 1040C.

(4) *Alien whose taxable period is terminated.* Any alien required to obtain a certificate of compliance (but not described in subparagraph (2) of this paragraph) whose taxable period is terminated upon departure shall file with the district director—

(i) A return on Form 1040C for the short taxable period resulting from such termination, showing income received, and reasonably expected to be received, during the taxable year up to and including the date of departure;

(ii) Where the period for filing has not expired, the return required under section 6012 and § 1.6012-1 for the preceding taxable year; and

(iii) Any income tax returns which have not been filed as required.

Upon filing such returns, and paying the income tax required to be shown thereon and any other income tax due and owing, the departing alien will be furnished the certificate of compliance on the duplicate copy of Form 1040C completed to certify that the alien has complied with all the obligations imposed on him at the time of his departure by the income tax laws and regulations thereunder with respect to income received, and reasonably expected to be received, up to and including the date of departure. A departing alien may postpone payment of the tax required to be shown on the returns filed in accordance with subdivisions (i) and (ii) of this subparagraph until the usual time of payment by furnishing a bond as provided in § 1.6851-3.

(5) *Joint return on Form 1040C.* A departing alien may not file a joint return on Form 1040C unless—

(i) Such alien and his spouse may reasonably be expected to be eligible to file a joint return at the normal close of their taxable periods for which the return is made; and

(ii) If the taxable period of such alien is terminated, the taxable periods of both spouses are so terminated as to end at the same time.

(6) *Annual return.* Notwithstanding that Form 1040C has been filed for either the entire taxable year of departure or for a terminated period, the return required under section 6012 and § 1.6012-1 for such taxable year shall be filed. Any income tax paid on income shown on the return on Form 1040C shall be applied against the tax determined to be due on the subsequent return under section 6012 and § 1.6012-1.

§ 1.6851-3 Furnishing of bond to insure payment.

If any income tax is made due and payable by virtue of the provisions of section 6851 and §§ 1.6851-1 and 1.6851-2, a taxpayer may, in lieu of making immediate payment thereof, furnish the district director a bond in an amount equal to the amount of tax (including interest thereon to the date of payment as calculated by the district director) payment of which is sought to be stayed, conditioned upon the timely filing of returns with respect to such tax and the payment of such tax at the time it would otherwise be payable without regard to the provisions of section 6851 and §§ 1.6851-1 and 1.6851-2. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon.

[F.R. Doc. 59-10085; Filed, Nov. 30, 1959; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205 et seq.), the Secretary of Labor by Administrative Order No. 521 (24 F.R. 7736), as amended by Administrative Order No. 523 (24 F.R. 8552), and Administrative Order No. 525 (24 F.R. 8951), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 45-B the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the hosiery industry in Puerto Rico, as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR Part 687, effective December 17, 1959, to read as follows:

Sec.
687.1 Definition.
687.2 Wage rates.
687.3 Notices.

AUTHORITY: §§ 687.1 to 687.3 issued under Section 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply Section 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062 as amended; 29 U.S.C. 206.

§ 687.1 Definition.

The hosiery industry in Puerto Rico to which this part shall apply, is defined as the manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

§ 687.2 Wage rates.

Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hosiery industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 687.3 Notices.

Every employer subject to the provisions of § 687.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 687.2 are working such notices of this order as shall be prescribed from time to time by the

Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 23d day of November 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10083; Filed, Nov. 30, 1959; 8:47 a.m.]

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 521 (24 F.R. 7736), as amended by Administrative Order No. 523 (24 F.R. 8552), appointed, convened and gave due notice of the hearing of, and referred to Industry Committee No. 45-A the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the Textile and Textile Products Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the mattress and pillow classification of the industry (23 F.R. 1809) which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR Part 699, except for § 699.2(a) thereof, effective December 17, 1959, to read as follows:

Sec.
699.1 Definition.
699.2 Wage rates.
699.3 Notices.

AUTHORITY: §§ 699.1 to 699.2 issued under section 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062 as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 699.1 Definition.

The textile and textile products industry in Puerto Rico to which this part shall apply is defined as the preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, cordage, twine, felt,

woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguery, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however, That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.*

§ 699.2 Wage rates.

(a) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the mattress and pillow classification of the textile and textile products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of mattresses and pillows.¹

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the bag cleaning and repairing classification of the textile and textile products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the cleaning, mending, and repairing of bags made from burlap, cotton, and other textile materials.

(c) Wages at a rate of not less than 76 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the multiple-needle power-driven machine operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the punching or tufting in the manufacture of hooked or punched rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines.

(d) Wages at a rate of not less than 58 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the other operations on hooked rugs classification of the textile and textile products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all operations and processes in the manufacture of hooked or punched rugs and carpeting except those included in the multiple-needle power-driven machine operations on hooked rugs classification.

¹This wage rate and classification was established by wage order effective April 3, 1958 (23 F.R. 1809).

(e) Wages at a rate of not less than 68 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the textile and textile products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all services and the manufacture of all products included in the textile and textile products industry in Puerto Rico, except those products and activities included in the mattress and pillow classification, the bag cleaning and repairing classification, the multiple-needle power-driven machine operations on hooked rugs classification, and the other operations on hooked rugs classification.

§ 699.3 Notices.

Every employer subject to the provisions of § 699.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 699.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 23d day of November 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10084; Filed, Nov. 30, 1959;
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2021]

[Wyoming 084861]

WYOMING

Revocation in Part of Reclamation Withdrawal Eden Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The orders of the Bureau of Reclamation dated August 30, 1951 and May 8, 1952, concurred in by the Bureau of Land Management on January 24, 1952, and June 2, 1952, withdrawing lands under the first form for reclamation purposes in connection with the Eden Project, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 105 W.,
Sec. 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 25 N., R. 106 W.,
Sec. 2, lot 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas contain 119.85 acres.
2. The lands are desert shrub grazing lands of low carrying capacity, located

in Sweetwater County about ten miles north of the town of Eden.

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

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on May 23, 1960, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852c), and the regulations in 43 CFR.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on December 30, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on May 23, 1960.

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 24, 1959.

[F.R. Doc. 59-10067; Filed, Nov. 30, 1959;
8:45 a.m.]

[Public Land Order 2022]

[Idaho 07470]

IDAHO

Withdrawing Lands for Stock Driveway Purposes

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:

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, except the mining and mineral leasing laws and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Bureau of Land Management for use of

the general public for stock driveway purposes:

BOISE MERIDIAN

T. 6 S., R. 22 E.,
Sec. 13;
Sec. 14;
Sec. 23;
Sec. 26, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 35, lots 1, 2, 3, 4, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$.
T. 7 S., R. 22 E.,
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 11;
Sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$.
T. 7 S., R. 23 E.,
Sec. 5, lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 6, lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, lot 1 and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 5,908.78 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the Act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300) and existing regulations.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 24, 1959.

[F.R. Doc. 59-10068; Filed, Nov. 30, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Request for Consolidated Renegotiation of Related Group; When Granted

Section 1464.4 *Request for consolidated renegotiation of a related group; when granted* is hereby amended by deleting paragraph (b), including the note appended thereto, and by redesignating paragraph (c) as paragraph (b).

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: November 25, 1959.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 59-10075; Filed, Nov. 30, 1959; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Wilmington River, Ga., and Pensacola Bay, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.405 governing the operation of the highway bridge across Wilmington River on U.S. Route 80 at Thunderbolt, Georgia, is hereby revoked, the bridge having been removed from the waterway, and § 203.482 governing the operation of the Pensacola Bay bridge across Pensacola Bay at Pensacola, Florida, during the Quadricentennial Celebration which ended on 30 September 1959, is hereby revoked, as follows:

§ 203.405 Wilmington River, Ga.; swing highway bridge on U.S. Route 80, at Thunderbolt, Ga.

[Revoked]

§ 203.482 Pensacola Bay, Fla.; Pensacola Bay bridge at Pensacola.

[Revoked]

[Regs. November 13, 1959, 285/91 (Wilmington River, Ga., and Pensacola Bay, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-10057; Filed, Nov. 30, 1959; 8:45 a.m.]

lations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

DANA LATHAM,

Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to prescribe a definition of the term "scientific", as used in section 501(c)(3) of the Internal Revenue Code of 1954, and to prescribe rules with respect to the taxation under section 511 of such Code of income derived from certain research.

PARAGRAPH 1. Paragraph (d) of § 1.501(c)(3)-1 is amended by adding the following new subparagraph at the end thereof:

(5) *Scientific defined.* (i) Since an organization may meet the requirements of section 501(c)(3) only if it serves a public rather than a private interest, a "scientific" organization must be organized and operated in the public interest (see subparagraph (1)(ii) of this paragraph). Therefore, the term "scientific", as used in section 501(c)(3), includes the carrying on of scientific research if such research is directed not toward promoting private gain, but rather toward benefiting the public. Research when taken alone is a word with various meanings; it is not synonymous with "scientific"; and the nature of particular research depends upon the purpose which it serves. For research to be "scientific", within the meaning of section 501(c)(3), it must be carried on in furtherance of a "scientific" purpose. An organization which carries on research in furtherance of an educational purpose is not a "scientific" organization although it may qualify for exemption under section 501(c)(3) as an "educational" organization. Similarly, research, though not "scientific", may be a charitable activity if it is carried on in furtherance of a charitable purpose as described in section 501(c)(3). The determination as to whether research is "scientific" does not depend on whether such research is classified as "fundamental" or "basic" as contrasted with "applied" or "practical". On the other hand, for purposes of the exclusion from unrelated business taxable income provided by section 512(b)(9), it is necessary to determine whether the organization is operated primarily for purposes of carrying on "fundamental", as contrasted with "applied", research.

(ii) The term "research" means the endeavor to discover, to develop, and to verify knowledge. Such term does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, as, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc. An organization is not "scientific" within the meaning of section 501(c)(3) if it uses the results of its research to advocate a particular position or viewpoint as distinguished from engaging in nonpartisan research and making the results thereof available to the public. Thus, an organization is not "scientific" if it performs research but only makes

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

"Scientific" Organizations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adop-

tion of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regu-

available to the public that portion of the results of such research as will support a particular position or viewpoint or if its principal function is the mere presentation of unsupported opinion.

(iii) Research will be regarded as directed not toward promoting private gain, but rather toward benefiting the public, if the results of such research are freely available to the general public.

(iv) A determination as to whether the results of research are freely available to the general public will depend on the particular facts and circumstances of each case. The requirement that the results of research be freely available to the general public is satisfied if the results of such research (including any patents, copyrights, processes, or formulae resulting from the research) are made available to the interested public in a practicable manner and on a non-discriminatory basis. For example, the results of research which are of such a technical nature as to be of interest to only a small segment of the public may be considered freely available to the general public although such results are available only in such form and in such place as will permit their use by such segment of the public. The results of research are not freely available to the general public in any case when the research is performed for any person (other than the United States, or any of its agencies or instrumentalities, or any State or political subdivision thereof) and such person has the right to control the availability (including the extent or timing of disclosure) to the public of the results of such research or has the right to obtain ownership or control of any patents, copyrights, processes, or formulae resulting from such research. The results of research performed for and inuring to the benefit of the United States, or any of its agencies or instrumentalities, or a State or political subdivision thereof, shall be considered freely available to the general public unless the organization performing the research retains the right to obtain ownership or control of any patent, copyright, process, or formula resulting from such research and does not make such patent, copyright, process, or formula available to the public on a nondiscriminatory basis. The results of research shall be considered freely available to the general public although such results are not, in fact, made available to the public because their publication is restricted by the Government for national security or other reasons.

(v) The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in section 501(c)(3) will not preclude such organization from meeting the requirements of section 501(c)(3) so long as the organization meets the organizational test and is not operated for the primary purpose of carrying on such research (see paragraph (e) of this section, relating to organizations carrying on trade or business). See paragraph (a)(5) of

§ 1.513-1, with respect to research which constitutes an unrelated trade or business, and section 512(b)(7), (8), and (9), with respect to income derived from research which is excludable from the tax on unrelated business income.

PAR. 2. Paragraph (a) of § 1.513-1 is amended by adding the following new subparagraph at the end thereof:

(5) If an organization receives a payment pursuant to a contract or agreement under which such organization is to perform research which constitutes an unrelated trade or business, the entire

amount of such payment is income from an unrelated trade or business. See, however, section 512(b)(7), (8), and (9), relating to the exclusion from unrelated business taxable income of income derived from research for the United States or any State, and of income derived from research performed for any person by a college, university, hospital, or organization operated primarily for the purpose of carrying on fundamental research the results of which are freely available to the general public.

[F.R. Doc. 59-10077; Filed, Nov. 30, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control IMPORTATION OF CERTAIN MERCHANDISE

Available Certifications by the Governments of Spain and the Republic of Korea

(1) Certificates of origin issued by the Ministry of Commerce of the Government of Spain under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Spain of the following commodity:

Menthol, synthetic.

(2) Certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between the Government of the Republic of Korea and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from the Republic of Korea of the following commodity:

Feathers, domestic cock and male pheasant.

[SEAL]

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 59-10076; Filed, Nov. 30, 1959; 8:46 a.m.]

Office of the Secretary

[AA 643.3]

ALUMINUM FOIL FROM WEST GERMANY

Determination of No Sales at Less Than Fair Value

NOVEMBER 24, 1959.

A complaint was received that aluminum foil from West Germany was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

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

Statement of reasons:

Aluminum foil identical or similar to that sold for exportation to the United States is sold in substantial quantities in the home market in Germany. Accordingly, a comparison was made of prices to the United States and prices in the home market for fair value purposes.

In making the comparison, due allowance was made for differences in quantity where applicable, for differences in cost of manufacture in the case of similar merchandise, and for included taxes and inland freight. The comparison disclosed no sales at less than home market price, with the exception of a single type of foil exported by one manufacturer, which was sold prior to July 1, 1959, at a price lower than the home market price of similar foil produced by other manufacturers in Germany. As a result of a price change by this manufacturer, there have been no sales since that date at less than the home market price of similar merchandise. The evidence available indicates that there is no likelihood of sales at less than home market price in the future. The quantity involved in the sales in question was deemed to be not more than insignificant.

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

[SEAL]

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10078; Filed, Nov. 30, 1959; 8:46 a.m.]

[AA 643.3]

RAYON STAPLE FIBER FROM AUSTRIA

Determination of No Sales at Less Than Fair Value

NOVEMBER 24, 1959.

A complaint was received that rayon staple fiber from Austria was being sold

to the United States at less than fair value within the meaning of the Anti-dumping Act of 1921.

I hereby determine that rayon staple fiber from Austria is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons:

The rayon staple fiber from Austria is purchased outright by the United States importer in arms-length negotiations. The quantity of rayon staple fiber, the same as or similar to the rayon staple fiber sold to the United States, sold for home consumption was adequate to form a basis for a fair value comparison. It was accordingly determined that the proper fair value comparison is between purchase price and home market price.

It was further determined that purchase price was not less than home market price. In arriving at the home market price for the purpose of the fair value comparison due allowance was made for differences in quantity, for differences in packing costs which were higher for the product exported to the United States, and for differences in inland freight costs.

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

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

[F.R. Doc. 59-10079; Filed, Nov. 30, 1959;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BARTON LIVESTOCK COMMISSION CO. ET AL.

Proposed Posting of Stockyards

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

Barton Livestock Commission Co., Cartersville, Ga.

Geneva Livestock Sales, Geneva, Minn.

Wake County Livestock Market, Raleigh, N.C.

Kennett Auction Co., Kennett Square, Pa.

Troy Sales Co.-Op, Troy, Pa.

Enumclaw Sales Pavilion, Enumclaw, Wash.

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

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing

them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of November 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-10094; Filed, Nov. 30, 1959;
8:48 a.m.]

RALEIGH STOCK YARDS ET AL.

Deposting of Stockyards

It has been ascertained that the Raleigh Stock Yards, Raleigh, North Carolina, originally posted on July 1, 1959, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and the Wilmington Livestock Sales Co., Wilmington, Ohio, originally posted on June 1, 1959, as being subject to said act, no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented;
7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 24th day of November 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-10095; Filed, Nov. 30, 1959;
8:48 a.m.]

Commodity Credit Corporation PEANUTS

Notice of Applicability of Provisions Contained in 1960 Agricultural Ap- propriation Act—Public Law 86-80

The provision in the Department of Agriculture and Farm Credit Adminis-
tration Appropriation Act for the fiscal
year 1960 (P.L. 86-80) placing a limita-

tion on the amount of price support which may be extended by Commodity Credit Corporation to any person reads as follows:

Providing further, (1) That no part of this authorization shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of \$50,000 would be extended through loans, purchases, or purchase agreements made or made available by Commodity Credit Corporation to any person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply, unless (a) such person shall reduce his production of such commodity from that which such person produced the preceding year, in such percentage, not to exceed 20 percentum, as the Secretary may determine to be essential to bring production in line within a reasonable period of time with that necessary to provide an adequate supply to meet domestic and foreign demands, plus adequate reserves, or (b) such person shall agree to repay all amounts advanced in excess of \$50,000 for any agricultural commodity within 12 months from the date of the advance of such funds or at such later date as the Secretary may determine, (2) that the term "person" shall mean 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, (3) that in the case of any loan to, or purchase from, a cooperative marketing organization, or with regard to price support on an agricultural commodity extended by purchases of a product of such commodity from, or by loans on such product to, persons other than the producers of such commodity, such limitation shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person through such cooperative marketing organization or other persons shall be included in determining the amount of price support received by such persons for purposes of such limitation, and (4) that the Secretary of Agriculture shall issue regulations prescribing such rules as he determines necessary to carry out this provision.

To implement the above provisions of the Act, notice is hereby given of the following:

1. Peanuts have been declared in surplus supply for the purpose of P.L. 86-80 and the provisions of the Act are applicable to this commodity.

2. Each person shall be required to make a 20 percent reduction in the production of peanuts in 1960 below his 1959 production in order to be eligible for non-recourse price support on peanuts in excess of \$50,000. The reduction in production shall be made on an acreage basis and the acreage represented by such reduction shall not be put into production of peanuts by any other person.

3. Price support in excess of \$50,000 on peanuts to a person who has not made the required reduction of production shall be made only through recourse price support loan advances. Persons affected by this provision shall be extended rights of repayment for 12 months after the final price support availability date.

4. All purchase agreements covering peanuts shall contain a provision whereby the value of deliveries calculated at the applicable support price settlement rate of the peanuts covered

thereby when added to the amount of any nonrecourse price support extended through loans for peanuts shall not exceed \$50,000 for any person who is ineligible for unlimited nonrecourse price support. Any such person not eligible for unlimited nonrecourse price support may obtain recourse price support on any quantity of peanuts not eligible for tender under purchase agreement if he otherwise meets eligibility requirements through the regular procedure established therefor.

5. In case a person receives price support advances in excess of \$50,000 and such person is ineligible for unlimited nonrecourse price support, the amount due on a recourse basis shall be the amount advanced in excess of \$50,000 plus interest and charges. Charges shall include storage and other applicable charges paid or payable by CCC with respect to the loan collateral relating to the recourse advance. In the event any person does not repay the recourse advance when due, CCC shall have the right to sell the collateral securing the recourse advance. Further, if it is determined by CCC that the peanuts can no longer be held because of danger of deterioration or other reasons and the peanuts are not redeemed, CCC may dispose of the peanuts prior to the date when the recourse advance is due in such manner as it deems best to protect the interests of CCC and the person. Upon sale of the collateral the net proceeds will be credited to such person's recourse indebtedness. Any amount by which the net proceeds exceed the recourse indebtedness for any person shall be paid to such person. Any unliquidated balance due CCC shall be collected by appropriate means.

6. These limitations applicable to the 1960 production of peanuts apply to the crop which would be eligible for price support under the peanut price support program for 1960.

7. Provisions implementing this notice, including provisions which will preclude arrangements, entered into by persons in the production of peanuts on farms in 1960, from having the effect of circumventing these provisions of law, will be included in regulations to be issued by the Department of Agriculture at a later date.

(Pub. Law 86-80)

Issued this 24th day of November 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-10096; Filed, Nov. 30, 1959;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-134]

Notice of Issuance of Construction Permit

WORCESTER POLYTECHNIC INSTITUTE

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed

action with the Office of the Federal Register on November 5, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-45 authorizing Worcester Polytechnic Institute to construct a one kilowatt pool-type nuclear reactor facility on the Institute's campus in Worcester, Massachusetts. Notice of the proposed action was published in the FEDERAL REGISTER on November 6, 1959. 24 F.R. 9064.

Dated at Germantown, Md., this 23d day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-10056; Filed, Nov. 30, 1959;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18064]

J. S. ABERCROMBIE MINERAL COMPANY, INC.

Notice of Application and Date of Hearing

NOVEMBER 23, 1959.

Take notice that J. S. Abercrombie Mineral Company, Inc. (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application in Docket No. G-18064 on March 13, 1959, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity for authorization to continue a sale of natural gas to Texas Illinois Natural Gas Pipeline Company (Texas Illinois), previously made by J. S. Abercrombie, an individual, from certain acreage in the Milton Field, Harris County, Texas, pursuant to a 20-year gas sales contract dated April 1, 1956, between J. S. Abercrombie, et al., sellers, and Texas Illinois, buyer, which contract was originally accepted for filing as J. S. Abercrombie FPC Gas Rate Schedule No. 3, all as more fully described in the application on file with the Commission, and open to public inspection.

Applicant states that by instrument of assignment dated December 31, 1958, effective January 1, 1959, J. S. Abercrombie conveyed his working interest in the subject acreage to Applicant; and that J. S. Abercrombie was authorized in Docket No. G-10927 to render the service proposed to be continued by Applicant.

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 December 16, 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 December 14, 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. 59-10059; Filed, Nov. 30, 1959;
8:45 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Notice of Postponement of Hearing

NOVEMBER 23, 1959.

Take notice that the hearing in the above-designated matter now scheduled for December 7, 1959, is hereby postponed to December 8, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10060; Filed, Nov. 30, 1959;
8:45 a.m.]

[Docket No. G-18940]

CHARLES B. JOHNSTON, JR.

Notice of Application and Date of Hearing

NOVEMBER 23, 1959.

Take notice that Charles B. Johnston, Jr. (Applicant), with a principal place of business in Pittsburgh, Pennsylvania, filed an application in Docket No. G-18940 on July 8, 1959, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service to Hope Natural Gas Company (Hope) from acreage in Meade District, Tyler County, West Virginia, covered by a sales contract dated September 12, 1930, as amended, by and between Ohio Oil and Gas Company, Inc., predecessor in interest to Johnston, as seller, and Hope, as buyer, on file as Charles B. Johnston, Jr. FPC Gas Rate Schedule No. 1, as supplemented. The service was authorized on May 4, 1959, in Docket No. G-14206, all as more fully described in the application on file with the Commission, and open to public inspection.

In support of the proposed abandonment Applicant states the available sup-

ply of natural gas has declined to a point where it is no longer economically feasible to continue the operation. Applicant has included with the application a letter from Hope dated June 25, 1959, notifying Applicant that as deliveries of gas under the subject contract have declined to less than 5 Mcf per day the contract is cancelled by its own terms.

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 December 16, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, N.W., 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 December 15, 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. 59-10061; Filed, Nov. 30, 1959;
8:45 a.m.]

[Docket Nos. G-13018, G-13019]

PACIFIC NORTHWEST PIPELINE CORP. AND EL PASO NATURAL GAS CO.

Notice Fixing Time for Filing Exceptions and for Oral Argument

NOVEMBER 23, 1959.

In the matters of Pacific Northwest Pipeline Corporation, Docket No. G-13018; El Paso Natural Gas Company, Docket No. G-13019.

Upon consideration of the motion filed November 20, 1959, by El Paso Natural Gas Company and Pacific Northwest Pipeline Corporation, the time for filing exceptions, if any, to the Examiner's decision issued November 20, 1959 in the above-designated matters is hereby fixed for December 7, 1959.

Oral argument in this matter will be heard before the Commission en banc at 10:00 a.m., e.s.t., December 10, 1959, in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C. Parties desiring to participate in

the argument shall notify the Secretary the amount of time desired for such purpose on or before December 8, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-10062; Filed, Nov. 30, 1959;
8:45 a.m.]

[Docket No. G-18631 etc.]

SINCLAIR OIL & GAS CO., ET AL. Notice of Applications and Date of Hearing

NOVEMBER 23, 1959.

In the matters of Sinclair Oil & Gas Company, Docket No. G-18631; The Atlantic Refining Company, Docket No. G-18656; Shell Oil Company, Docket No. G-18665.

Take notice that on May 25, 1959, Sinclair Oil & Gas Company (Sinclair), a Maine corporation with its principal office in Tulsa, Oklahoma, in Docket No. G-18631, and The Atlantic Refining Company (Atlantic), a Pennsylvania corporation with its principal office in Dallas, Texas, in Docket No. G-18656, and on May 29, 1959, Shell Oil Company (Shell), a Delaware corporation with its principal office in New York, New York, in Docket No. G-18665, filed applications, pursuant to Section 7(b) of the Natural Gas Act, for authorization to abandon service to El Paso Natural Gas Company (El Paso) from their compressor plant¹ which receives gas from approximately 1,440 acres of leased land in the Midway Lane Field, Crockett County, Texas, subject to the jurisdiction of the Commission, as more fully described in the applications on file with the Commission and open to public inspection.

These sales are covered by a gas sales contract dated July 10, 1953, as amended, by and between Sinclair, Atlantic, and Shell, as sellers, and El Paso, as buyer, now on file as Sinclair Oil & Gas Company FPC Gas Rate Schedule No. 13, as supplemented, The Atlantic Refining Company FPC Gas Rate Schedule No. 27, as supplemented, and Shell Oil Company FPC Gas Rate Schedule No. 15, as supplemented.

Applicants state that due to declining production and field pressures, the amount of gas available to the plant has declined to a point where continued operation of the plant is uneconomical since the revenues from the plant barely approximate the operating costs of the compressor plant itself, exclusive of operating labor costs, and results in no allowance for cost of lease and well operations, gathering taxes and return on investment. Shell further states that initial deliveries to El Paso were from gas wells which were depleted and abandoned in 1956, and that since 1955 casinghead gas has been compressed and sold to El Paso through said compressor plant.

¹The compressor facilities were originally installed as a pressure maintenance plant rather than as a plant for compressing gas for resale. Such facilities are proposed to be removed upon receipt of the abandonment authorization requested herein.

Each Applicant, as a part of the respective applications, filed a letter from El Paso which stated El Paso does not oppose the proposed abandonment of service.

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 December 23, 1959, at 9:30 a.m. e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 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. 59-10063; Filed, Nov. 30, 1959;
8:45 a.m.]

[Docket No. G-18485]

SOCONY MOBIL OIL CO.

Notice of Application and Date of Hearing

NOVEMBER 23, 1959.

Take notice that on May 7, 1959, Socony Mobil Oil Company (Applicant) formerly Magnolia Petroleum Company (Magnolia) filed in Docket No. G-18485 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales and service of Texas, to United Gas Pipe Line Company (United). The sales and service sought to be abandoned are all more fully described in the gas sales contract between Magnolia, as Seller and United as Buyer, dated January 1, 1952, and filed with the Commission as Magnolia Petroleum Company FPC Gas Rate Schedule No. 25, as supplemented, which said contract is on file and open to public inspection.

Applicant states that all wells in the Berclair Field, above-mentioned, are depleted and on March 2, 1959, a formal agreement of release was entered into with United.

On September 9, 1958, in Docket No. G-11932 Magnolia was authorized by order of the Commission to render the service to United under the agreement of sale dated January 1, 1952.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations of the Commission 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 December 23, 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.*

Protest 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 December 16, 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. 59-10064; Filed, Nov. 30, 1959;
8:45 a.m.]

W. P. SWEARINGEN ET AL.

Notice of Applications and Date of Hearing

NOVEMBER 23, 1959.

In the matters of W. P. Swearingen, Operator, et al.,¹ Docket No. G-18766; Anderson-Pritchard Oil Corporation, Docket No. G-18767; St. Clair Oil Company, Docket No. G-18787; Lloyd M. Feland, Operator,² Docket No. G-18826; Tower Oil & Gas Company of Texas,³ Docket No. G-18852; J. M. Huber Corporation, Operator,⁴ Docket No. G-18855; The Atlantic Refining Company, Docket No. G-18859; V. F. Neuhaus, Docket No. G-18862; F. A. Gillespie and Sons Company, G-18883; Trice Production Company, Docket No. G-18885; Bryner Gas Company, Docket No. G-18943; Hinton Production Company, Operator, et al.,⁵ Docket No. G-18958.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in

the respective applications and amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-18766; Martha Field, Liberty County, Tex.; Transcontinental Gas Pipe Line Corp.
G-18767; Southwest Camp Creek Field, Beaver County, Okla.; Colorado Interstate Gas Co.
G-18787; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.
G-18826; Tomball Southeast Field, Harris County, Tex.; Tennessee Gas Transmission Co.
G-18852; Acreage in Upton and Reagan Counties, Tex.; El Paso Natural Gas Co.
G-18855; Harper Ranch Field, Clark County, Kans.; Northern Natural Gas Co.
G-18859; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.
G-18862; North Rincon Field, Starr County, Tex.; Coastal Transmission Corp.
G-18883; Laverne Field, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.
G-18885; Sunrise Field, Terrebonne Parish, La.; United Gas Pipe Line Co.
G-18943; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.
G-18958; Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.

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 January 12, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.*

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 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.

¹ W. P. Swearingen, Operator, is filing for himself and on behalf of nonoperator, Joseph E. Guilbault. Both are signatory seller parties to the subject gas sales contract.

² Lloyd M. Feland, Operator, is filing for his interest in the subject acreage and, as

Operator, lists C. J. Foster Drilling Company, Inc., as nonoperator and owner of the remaining working interest. Application covers a ratification agreement dated May 28, 1959, of a basic gas sales contract dated March 6, 1954, between Slick-Moorman Oil Company, et al., Sellers, and TGT, Buyer. Applicant, Buyer and Slick Oil Corporation (formerly Slick-Moorman Oil Company, are all signatory seller parties to the subject ratification agreement.

³ Application covers a basic gas sales contract dated May 1, 1959, and an amendatory agreement dated July 31, 1959, adding additional acreage thereto. J. Wes Johnson, d/b/a/Tower Oil & Gas Company of Texas is the sole signatory seller party to the subject contract.

⁴ J. M. Huber Corporation, Operator, is filing for itself and, as Operator, lists in the application, together with the percentages of working interest in the subject unit, the following nonoperators: Sunray Mid-Continent Oil Company and Ashland Oil & Refining Company. Operator is the sole signatory seller party to the subject gas sales contract.

⁵ Hinton Production Company, Operator, is filing for itself and on behalf of the following nonoperators: Charles A. Hinton, Elizabeth Chilcoat Lawson, Herbert C. Leiter, W. M. Plaster, M. E. Pollard, Carl Reed and A. M. Rozeman. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-10065; Filed, Nov. 30, 1959;
8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR, COMMUNITY
FACILITIES ACTIVITIES REGION II
(PHILADELPHIA)

Redelegation of Authority With Respect to the Program of Loans for Housing for Educational Institutions

The Regional Director, Community Facilities Activities, Region II (Philadelphia), in connection with the program of loans for housing for educational institutions, is hereby authorized, within such Region, under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c):

1. To execute agreements for loans for student and/or faculty housing and/or dining facilities in amounts approved by the Regional Administrator, and, with respect to such agreements, execute amendments or modifications thereof as approved by the Regional Administrator; and

2. To execute agreements for loans in amounts approved by the Community Facilities Commissioner and, with respect to such agreements, execute amendments or modifications thereof as approved by the Community Facilities Commissioner.

This redelegation of authority supercedes the redelegation effective February 18, 1959 (24 F.R. 2417).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1952 ed. 1701c; Delegation of Authority effective November 7, 1959, 24 F.R. 9092)

Effective as of the 1st day of December 1959.

[SEAL] CHESTER H. KNOWLES,
Regional Administrator,
Region II.

[F.R. Doc. 59-10082; Filed, Nov. 30, 1959;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 25, 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. 35849: *Barytes—East St. Louis, Ill., to southwestern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7690), for interested rail carriers. Rates on barite (barytes), ground or not ground, carloads from East St. Louis, Ill., to destinations in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, and market competition with other producing points, including St. Louis, Mo.

Tariff: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 35850: *Ground barite—Arkansas and Missouri points to Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-7691), for interested rail carriers. Rates on ground barite (barytes), carloads from specified points in Arkansas and Missouri to specified points in Louisiana.

Grounds for relief: Commercial and market competition.

Tariff: Supplement 21 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4304.

FSA No. 35851: *Wheat and flour—Southwestern points to Texas and Louisiana Gulf ports, etc.* Filed by Southwestern Freight Bureau, Agent (No. B-7680), for interested rail carriers. Rates on wheat, in carloads, and flour, manufactured directly from wheat, in carloads from points in Kansas, Missouri, Oklahoma, and Texas to Texas and Louisiana Gulf Ports, also Mobile,

Ala., Gulfport, Miss., and Pensacola, Fla.

Grounds for relief: Port equalization. Tariff: Supplement 10 to The Kansas City Southern Railway Company tariff I.C.C. 5364 and others listed in the application.

FSA No. 35852: *Substituted service—CRI&P for Lee Way Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 202), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., Kansas City, (Armourdale), Kans., and St. Louis, Mo., on the one hand, and Dallas, Fort Worth, and Houston, Tex., and Oklahoma City, Okla., as the case may be, on the other, on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 117 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35853: *Substituted service—CRI&P for Lee Way Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 203), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., on the one hand, and Fort Worth, Tex., and Oklahoma City, Okla., on the other, on traffic originating at or destined to points beyond referred to in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 117 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-10069; Filed, Nov. 30, 1959;
8:45 a.m.]

[Notice 228]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 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 per-

son 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 62533. By order of November 23, 1959, the Transfer Board approved the transfer to Randall R. Sain, doing business as C. B. Truck Line, El Paso, Texas; of Certificates in Nos. MC 100542 Sub 1, MC 100542 Sub 2, and MC 100542 Sub 3, issued December 14, 1951, June 2, 1954, and April 14, 1955, respectively to Alta Whitaker, doing business as C. B. Truck Line, El Paso, Texas; authorizing the transportation of: *General commodities*, with certain exceptions including household goods and commodities in bulk, between specified points in Texas and New Mexico. Joe T. Lanham, 1009 Perry-Brooks Building, Austin, Tex.; for applicants.

No. MC-FC 62541. By order of November 24, 1959, the Transfer Board approved the transfer to Trans Western Tankers, Inc., Farmington, N. Mex., of Certificate in No. MC 115665 Sub 1, issued May 16, 1957, to F. H. Tompkins, Jr., doing business as Box Bar Transportation Company, Aztec, N. Mex., authorizing the transportation of: *Water and hydraulic fracturing fluids*, in bulk, in tank vehicles, between specified points in New Mexico, Colorado, Arizona, and Utah. James L. Brown, P.O. Box 1144, Farmington, N. Mex., for applicants.

No. MC-FC 62641. By order of November 24, 1959, the Transfer Board approved the transfer to Pilgrim Trucking Corp., Perth Amboy, N.J., a portion of Certificate in No. MC-80402, issued April 21, 1950, to Terminal Freight Transport, Inc., East Rutherford, N.J., authorizing the transportation of: *General commodities*, excluding household goods, commodities in bulk, and other specified commodities, over irregular routes between points and places in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J. William D. Traub, 10 East 40th Street, New York 16, N.Y., Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-10070; Filed, Nov. 30, 1959;
8:46 a.m.]

