THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 23 NUMBER 175

Washington, Saturday, September 6, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10780

SUSPENSION OF CERTAIN PROVISIONS OF SECTION 5762 (a) OF TITLE 10 OF THE UNITED STATES CODE WHICH RELATE TO THE PROMOTION OF OFFICERS OF THE SUPPLY CORPS, CHAPLAIN CORPS, CIVIL ENGINEER CORPS, AND MEDICAL SERVICE CORPS OF THE NAVY

By virtue of the authority vested in me by section 5785 (b) of title 10 of the United States Code, it is ordered as follows:

Except as to the provision which, as amended by section 201 (9) (A) of the act of August 21, 1957, 71 Stat. 383, reads,

> The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of officers, not restricted in the performance of duty, other than women officers appointed under section 5590 of this title, that may be recommended for promotion to the grade of captain or commander in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, Dental Corps, or the Medical Service Corps,

the provisions of section 5762 (a) of title 10 of the United States Code, to the extent that such provisions are applicable to promotions to the grade of commander in the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, and the Medical Service Corps, are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 2, 1958.

[F. R. Doc. 58-7258; Filed, Sept. 4, 1958; 12:59 p. m.]

EXECUTIVE ORDER 10781

SUSPENSION OF CERTAIN PROVISIONS OF SECTION 5764 (a) OF TITLE 10 OF THE UNITED STATES CODE WHICH RELATE TO THE ESTABLISHMENT OF ZONES FOR THE PROMOTION OF MALE OFFICERS OF THE NAVY

By virtue of the authority vested in me by section 5785 (b) of title 10 of the United States Code, it is ordered as follows:

Except as to the provisions which read,

> The Secretary of the Navy shall establish a promotion zone in each grade for male officers in the line of the Navy not restricted in the performance of duty when he convenes a selection board under chapter 543 of this title to consider officers in that grade for recommendation for promotion to the next higher grade. The promotion zone in each grade shall be composed of that number of the most senior such officers under consideration, who are eligible for selection for promotion to the next higher grade and who have not previously failed of such selection, that must either be selected for promotion by the particular board or be considered as having failed of such selection, in order to maintain a flow of promotion consistent with the terms of service set out in section 5768 of this title and in order best to assure to individuals in succeeding years equality of opportunity for promotion,

the provisions of section 5764 (a) of title 10 of the United States Code are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 2, 1958.

[F. R. Doc. 58-7259; Filed, Sept. 4, 1958; 12:59 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (1) of § 6.105 is revoked.

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

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

[F. R. Doc. 58-7208; Filed, Sept. 5, 1958; 8:48 a. m.]

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FEDERAL REGISTER

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

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.

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.114 (c) as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* * * *

(c) *Office of Education.* * * *

(3) Twenty-five positions at grade GS–12 and above the incumbents of which will engage in the development of policy, standards, regulations, procedures, and definitions in connection with the National Defense Education Act of 1958 and will consult with and advise on the administration and implementation of this Act with the Office of Education, the various States and territories, institutions of higher education, and other organizations and persons concerned with carrying out the provisions of this Act. Appointments under this provision shall be limited to persons having a particular competency in the areas concerned. Employment under this provision shall not exceed two years in any individual case and shall not extend beyond June 30, 1962.

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

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

[F. R. Doc. 58-7234; Filed, Sept. 5, 1958; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

COMMISSION ON CIVIL RIGHTS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.160 and paragraph (b) of § 6.360 are revoked.

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

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

[F. R. Doc. 58-7219; Filed, Sept. 5, 1958; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (5) of paragraph (a), subparagraph (5) of paragraph (c), and subparagraph (2) of paragraph (f) of § 6.309 are amended as set out below.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* * * *

(3) Five Special Assistants to the Postmaster General.

* * * * *

(5) Two Special Assistants to the Deputy Postmaster General.

* * * * *

(c) *Bureau of Transportation.* * * *

(5) One Deputy Assistant Postmaster General (Rail and Highway) and one Deputy Assistant Postmaster General (Air and International).

* * * * *

(f) *Bureau of Post Office Operations.* * * *

(2) Three Special Assistants to the Assistant Postmaster General.

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

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

[F. R. Doc. 58-7209; Filed, Sept. 5, 1958; 8:48 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.374]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (a) is amended by the deletion of the following:

Elazig, Turkey.
Simla, India.

2. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, New Delhi, Pipri, Poona, Rajkot, Simla, Sindri, Trivandrum, Udaipur and Vellore.

Turkey, all posts except Adana, Ankara, Diyarbakir, Elazig, Iskenderun, Istanbul, Izmir, Konya and Samsun.

3. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (c) is amended by the deletion of the following:

Konya, Turkey.

4. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (a) is amended by the addition of the following:

Nangal, India.
Tarai, India.

5. Effective as of the beginning of the first pay period following August 9, 1958, paragraph (b) is amended by the addition of the following.

Cap Haitien, Haiti.

6. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

Turkey, all posts except Adana, Ankara, Diyarbakir, Iskenderun, Istanbul, Izmir and Samsun.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

Dated: August 28, 1958.

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F. R. Doc. 58-7220; Filed, Sept. 5, 1958; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; WEST VIRGINIA

On August 27, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said countries, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said countries.

West Virginia	Average value
County:	
Braxton	$20,000
Doddridge	20,000
Gilmer	20,000
Grant	25,000
Greenbrier	30,000
Hampshire	25,000
Hardy	25,000
Harrison	30,000
Lewis	25,000
Marion	25,000
Marshall	30,000
Mercer	20,000
Mineral	25,000
Monongalia	25,000
Monroe	25,000
Morgan	20,000
Nicholas	20,000
Ohio	30,000
Pendleton	25,000
Pleasants	20,000
Pocahontas	25,000
Preston	25,000
Randolph	25,000
Ritchie	25,000
Summers	20,000
Tucker	18,000
Tyler	20,000
Wetzel	20,000
Wirt	18,000
Wood	25,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: September 2, 1958.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-7238; Filed, Sept. 5, 1958; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 5]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended, effective beginning with the 1959 crop year as follows: *Provided, however,* That section 2 of this amendment shall not become effective with respect to barley or wheat crop insurance in counties with a March 15 cancellation date until the beginning of the 1960 crop year.

1. Section 2 of the policy shown in § 401.11 is amended by changing the last sentence to read as follows: "The insured shall also be privileged to file a separate acreage report for each crop and if he fails to file an acreage report within 30 days after the planting of such insured crop is generally completed in the county, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be 'zero' with respect to the crop for which the acreage report was not filed."

2. Subsection (c) of section 4 of the policy shown in § 401.11 is amended to read as follows:

(c) The insured's annual premium for an insured crop shall be reduced 5 percent if he has had three consecutive years of insurance on such crop (immediately preceding the current crop year and eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on such crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided,* That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

3. Section 4 of the policy shown in § 401.11 is further amended by adding a subsection (e) to read as follows:

(e) If, for any crop except peaches and all citrus, the insured pays the premium for that crop at the same time he files his acreage report and further providing that it be filed within 30 days after the planting of such crop is generally completed in the county, as determined by the Corporation, the premium which would otherwise be payable for the crop shall be reduced 5 percent.

4. Section 5 of the policy shown in § 401.11 is amended to read as follows:

5. *Minimum premium.* If in any year a premium is earned for any crop and the net premium totals less than $10.00 the amount shall be increased to $10.00.

5. Section 3 of the dry edible bean endorsement shown in § 401.18 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual dry edible bean premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured dry edible bean crops preceding the current crop year exceeds his total coverage computed on a threshed coverage basis.

6. Section 3 of the corn endorsement shown in § 401.19 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual corn premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in dollars) of premiums over indemnities on consecutively insured corn crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis.

7. Subsection (b) of section 3 of the cotton endorsement shown in § 401.20 is amended to read as follows:

(b) Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual cotton premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in pounds) of premiums over indemnities on consecutively insured cotton crops preceding the current crop year exceeds his total coverage computed on a harvested acreage basis.

8. Section 3 of the flax endorsement shown in § 401.21 is amended to read as follows:

3. *Annual premium.* Whether or not the insured is eligible for the reduction provided in section 4 (c) of the policy, the insured's annual flax premium may be reduced 25 percent in lieu thereof for any year if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops preceding the current crop year exceeds his total coverage computed on a harvested coverage basis.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, as amended, 74, as amended, 75; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

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

Approved: September 2, 1958.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 58-7211; Filed, Sept. 5, 1958; 8:49 a. m.]

[Amdt. 6]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

OAT ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amened, is amended by establishing a closing date of March 31 for oats in all states.

2. The following section is added:

§ 401.26 *The oat endorsement.* The provisions of the oat endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that oats are seeded with flax or other small grains or vetch, and no insurance shall attach to any acreage not seeded to oats for harvest as grain as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—seeded to a substitute crop when the Corporation has consented that the acreage be put to another use, (b) Second Stage—not harvested and not seeded to a substitute crop, or (c) Third Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the oats are seeded and shall cease upon threshing or removal from the field, whichever

occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production volunteer small grains and volunteer vetch growing with the seeded oat crop, and small grains seeded in the growing oat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as oats on a weight basis.

(c) In determining any loss under the contract, production shall be valued at the fixed price. However, any threshed oats which (1) do not grade No. 3 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) have a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 3 oats, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 3 oats is less than the fixed price, the total value of such threshed oats, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on oats the term: (a) "Harvest" means the mechanical severance from the land of matured oats for threshing where the oat crop has not been destroyed.

7. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the oat crop is normally harvested.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7212; Filed Sept. 5, 1958; 8:49 a. m.]

[Amdt. 7]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

GRAIN SORGHUM ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amended, is amended by establishing a closing date of April 30 for grain sorghum in all states.

2. The following section is added:

§ 401.27 *The grain sorghum endorsement.* The provisions of the grain sorghum endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that the sorghum is (a) not a combine type grain sorghum, (b) a forage sorghum or thick planted sorghum for silage or fodder purposes, (c) planted in rows too close for cultivation, (d) planted for the development of hybrid seed, or (e) planted on acreage which was seeded to wheat the previous fall, and no insurance shall attach to any acreage not planted to a combine type grain sorghum for harvest as grain as determined by the Corporation.

3. *Coverage per acre.* The coverage per acre is progressive, depending upon whether the acreage is (a) First Stage—unharvested, or (b) Second Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the grain sorghum is planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than December 31 of the calendar year in which the grain sorghum is normally harvested.

5. *Claims for loss.* (a) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining any loss under the contract, production shall be valued at the fixed price, except that any threshed grain sorghum which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 4 grain sorghum is less than the fixed price, the total value of such threshed grain sorghum, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Meaning of terms.* For purposes of insurance on grain sorghum the term: (a) "Harvest" means the mechanical severance from the land of matured grain sorghum for threshing where the grain sorghum crop has not been destroyed.

7. *Cancellation, termination for indebtedness and discount dates.* (a) For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective. (b) For each crop year of the contract the discount date shall be the December 31 of the calendar year in which the grain sorghum crop is normally harvested.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7213; Filed, Sept. 5, 1958; 8:49 a. m.]

[Amdt. 8]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

PEACHES

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The table following paragraph (a) of § 401.3, as amended, is amended by establishing a closing date of January 15 for peaches in all states.

2. Section 401.3, as amended, is further amended by adding paragraph (h) to read as follows:

(h) Notwithstanding any other provisions of this section, all applications for peach crop insurance shall be on the following form:

APPLICATION
FORM FCI-812-Special

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

(State and County Code and Contract Number)

Application for Crop Insurance for 19__ and Succeeding Crop Years in _____
(County) (State)

(Please print or type)

Name _____
Address _____
_____

A. The undersigned applicant hereby applies under the applicable regulations to the Federal Crop Insurance Corporation (herein called the Corporation) for insurance on his interest in the crop(s) listed below on acreage included in the crop insurance program of the Corporation for the county designated above.

This application, when executed by a person as an individual, shall not cover his interest(s) in a crop produced by a partnership. Any application on this form signed by two or more persons shall cover only that acreage in which all of the applicants have an interest, and such acreage shall not be covered by any other insurance contract any of the applicants may have with the Corporation.

B. This application, upon acceptance by the Corporation, and the applicable insurance policy, endorsement(s), and actuarial table on file in the county office of the Corporation for the crop(s) designated above shall constitute the contract. The contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the provisions of the contract.

C. For the first crop year of the contract the coverage(s) and premium rate(s) shall be those for that crop year which are on file in the county office. For each subsequent crop year the coverage(s) and premium rate(s) together with any changes in the contract shall be on file in the county office at least 15 days prior to the applicable cancellation date. For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

D. The Corporation reserves the right to reject this application in its entirety.

E. Coverage per acre applied for: _____

_____ _____ 19 __
(Signature of Applicant) (Date)

_____
(Witness to Signature)

_____
(Signature of Agent of the Corporation)

_____ _____ 19 __
(Signature of Inspector) (Date)

F. Accepted by the Federal Crop Insurance Corporation by:

_____ _____ 19 __
(State Director) (Date)

County Office Address	Name of Other Contact, if Any: _____ _____ (Address) Marketing Agency _____

3. The following section is added:

§ 401.28 *The peach endorsement.* The provisions of the peach endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production on the insured peach crop due to frost, freeze, hurricane, tornado, hail, or windstorm when accompanied by hail.

2. *Insured crop.* In lieu of all of section 1 of the policy except the first and last sentence thereof, the following shall apply:

(a) The insured acreage for each crop year shall be that acreage of peaches in the county for which coverage is shown on the county actuarial table and in which the insured had an interest on the January 15 immediately preceding the beginning of the crop year and the interest insured shall be the interest of the insured in such acreage at that time, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

(b) Any acreage of peaches which has not reached the fourth growing season or any acreage having a potential production of less than 100 bushels per acre for any crop year is uninsurable for that crop year.

3. *Responsibility of the insured to report acreage and interest.* In lieu of section 2 and subsection 21 (a) of the policy, the insured shall report on a form prescribed by the Corporation, at the time the application for peach crop insurance is filed, all of the acreage of peaches (including a designation of any acreage of peaches to which insurance does not attach) in the county in which he has an interest and his interest therein. If the actual acreage of peaches or interest therein shown on such form changes prior to the date insurance attaches for any crop year, the insured shall submit a report to the county office of such changes, on a form prescribed by the Corporation, prior to the date insurance attaches for that crop year.

4. *Annual premium.* In lieu of subsection 4 (a) and 4 (b) of the policy, the annual premium for peach insurance shall be considered as earned on the date insurance attaches and for any crop year must be paid on or before the January 15 immediately preceding the beginning of that crop year.

5. *Minimum premium.* In lieu of section 5 of the policy, if in any year a premium is earned for peaches and the net premium totals less than $50.00 the amount shall be increased to $50.00.

6. *Insurance period.* Insurance on any insured acreage shall attach on the January 16, at the beginning of each crop year and with respect to any portion of the crop shall cease upon harvest, but in no event shall insurance remain in effect later than September 15 of the calendar year in which the peaches are normally harvested.

7. *Notice of loss—Inspection of orchards.* (a) In lieu of subsection 8 (a) of the policy, if at any time during the insurance period the peach crop on any insurance unit is damaged by an insured cause, the insured shall give written notice of the date, cause and estimated extent of damage to the Corporation at the county office within seven days.

(b) In lieu of subsection 8 (b) of the policy, notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest if a loss is to be claimed, and final adjustment has not been made by that time. Provided, however, if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

8. *Abandonment of crop.* In lieu of section 9 of the policy, there shall be no liability under the contract on any peach crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Claims for loss.* (a) In lieu of subsection 11 (a) of the policy, any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, promptly after the amount of loss can be determined, but not later than 30 days after the time of loss.

(b) In lieu of subsection 11 (c) of the policy, losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of peaches on the insurance unit by the applicable coverage per acre, (2) multiplying the result thus obtained by the average percent of damage for all of the peach crop on such unit, (3) deducting therefrom 30 percent of the amount obtained in (1) above, and (4) multiplying the remainder by the insured interest.

(c) The average percent of damage to peaches on an insurance unit shall be the ratio of the production of peaches lost from an insured cause of loss to the total production of peaches which was or would have been produced if the insured cause of loss had not occurred. The production of peaches which was or would have been produced shall include (1) peaches picked before the insured damage occurs, (2) peaches remaining on the trees after the damage occurs, (3) production of peaches lost from an insured cause of damage, and (4) any other peaches not included in items (1) through (4), including peaches lost from causes not insured against other than normal dropping. Peaches lost from an insured cause shall include any peaches which do not grade U. S. No. 2 or better (determined in accordance with U. S. Standards for Peaches, effective June 15, 1952 (17 F. R. 4473)) because of poor quality due to insurable causes occurring within the insurance period. The Corporation reserves the right to delay settlement until the amount of damage can be determined.

10. *Life of contract, cancellation or termination thereof.* In lieu of the proviso of the second paragraph of subsection 15 (a), insurance on peaches shall terminate as if cancelled by the Corporation prior to the cancellation date if on the January 15 immediately preceding the beginning of the crop year the premium for insurance on peaches for the crop year immediately following such date is unpaid.

11. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "Crop year," in lieu of section 21 (e) of the policy, means the period beginning January 16 and extending through the following September 15.

(b) "Harvest" means any severance of peaches from the tree by picking or picking the marketable peaches from the ground.

(c) "Insurance unit," in lieu of section 21 (f) of the policy, means all insurable acreage of peaches in the county (1) in which the insured has 100 percent interest on the January 15 immediately preceding the beginning of the crop year that is located on contiguous land under the same ownership, or (2) in which two or more persons have 100 percent interest on the January 15 immediately preceding the beginning of the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

12. *Cancellation date.* For each year of the contract the cancellation date shall be the December 15 immediately preceding the beginning of the crop year for which the cancellation is to become effective.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7214; Filed, Sept. 5, 1958; 8:50 a. m.]

[Amdt. 9]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

CORN ENDORSEMENT

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended for all counties in Colorado, effective beginning with the 1960 crop year as follows:

1. Section 2 of the corn endorsement shown in § 401.19 is amended to read as follows:

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by

the Corporation that the corn is sweet corn, popcorn, broom corn or corn planted for the development of hybrid seed corn, and no insurance shall attach to any acreage not planted to corn for harvest as grain, silage or fodder. *Provided, however,* That insurance shall not attach to any acreage planted to corn for harvest as fodder which is initially planted too late to be expected to mature as grain, as determined by the Corporation.

2. Subsection (a) of section 7 of the corn endorsement shown in § 401.19 is amended to read as follows:

7. *Claims for loss.* (a) In determining any loss under the contract, production shall be valued at the applicable fixed price, except that the production of any corn of a variety adapted to the production of corn for grain and harvested as grain or fodder which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be valued by the Corporation at a price not in excess of the fixed price for grain.

3. Section 7 of the corn endorsement shown in § 401.19 is further amended by adding a subsection (c) to read as follows:

(c) In determining total production, any production of corn shall be counted as grain, except that the production from any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7215; Filed, Sept. 5, 1958; 8:50 a. m.]

[Amdt. 10]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended (22 F. R. 6557, 7210, 8473, 9515, 11024; 23 F. R. 289, 869, 1943, 2373, 2481, 2586, 2635, 2769, 3143, 5114, 5183, 5949), are hereby amended effective beginning with the 1959 crop year as follows:

1. The first introductory paragraph, as amended, to the regulations is amended by striking the last sentence of that paragraph and adding the following: "These regulations shall apply in 1959 and succeeding crop years to all continuous multiple crop insurance contracts of the type in which the insured may not select the crops to be insured: *Provided, however,* That these regulations shall not apply until beginning with the 1960 crop year to multiple crop insurance contracts of the aforementioned type in counties which will be designated by appendixes to Part 420—Multiple Crop Insurance, Subpart—Regulations for the 1956 and Succeeding Crop Years, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9397; 22 F. R. 2076, 2796, 3284, 5855, 7019, 9383; 23 F. R. 1025, 1779), which regulations shall remain in full force and effect as to such counties through the 1959 crop year."

2. The second introductory paragraph to the regulations is amended by striking the following from item (6): "§ 420.6 (a) of".

3. Paragraph (a) of § 401.1 is amended by adding a last sentence to read as follows: "In addition to the lists of counties subsequently approved by the Board of Directors of the Corporation for combined crop insurance, the Manager of the Corporation may designate counties for combined crop insurance from lists of counties previously approved by the Board of Directors of the Corporation for multiple crop insurance."

4. The table following paragraph (a) of § 401.3, as amended, is amended by establishing the following closing dates for combined crop insurance:

State and County:	*Closing date*
Iowa:	
Delaware, Emmett, Howard, Humboldt and Ida Counties	March 31.
All other Iowa Counties	April 30.
Louisiana and Oregon	November 30.
Minnesota, North Dakota, South Dakota and Wisconsin	
Tennessee:	
Weakley County	March 31.
All other Tennessee Counties	September 30.
Wyoming	August 31.
All other States	September 30.

5. Section 401.6 is amended by adding a last sentence to read as follows: "For the purpose of combined crop insurance, the provisions of this section referring to individual crops shall be considered to mean all insurable crops for which coverages are shown on the county actuarial table for combined crop insurance."

6. The following section is added:

§ 401.29 *The combined crop endorsement.* The provisions of the combined crop endorsement for the 1959 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado and any other unavoidable cause of loss due to adverse weather conditions.

2. *Insured crop.* (a) In lieu of the first sentence of section 1 of the policy, the following shall apply: "The crops insured are all of the crops (to the extent of interest of the insured therein as hereinafter set out) for which coverages and premium rates are shown on the county actuarial table for combined crop insurance, and which are grown on insured acreage."

(b) For the purpose of insurance under this endorsement, the provisions of section 4, as amended, and sections 5, 6, 13, 15 and 17 of the policy which refer to individual crops shall be considered to mean all insurable crops for which coverages are shown on the county actuarial table for combined crop insurance.

(c) Insurance shall not attach on any acreage of (i) barley, oats, rye or wheat on which it is determined by the Corporation that such grain is seeded with flax or other small grains (except insurable grain mixtures in Oregon), vetch, Austrian winter peas or seeded on new ground acreage in counties where the cancellation date is March 15; (ii) dry edible beans on which it is determined by the Corporation that beans are planted on new ground acreage; (iii) flax on which it is determined by the Corporation that the flax is seeded with any other crop except perennial grasses or legumes other than vetch; (iv) soybeans on which it is determined by the Corporation that soybeans are (1) planted for hay, (2) not planted in rows far enough apart to permit intertilling between the rows with a row cultivator, (3) planted for the development of hybrid seed, or (4) planted in the same row or interplanted in rows with corn; (v) sugar cane where the acreage on the insurance unit is less than one acre or on any acreage on which three successive crops have been harvested from one planting; (vi) Irish or sweet potatoes where the acreage on the insurance unit is less than one acre; (vii) rye in counties in North Dakota and South Dakota for the first crop year of the contract; or (viii) corn on which it is determined by the Corporation that the corn is sweet corn, popcorn, broom corn or corn planted for the development of hybrid seed corn. In counties where corn planted for harvest as grain only is insurable, insurance shall not attach to any acreage planted to a true type silage corn or thick planted for silage or fodder purposes or to any acreage not planted to corn for harvest as grain, as determined by the Corporation. In counties where corn planted for harvest as grain, silage or fodder is insurable, insurance shall not attach to any acreage not planted to corn for harvest as grain, silage or fodder: *Provided, however,* That insurance shall not attach to any acreage planted to corn for harvest as fodder which is initially planted too late to be expected to mature as grain, as determined by the Corporation.

(d) No insurance shall attach to any acreage of (i) barley, common rye grass, flax, oats, rye, rice, soybeans or wheat not planted to such crops for harvest as grain, seed or beans, (ii) dry edible beans not planted to a class shown on the county actuarial table, (iii) sugar beets not planted for the production of sugar, or (iv) red clover not planted for harvest as hay or seed.

3. *Coverage per acre.* The coverage per acre is progressive depending upon whether the acreage of (a) alfalfa, barley, common rye grass, flax, Irish potatoes, oats, sugar cane, rice, rye, sweet potatoes, red clover, vetch hay and mixture of oats or wheat with vetch or Austrian winter peas for hay or wheat is (i) First Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use, (ii) Second Stage—not harvested and not planted to a substitute crop, or (iii) Third Stage—harvested; (b) dry edible beans is (i) First Stage—not pulled or cut, (ii) Second Stage—pulled or cut but not threshed, or (iii) Third Stage—threshed; (c) corn is (i) First Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use, (ii) Second Stage—not harvested and not planted to a substitute crop or fed to livestock in the field after consent and appraisal by the Corporation in accordance with section 9 of the policy, or (iii) Third Stage—harvested or to be harvested; (d) soybeans is (i) First Stage—unharvested, or (ii) Second Stage—harvested; or (e) sugar beets is (i) First Stage—damaged prior to

thinning and consent given by the Corporation to put the acreage to another use, (ii) Second Stage—planted to a substitute crop when the Corporation has consented that the acreage be put to another use because of damage occurring after thinning, (iii) Third Stage—not lifted and topped and not planted to a substitute crop when the Corporation has consented that the acreage be put to another use because of damage occurring after thinning, or (iv) Fourth Stage—harvested.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the insurable crop is planted except in the case of common rye grass initially planted in the spring, alfalfa, red clover, and the second and third year crop of sugar cane, insurance shall attach on December 1 provided that there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crops upon baling or stacking, and all other insured crops upon threshing (harvesting in the case of crops not normally threshed) or with respect to any portion of any crop upon removal from the field, whichever occurs first. Provided, however, That in no event shall insurance remain in effect later than October 31 for alfalfa, barley, corn (in North Dakota), flax, oats, soybeans (in North Dakota), red clover for hay or seed, rye, sweet potatoes, vetch hay and mixtures of oats or wheat with vetch or Austrian winter peas for hay and wheat; December 10 for corn (except North Dakota), common rye grass, rice, Irish potatoes, sugar beets and soybeans (except North Dakota); and December 15 for dry edible beans; of the calendar year in which the insured crop is normally harvested, and for sugar cane, January 31 following the normal time of harvest for that crop.

5. *Claims for loss.* (a) In counties where barley, oats, rye, soybeans or wheat are insurable, the total production to be counted shall include any harvested production from acreage initially planted to such crops for purposes other than for harvest as grain as determined by the Corporation.

(b) In determining total production, any volunteer small grains and any volunteer vetch growing with an insured small grain crop and any small grains seeded in an insured growing small grain crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as the applicable insured small grain crop on a weight basis. In determining total production in Oregon, any volunteer crop produced with an insured crop shall be included in determining the production of the insured crop.

(c) In determining total production on any acreage of sugar beets which the Corporation has consented to be put to another use prior to harvest, the Corporation may count as production any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, as amended.

(d) In determining total production on any acreage of sugar cane, if any part of the sugar cane production from the insurance unit is processed for sugar, the total number of tons of sugar cane shall be adjusted to standard sugar cane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

(e) In determining total production on any acreage of corn in those counties where corn silage is insurable, any production of corn shall be counted as grain, except that the production of any corn harvested for silage and the appraised production of any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. In North Dakota counties, the production from any acreage of corn which is not harvested or to be harvested as corn for grain, shall be the appraised production of corn for grain or the appraised or actual production of silage, whichever has the higher total value (on the basis of the price per bushel for corn as provided in subsection (j) of this section, or the value per ton for silage as determined by the Corporation): *Provided, however,* That if the appraised or actual production of corn which was or could have been used for silage is one ton or more of silage per acre, the value of such production shall not be less than $3.00 per acre.

(f) The Corporation reserves the right to determine the amount of production of any corn on the basis of an appraisal of unharvested corn standing in the field.

(g) Notwithstanding the provisions of subsection (c) of section 11 of the policy, in determining total production, any harvested production of insured hay destroyed prior to baling, stacking or removal from the field shall not be counted as production.

(h) In determining total production in Oregon where a grain mixture planted for harvest as grain is insurable, all production therefrom shall be counted on a weight basis as the applicable insured crop.

(i) In determining total production in counties where red clover planted for harvest as seed or hay is insurable, the Corporation may count the appraised production for seed in place of the hay production for any cutting and the appraisal for hay or the appraisal for seed or both, whichever the Corporation may elect for acreage pastured or production not harvested.

(j) In determining any loss under the contract any production shall be valued at the fixed price. However, (i) any threshed barley, flax, oats or soybeans which (1) does not grade No. 1, No. 2, No. 3, No. 4 or better respectively (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price for that commodity or the Commodity Credit Corporation county loan rate for commodities of such grades, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Community Credit Corporation county loan rate for commodities of such grades is less than the fixed price, the total value of any threshed production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the applicable fixed price; (ii) any threshed production of dry edible beans which will not meet any U. S. Grade or pick shown on the county actuarial table because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade or pick requirements if properly handled, shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of dry edible beans or the market value of such beans as determined by the Corporation. Any potential or unthreshed production of dry edible beans to be counted shall be valued at the fixed price shown on the county actuarial table for this purpose; (iii) any corn or Irish potatoes and any threshed rye, rice, or common rye grass seed which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled shall be valued by the Corporation at a price not in excess of the fixed price. In order for corn to be evaluated for poor quality in those counties where corn silage is shown as an insurable crop on the county actuarial table, it must be a variety of corn adapted to the production of corn for grain and must be harvested for grain or fodder; (iv) any threshed wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these grade requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such threshed wheat, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

(k) No adjustment for quality shall be made for production from any acreage planted to insurable grain mixtures in Oregon.

6. *Acreage appraised to be put to another use.* Notwithstanding section 9 (a) of the policy in counties where corn planted for harvest as grain only is insurable, the corn crop on any insured acreage may be used for silage or fodder without an appraisal and consent by the Corporation to be put to another use, provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for use by the Corporation in appraising the production.

7. *Meaning of terms.* For purposes of combined crop insurance, the terms:

(a) "Harvest" means with respect to any acreage of (i) barley, common rye grass, flax, oats, rice, rye, soybeans or wheat, the mechanical severance from the land of the matured crop for threshing where such crop has not been destroyed; (ii) corn—the picking of the corn from the stalk either by hand or machine or cutting the corn for fodder or silage. For the purpose of determining the stage of coverage, any acreage (except in North Dakota) shall not be considered as harvested unless the harvested, or to be harvested, production therefrom is equal in value (determined in accordance with section 5 (j) of this endorsement) to 10 percent or more of the harvested coverage for such acreage; (iii) dry edible beans—the pulling or cutting the mature beans for threshing where the bean crop has not been destroyed; (iv) alfalfa or vetch hay and mixtures of oats or wheat with vetch or Austrian winter peas—the mechanical severance from the land of the crop for hay where the crop has not been destroyed; (v) Irish potatoes or sweet potatoes—digging the potatoes (by manual or mechanical means) where the crop has not been destroyed; (vi) red clover—the mechanical severance from the land of the crop for hay or seed where the crop has not been destroyed; (vii) sugar beets—lifting and topping the beets where the crop has not been destroyed or (viii) sugar cane—the cutting the cane (by manual or mechanical means) where the crop has not been destroyed.

(b) "Substitute crop," in lieu of section 21 (h) of the policy, means any crop planted, on acreage appraised by the Corporation to be put to another use, for harvest in the current crop year, other than an uninsured legume crop, except that soybeans, whether insured or uninsured, shall be considered a substitute crop.

(c) "Insurance unit," in lieu of section 21 (f) of the policy, means (i) all insurable acreage of all insured crops in the county in which one person at the time of planting has the entire interest in the crops, or (ii) all such insurable acreage in the county in

which two or more persons at the time of planting have the entire interest in the crops, excluding any other acreage of crops in the county in which such persons together do not have the entire interest in the crops. Any share in an insured rice crop paid or to be paid for irrigation water shall be considered for purposes of determining insurance units only, as a part of the share of the insured.

(d) "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except acreage in tame hay or rotation pasture during the previous crop year.

(e) "Pick" means with respect to dry edible beans, the defects consisting of splits, damaged beans, contrasting classes and foreign material included in net weight beans, and where used shall be expressed in terms of percent of net weight beans.

(f) "Time of planting" with respect to any acreage of alfalfa, common rye grass, red clover or sugar cane for harvest within the crop year, shall be considered to be the beginning of the insurance period for that crop year.

8. *Cancellation, termination for indebtedness and discount date.* (a) For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

State and county	Cancellation date	Termination date for indebtedness
Iowa:		
Delaware, Emmett, Howard, Humboldt and Ida Counties.	Dec. 31	Mar. 31.
All other Iowa counties.	Dec. 31	Apr. 30.
Minnesota, North Dakota, South Dakota, and Wisconsin.	Dec. 31	Mar. 3.
Tennessee:		
Weakley County	Dec. 31	Mar. 31.
All other Tennessee counties.	Mar. 15	Mar. 15.
All other States	Mar. 15	Mar. 15.

(b) For each crop year of the contract the discount date shall be the November 30 of the calendar year in which the insured crops are normally harvested.

(Sec. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply sec. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1509)

Adopted by the Board of Directors on August 18, 1958.

[SEAL] F. N. McCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 2, 1958.

MARVIN L. McLAIN,
Assistant Secretary.

[F. R. Doc. 58-7216; Filed, Sept. 5, 1958; 8:50 a. m.]

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

[Valencia Oranges Reg. 152]

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

LIMITATION OF HANDLING

§ 922.452 *Valencia Orange Regulation 152*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 4, 1958.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1958, and ending at 12:01 a. m., P. s. t., September 14, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 693,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 5, 1958.

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

[F. R. Doc. 58-7312; Filed, Sept. 5, 1958; 11:45 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.862 *Lemon Regulation 755*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with

the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 3, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1958, and ending at 12:01 a. m., P. s. t., September 14, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 4, 1958.

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

[F. R. Doc. 58-7281; Filed, Sept. 5, 1958; 8:58 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1959

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers 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 and ranchers.

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1105.876 Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

AUTHORITY: §§ 1105.800 to 1105.876 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1105.800 *Introduction.* (a) The United States Department of Agriculture offers every farmer and rancher in the Territory of Hawaii an opportunity to conserve and improve the productivity of their land through participation in the 1959 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1959 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.801 *General program principles.* The 1959 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

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

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1959 on the lands where they are to be applied.

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

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers 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 or ranchers would be compelled to perform in order to secure a crop.

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

(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 and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep 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 or ranch operator.

DEFINITIONS

§ 1105.802 *Definitions.* For the purposes of the 1959 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture 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 Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

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

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person, and (2) all additional farm, wood, or range land under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch

or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means land which the State Office determines (1) was tilled in at least 1 of the 5 calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the 5 calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "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.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.803 *Allocation of funds.* The amount of funds available for conservation practices under this program is $186,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.818.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.804 *Agencies participating in development of State program.* This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Board of Agriculture and Forestry, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.805 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1959. 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. 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.

§ 1105.806 *Selection of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher 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 or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.807 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the 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 or ranches 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 or ranches of the persons who performed the practices.

§ 1105.808 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1958 Agricultural Conservation Program, (b) performance was started but not completed during the 1958 program year, and (c) the State office believes the extension of the approval to the 1959 program is justified under the 1959 program regulations and provisions, the filing of the request for cost-sharing under the 1958 program may be regarded as meeting the requirement of the 1959 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.809 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period August 1, 1958, through December 31, 1959, the conservation practices, or components thereof included in this subpart which are approved for a farm or ranch, except that for practices performed during the period August 1, 1958, through December 31, 1958, for which specifications and requirements are identical with those for comparable practices under the 1958 Agricultural Conservation Program, cost-share rates shall be those prescribed for the 1958 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.841, 1105.842, 1105.844, 1105.853, 1105.854, 1105.856 to 1105.863, 1105.866 to 1105.872, 1105.875, and 1105.876 (practices 1, 2, 4, 13, 14, 16 to 23, 26 to 32, 35, and 36). 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. For the practice contained in § 1105.843 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.845 and 1105.852 (practices 5 and 12), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State Office and the Territorial Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The Territorial Conservationist of 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 Territorial forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.866 (practice 26).

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practices contained in §§ 1105.864 and 1105.865 (practices 24 and 25). This responsibility shall in-

clude (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.810 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.843, 1105.846 to 1105.848, 1105.864, 1105.866, and 1105.874 (practices 3, 6 to 8, 24, 26, and 34) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were 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 or ranch operator. The 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.

§ 1105.811 *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 §§ 1105.812 and 1105.813, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.812 *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 1959 program year, if the 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, except as provided in § 1105.813.

§ 1105.813 *Practices requiring more than one program year for completion.* Cost-shares approved under the 1959 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1959 program year, the practice may be considered for reapproval under the 1960 program.

§ 1105.814 *Initial establishment or installation of practices.* Under the initial establishment principle as it applies to the 1959 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for 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:

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

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

(c) The 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.

§ 1105.815 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

FEDERAL COST-SHARES

§ 1105.817 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other 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 State Office determines they contributed to the carrying out of the practices. In making this determination, the 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 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 1108 of this chapter).

§ 1105.818 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch 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.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 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

Amount of cost-share computed—Continued	Increase in cost-share
$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
$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 $60.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1105.819 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1959 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, 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 1959 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.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.821 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1959 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.

§ 1105.822 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice during the 1959 program year which tends to defeat the purposes of the 1959 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 1959 program.

§ 1105.823 *Depriving others of Federal cost-share.* If the 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 1959 program.

§ 1105.824 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1959 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 1959 program and shall refund all amounts that may have been paid to him under the 1959 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.

§ 1105.825 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion 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 § 1105.826, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13, Subtitle A, 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.

§ 1105.826 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1959 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 1959, 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).

§ 1105.827 *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 State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1959 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.

§ 1105.828 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1959 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.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.830 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, 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.

§ 1105.831 *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 State Office 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 week's notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector 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 or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may sub-

sequently apply for his share of the cost-share, provided he does so on or before December 31, 1960.

APPEALS

§ 1105.833 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the 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 or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.835 *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, 1959.

§ 1105.836 *Availability of funds.* (a) The provisions of the 1959 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 1959 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1960.

§ 1105.837 *Applicability.* (a) The provisions of the 1959 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) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands 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; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within approximately 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a 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; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.841 *Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed provided the structures are properly laid out and constructed in accordance with specifications contained in Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. This practice is applicable to average slopes, up to 12 percent for channel terraces, up to 25 percent for diversion ditches, and up to 50 percent for bench terraces. Necessary protective outlets must be provided.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.30 per cubic yard of earth moved in terrain permitting normal operation of tillage equipment.

(b) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.842 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmland. (See § 1105.841 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod (see § 1105.843 (practice 3)) or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) 50 percent of the cost of materials and labor in dynamiting rock.

§ 1105.843 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion and establishing a protective cover on slopes of field road fills and cuts.* This practice is applicable to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. It also applies to exposed slopes of field road fills and cuts installed and/or reshaped during the program year. Sod lining of waterways and cover on fills and cuts must be dense enough to prevent soil cutting before cost-sharing may be allowed. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Slopes of fills and cuts must not exceed natural angle of repose for the soil. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.847 (practice 7) and § 1105.848 (practice 8) on file in the State Office. Soil moving under this practice is eligible for cost-sharing only if it qualifies under § 1105.842 (practice 2).

Maximum Federal cost-share. (a) $3.50 per 1,000 square feet of surface established to cover by seeding, sodding, or sprigging.

(b) 50 percent of the cost at the farm of the minimum required application of approved liming materials and/or commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.844. *Practice 4: Constructing erosion control dams, pits, ponds, or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by checkers as evidence of accomplishment under paragraphs (d) and (f) of this section. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $20 per cubic yard of concrete used.

(c) $13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $3 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 75 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.50 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $3.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.845 *Practice 5: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across

the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches. Cultivation at other times for weed control or soil tilth must be on the contour.

Maximum Federal cost-share. $7.50 per acre.

§ 1105.846 *Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* This practice is applicable to all orchardland. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.847 (practice 7)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Recommended minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	25
(c) Field beans	20
(d) Vetch (hairy, common, purple)	25
(e) Clover (Hubam)	5
(Kaimi)	10
(f) Kudzu (tropical)	2
(g) Crotalaria juncea	20
(h) Cowpeas	30
(i) Trefoil (big)	2
(j) Alfalfa	10

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted.

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the cost of the minimum required application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.) (For lime application see § 1105.849 (practice 9).)

§ 1105.847 *Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* This practice is applicable to all orchardland. Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.846 (practice 6) for ratio specifications.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre actually planted.

(b) $7.50 per acre planted to sprigs, stools, or cuttings.

(c) 60 percent of the cost of the minimum required application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost are required.) (For lime applications see § 1105.849 (practice 9).)

§ 1105.848 *Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or grass-legume mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.849 (practice 9).

Maximum Federal cost-share. (a) 50 percent of the cost of seed in straight grass or legume seedings, but not in excess of $8 per acre, for seeding after land preparation.

(b) 50 percent of the cost of seed in mixed grass-legume seedings, but not in excess of $10 per acre seeded.

(c) $7.50 per acre planted to slips or stools.

(d) 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover, but not in excess of $12 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.849 *Practice 9: Initial treatment of cropland, orchardland, or pasture with liming material for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1959 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.814, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1955 or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the checker at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of liming material delivered to the farm on an island having locally produced lime available.

(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.850 *Practice 10: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, rotary-mowing, shredding, clipping, or hand grubbing.* Costs will be shared for each treatment, but not in excess of three treatments during the year, done according to accepted practices. Receipts or invoices showing purchase of poisons used or of labor employed in grubbing, clipping, shredding, or mowing will be required by checkers as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as described in University of Hawaii Extension Bulletin 62 and BAF Regulation NW–10 on noxious weeds, available at the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $3 per acre per treatment.

(c) 50 percent of the cost of rotary-mowing, shredding, or clipping, but not in excess of $2 per acre per each operation.

§ 1105.851 *Practice 11: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by checkers as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with crop residue material produced on the farm.

(c) 50 percent of the cost of acceptable organic material grown for the purpose on the farm, but not in excess of $50 per acre.

§ 1105.852 *Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.853 *Practice 13: Construction of permanent catchment areas for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.854 *Practice 14: Construction of permanent water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.* No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.855 *Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.856 *Practice 16: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management or make practicable the utilization of the land for vegetative cover. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by checkers as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding the dam and filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.857 *Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for 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. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding dams or filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.858 *Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.859 *Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing struc-

tures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of approved material used, other than concrete and rubble masonry, including soil sealing and including installation costs.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.860 *Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation water supply system to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.861 *Practice 21: Installation of a water distribution system, including portable sprinklers and gated pipes, in reorganizing farm irrigation to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of applying water to the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings used, but not in excess of $100 per acre of reorganized irrigation.

§ 1105.862 *Practice 22: Construction or enlargement of permanent open drainage systems or vertical drains to dispose of excess water on farmland under cultivation or on pastureland.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by checkers as evidence of construction work costs. No cost-sharing will be allowed for ditches, 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. Detailed specications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditchbanks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

(g) 50 percent of the cost of initial clearing of brush and/or trees from the minimum right-of-way.

§ 1105.863 *Practice 23: Installing underground drainage systems to dispose of excess water.* 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, tame hay, 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.

Maximum Federal cost-share. 50 percent of the cost of installing the system. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.864 *Practice 24: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.855 (practice 15) are employed. Acceptable plant species and spacing are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.865 *Practice 25: Improvement of a stand of forest trees on farmland.* Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. The practice must be carried out in accordance with technical forestry standards of the Forestry Division, Territorial Board of Agriculture and Forestry. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences. (See § 1105.-855 (practice 15).)

Maximum Federal cost-share. 50 percent of the cost of performance. (Receipts, invoices or other evidence of cost are required.)

§ 1105.866 *Practice 26: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.* Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.855 (practice 15) are employed. Acceptable plant species are those recommended by the Forestry Division of the Territorial Board of Agriculture and Forestry. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.867 *Practice 27: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings, but not in excess of $100 per acre. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.868 *Practice 28: Constructing wells or developing seeps or springs for*

livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.869 *Practice 29: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating 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. Detailed specifications are contained in Technical Standards on file in the State office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.870 *Practice 30: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cut of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land 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. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by checkers.

Maximum Federal cost-share. 50 percent of the cost of earth moving.

§ 1105.871 *Practice 31: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Technical Standards on file in the State Office. No cost will be shared for maintenance or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.872 *Practice 32: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Technical Standards on file in the State Office. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of effective contour operations.

Maximum Federal cost-share. (a) $5 per acre established in contour farming during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.873 *Practice 33: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective cross-slope stripcropping system.

Maximum Federal cost-share. (a) $5 per acre established in cross-slope stripcropping during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.874 *Practice 34: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.* Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted to grasses and legumes listed in §§ 1105.846 and 1105.847 (practices 6 and 7). (Receipts, invoices, or other evidence of cost are required.)

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the average cost at the farm of the minimum required application of approved commercial fertilizer, including nitrogen, and liming material (as determined by soil test) for establishment of the vegetative strips, but not in excess of $15 per acre of area treated. (Receipts, invoices, or other evidence of cost are required.)

§ 1105.875 *Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.* No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $5 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.876 *Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.* Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by checkers as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

Done at Washington, D. C., this 3d day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-7236; Filed, Sept. 5, 1958; 8:54 a. m.]

[Bulletin NSCP-2301]

PART 1106—NAVAL STORES CONSERVATION

SUBPART G—1959

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1959 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1955 season.

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AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

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AUTHORITY: §§ 1106.1001 to 1106.1035 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U. S. C. 590g–590q.

GENERAL PROVISIONS

§ 1106.1001 *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.1016, 1106.1017, and 1106.1019. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.1002 *Required performance—*(a) *Approved conservation practices.* Each participating producer shall, carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1959 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1959 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d. b. h. in any tract or drift cupped under the provisions of §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, or 1106.1015 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1959 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Practices under §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, 1106.1014, 1106.1015, 1106.1016, or 1106.1018 which require more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice: *Provided,* The producer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the Forest Service as affording reasonable opportunity to comply if cost-sharing is offered to him therefor under a subsequent program.

(2) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed within the time prescribed by the Forest Service: *Provided,* The producer is offered cost-sharing under a subsequent program for the completion of such components. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

(3) Cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1959 Program to faces which were installed and met the eligible face requirements during the 1955, 1956, 1957, or 1958 season. Such cost-shares may also be allowed in tracts or drifts: (a) Which had some undersized trees from which cups have been removed by the time of first elevation, and (b) for any new faces that may have been installed on eligible trees in 1959 in the second or third year's working to complete cupping of the tract or drift or to replace normal mortality. New faces installed in excess of that necessary to complete cupping or replace normal mortality will disqualify the tracts or drifts for cost-sharing under the practice initially established.

§ 1106.1003 *Double-headed nails requirement.* Use of double-headed nails is required in the elevation of all cups and tins installed for the first working in 1957, 1958, or 1959, or where costs have been previously shared for the initial use of double-headed nails on the faces in the tracts or drifts. Use of double-headed nails is optional with respect to elevation of tins on faces initially installed in the 1955 or 1956 season, and also with respect to the virgin installation of 1959 faces.

§ 1106.1004 *Fire protection.* Each producer shall during the 1959 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.1005 *Bark-bar requirement.* No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1959 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1959. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.1006 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (Area Forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(f) Submitting an application for payment of Federal cost-shares (Form NSCP–1) and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.1010 *Practice 1: Working only 9 inch d. b. h. or larger trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 9 inch d. b. h. or larger trees; 2 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; ½ cent per face.* If a relatively minor number of faces have been installed contrary to the requirement for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such faces shall be removed within 30 days after notice to the producer, or within such longer period of time as is approved by the Forest Service in any case where the producer for some reason beyond his control is unable to remove such cups and tins within 30 days.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where practice 1106.1016 is used.

§ 1106.1011 *Practice 2: Working only 10 inch d. b. h. or larger trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 10 inch d. b. h. or larger trees; 4 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1012 *Practice 3: Working only 11 inch d. b. h. or larger trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 11 inch d. b. h. or larger trees; 6 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2) or § 1106.1011 (c) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.1010, or 1 cent per face for faces qualified for § 1106.1011 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1013 *Practice 4: Working only 12 inch d. b. h. or larger trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 d. b. h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d. b. h. and only one face on trees less than 14 inches d. b. h., except as provided in § 1106.1002 (c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 12 inch d. b. h. or larger trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2), § 1106.1011 (c) (2), or § 1106.1012 (c) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.1010, 3½ cents per face for faces qualified for § 1106.1011, or 2½ cents per face for faces qualified for § 1106.1912 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1014 *Practice 5: Restricting turpentining to previously worked trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of faces on previously worked trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1010 (c) (2), 1106.1011 (c) (2), 1106.1012 (c) (2), or § 1106.1013 (c) (2) and there may be withheld or required to be refunded the difference between the cost-shares previously paid and the amount that the subsequently determined practice would have earned in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1015 *Practice 6: Working only selectively marked trees*—(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d. b. h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided*, That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of selectively marked trees; 8 cents per face.* If faces

have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.1010, 1106.1011, 1106.1012, or § 1106.1013.

(2) *Working of faces for second, third, fourth, or fifth year; 4 cents per face.* New faces may be installed only in the second year of working, subject to all conditions of eligibility of paragraph (b) of this section. New faces installed on round trees in these tracts or drifts after the second year of working will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees after the second year of working, the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1010 (c) (2). There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1955, 1956, 1957, or 1958.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1016 is used.

§ 1106.1016 *Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails*—(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are ininitially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.1010, 1106.1011, 1106.1012, 1106.-1013, 1106.1014, 1106.1015, and 1106.1018 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1959 season or faces upon which the cups and tins are elevated for the first time during the 1959 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for the virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.1017 *Practice 8: Removal of cups and tins from faces on small trees*—(a) *Purpose.* To encourage producers who have not participated in the 1957 or 1958 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice. This* practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1959 on trees under 9 inches d. b. h. and all but one face on trees between 9 and 14 inches d. b. h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.1010. Only producers who did not participate in the 1957 or 1958 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Removal of cups and tins on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. having more than one face; 8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.1010.

§ 1106.1018 *Practice 9: Pilot plant tests of new methods and equipment*—(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces on trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.1010.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.1011, 1106.1012, 1106.1013, 1106.1014, and 1106.-1015.

§ 1106.1019 *Practice 10; Hardware removal*—(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces worked out in 1958 or 1959 and from which hardware is removed by December 31, 1959.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1106.1020 *Increase in small Federal cost-shares.* The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program, and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70

Amount of cost-shares computed—Continued	Increase in cost-shares
$48.00 to $48.99	$12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1106.1021 *Maintenance of practices.* The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.1010, 1106.1011, 1106.1012, 1106.1013, 1106.1014, 1106.1015, or 1106.1022. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

§ 1106.1022 *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current nonworking areas) on which costs have been or would be shared under this or the 1955, 1956, 1957, or 1958 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1955, 1956, 1957, 1958, or 1959 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d. b. h.—6 trees, 8 inches d. b. h.—9 trees, or 7 inches d. b. h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1962.

(b) Raising cups and tins without double-headed nails on faces where double-headed nails are required. There may be withheld or required to be refunded all or any part of cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces in the fourth or fifth year will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 30 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1954 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1954 in the tracts or drifts in which such installation occurs.

§ 1106.1023 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion 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 § 1106.1024 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 13, Subtitle A, 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.

§ 1106.1024 *Assignments.* Any producer who may be entitled to any Federal cost-share under the 1959 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 1959, including the carrying out of soil and water conserving 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) witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.1025 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1106.1026 *Maximum Federal cost-shares limitation.* The total of all cost-shares under the 1959 Naval Stores Conservation and the 1959 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, 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.

§ 1106.1027 *Evasion.* All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this 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 which was designed to evade, or which has the effect of evading, the provisions of § 1106.1026.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.1028 *Persons eligible to file application for payment of Federal cost-shares.* An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1959 turpentine season, which were installed during or after the 1955 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor 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 Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.1029 *Time and manner of filing applications and required information.* Payment of Federal cost-shares will be made only when a report of performance

is submitted to the Forest Service on or before January 31, 1960, on the prescribed form (NSCP–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.1030 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.1031 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inch and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(u) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.1032 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1959.

§ 1106.1033 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for 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 and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1960.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.1034 *Applicability.* (a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administrated by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.1035 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 3d day of September 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-7237; Filed, Sept. 5, 1958; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdts. 40-12, 41-18, 42-15]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

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

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

In F. R. Docs. 58-7069, 58-7070, and 58-7071, appearing in the issue for Saturday, August 30, 1958, the following change should be made:

The word "psychological" should read "physiological"—appearing on page 6746 in § 40.203-T (e) (3); appearing on page 6747 in § 41.24a-T (e) (3); appearing on page 6749 in § 42.27-T (e) (3).

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 58-7235; Filed, Sept. 5, 1958; 8:53 a. m.]

[Civil Air Regs. Amdt. 41-18]

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

SUPPLEMENTAL OXYGEN REQUIREMENTS FOR SUSTENANCE AND FIRST-AID

Correction

In Federal Register Document 58-7070, published at page 6746 in the issue for Saturday, August 30, 1958, the date in the second line of paragraph (b) of § 41.24b, now reading "July 31, 1958", should read "July 31, 1959".

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 36]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.12 *Green civil airway 2* is amended to read in part:

From Red Wing INT, Minn.; to LaCrosse, Wis., LFR; MEA 2,800.

Section 610.13 *Green civil airway 3* is amended to read in part:

From Des Moines, Iowa, LFR; to Moline, Ill., LFR; MEA 2,200.
From Moline, Ill., LFR; to Walnut INT, Ill.; MEA 2,300.
From Walnut INT, Ill.; to Joliet, Ill., LFR; MEA 2,100.
From Joliet, Ill., LFR; to Lansing INT, Ind.; MEA 2,300.
From Lansing INT, Ind.; to McCool INT, Ind.; MEA 2,000.

Section 610.212 *Red civil airway 12* is amended to delete:

From Joliet, Ill., LFR; to Int. NE crs Joliet, Ill., LFR & W crs South Bend, LFR; MEA 2,000.
From Int. NE crs Joliet, Ill., LFR & W crs South Bend, LFR; to South Bend, Ind., LFR; MEA 2,100.

Section 610.212 *Red civil airway 12* is amended by adding:

From Downers Grove INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.
From Chicago, Ill., LFR; to South Bend, Ind., LFR; MEA 2,200.

Section 610.214 *Red civil airway 14* is amended to delete:

From Lone Rock INT, Wis.; to Avon INT, Wis.; MEA 2,700.
From Avon INT, Wis.; to Rockford, Ill., LFR; MEA 2,300.
From Rockford, Ill., LFR; to Aurora INT, Ill.; MEA 2,100.
From Aurora INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.

Section 610.214 *Red civil airway 14* is amended by adding:

From Sullivan INT, Wis.; to Burlington INT, Wis.; MEA 2,400.
From Burlington INT, Wis.; to Chicago, Ill., LFR; MEA 2,500.

Section 610.228 *Red civil airway 28* is amended to delete:

From Rockford, Ill., LFR; to Wauconda INT, Ill.; MEA 2,500.
From Wauconda INT., Ill.; to Chicago, Ill., LFR; MEA 2,500.

Section 610.242 *Red civil airway 42* is deleted.

Section 610.249 *Red civil airway 49* is amended to delete:

From Ft. Bridger, Wyo., LFR; to Kemmerer INT, Wyo.; MEA 10,000.

Section 610.254 *Red civil airway 54* is deleted.

Section 610.298 *Red civil airway 98* is deleted.

Section 610.308 *Red civil airway 108* is amended to delete:

From Promontory Pt., Utah, LF/RBN; to Corinne, Utah, LF/RBN; MEA 11,000.

Section 610.605 *Blue civil airway 5* is amended to delete:

From Houston, Tex., LFR; to Bryan, Tex., LFR; MEA 1,800.
From Bryan, Tex., LFR; to Waco, Tex., LFR; MEA 2,000.

Section 610.606 *Blue civil airway 6* is amended to delete:

From Abilene, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,000.
From Wichita Falls, Tex., LFR; to Washington INT, Okla.; MEA 2,700.

Section 610.609 *Blue civil airway 9* is amended to delete:

From Springfield, Mo., LFR; to Columbia, Mo., LFR; MEA 2,300.

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

From Texarkana, Ark., LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,800.

Section 610.614 *Blue civil airway 14* is amended to read in part:

From *Riverside, Calif., LFR; to Fontana INT, Calif.; northbound, MEA 12,000; southbound, MEA 5,000. *10,000—MCA Riverside LFR, northbound.

Section 610.621 *Blue civil airway 21* is amended to read in part:

From Ellicott City INT, Md.; to Harrisburg, Pa., LFR; MEA 2,500.

Section 610.631 *Blue civil airway 31* is amended to delete:

From Avon INT, Ill.; to Madison, Ill., LFR; MEA 2,400.

Section 610.652 *Blue civil airway 52* is added to read:

From Tamiami, Fla., LF/RBN; to New River INT, Fla.; MEA 1,100.
From New River INT, Fla.; to W. Palm Beach, Fla., LFR; MEA 1,200.

Section 610.657 *Blue civil airway 57* is deleted.

Section 610.667 *Blue civil airway 67* is amended to read in part:

From Needles, Calif., LFR; to Las Vegas, Nev., LFR; MEA 8,000.

Section 610.669 *Blue civil airway 69* is deleted.

Section 610.678 *Blue civil airway 78* is deleted.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Augusta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,000.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Leona, Tex., VOR; to New Waverly, INT, Tex.; MEA *2,800. *1,500—MOCA.
From Beaumont, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,400.
From Danville, Va., LF/RBN; to Greensboro, N. C., LFR; MEA 2,300.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Quitman, Tex., VOR; to Int. 101 M. Quitman VOR & 058 M. rads. Gregg Co., VOR; MEA *2,200. *1,700—MOCA.
From Houston, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,700.
From Galveston, Tex., LF/RBN; to NH2; MEA *1,700. *For that airspace over U. S. territory.
From Egmont Key, Fla., LF/RBN; to Grand Isle, La., LF/RBN; MEA 1,200.

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

From *Lake City INT, Minn.; to Nodine, Minn., VOR; MEA 2,800. *3,000—MRA.
From Dodge INT, Wis., via N alter.; to Nodine, Minn., VOR via N alter.; MEA 2,800.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Hopkins INT, Fla.; to *Maytown INT, Fla.; MEA **2,000. *1,700—MRA. **1,300—MOCA.

From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,400. *1,200—MOCA.
From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *3,500—MRA.
From St. Marys INT, Ga.; to Brunswick, Ga., VOR; MEA 1,200.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From *Nunn INT, Colo., via N alter.; to Gill INT, Colo., via N alter.; MEA **13,000. *12,500—MRA. **7,500—MOCA. (Deletes MRA at Gill INT.)

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

From North Platte, Nebr., VOR; to Loup INT, Nebr.; MEA *4,800. *4,100—MOCA.
From Loup INT, Nebr.; to Grand Island, Nebr., VOR; MEA 3,500.
From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Phillipsburg, Pa., VOR; MEA 4,000.

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

From Terre Haute, Ind., VOR; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR via W alter.; to Westpoint, Ind., VOR via W alter.; MEA 2,000.
From Birmingham, Ala., VOR via E alter.; to Hartselle INT, Ala., via E alter.; MEA 2,300.
From Hartselle INT, Ala., via E alter.; to *Tanner INT, Ala., via E alter.; MEA **3,500. *3,500—MRA. **2,000—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.
From Lexington INT, Nebr.; to Grand Island, Nebr., VOR; MEA *7,000. *3,600—MOCA.
From Mansfield, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6009 *VOR civil airway 9* is amended to read in part:

From New Orleans, La., VOR; to McComb, Miss., VOR; MEA 1,700.
From New Orleans, La., VOR via W alter.; to Albany INT, La., via W alter.; MEA 1,400.
From Albany INT, La., via W alter.; to McComb, Miss., VOR via W alter.; MEA 1,700.
From New Orleans, La., VOR via E alter.; to Picayune, Miss., VOR via E alter.; MEA *1,400. *1,300—MOCA.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Phillipsburg, Pa., VOR; MEA 4,000.

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

From Prescott, Ariz., VOR via S alter.; to Cornville INT, Ariz., via S alter.; MEA *12,500. *10,000—MOCA.
From Cornville INT, Ariz., via S alter.; to Winslow, Ariz., VOR via S alter.; MEA *12,000. *11,000—MOCA.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR; to Humble INT, Tex.; MEA 1,500.
From Humble INT, Tex.; to Lufkin, Tex., VOR; MEA *2,500. *1,500—MOCA.
From Houston, Tex., VOR via W alter.; to Gulf Coast INT, Tex., via W alter.; MEA *2,300. *1,800—MOCA.
From Gulf Coast INT, Tex., via W alter.; to New Waverly, INT, Tex., via W alter.; MEA *3,300. *1,500—MOCA.
From New Waverly INT, Tex., via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,800. *1,500—MOCA.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From *Falls INT, Okla.; to Kellyville INT, Okla.; MEA 3,000. *3,700—MRA.
From Kellyville INT, Okla.; to Tulsa, Okla., VOR; MEA *3,000. *2,500—MOCA.
From Prague INT, Okla., via S alter.; to *Sapulpa INT, Okla., via S alter.; MEA **4,000. *3,000—MRA. **2,000—MOCA.

Section 610.6014 *VOR civil airway 14* is amended by adding:

From Hobart, Okla., VOR via S alter.; to Chickasha INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,100—MOCA.
From Chickasha INT, Okla., via S alter.; to Oklahoma City, Okla., VOR via S alter.; MEA *2,800. *2,500—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Houston, Tex., VOR; to Cypress INT, Tex.; MEA 1,800.
From Cypress INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

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

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Monroe, La., VOR; to *Rayville INT, La.; MEA **2,000. *3,000—MRA. **1,700—MOCA.
From Rayville INT, La.; to *Oak Ridge INT, Miss.; MEA **2,000. *4,000—MRA. **1,700—MOCA.
From Oak Ridge INT, Miss.; to Jackson, Miss., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Lafayette, La., VOR; to New Orleans, La., VOR; MEA 1,500.
From New Orleans, La., VOR; to Gulfport, Miss., VOR; MEA *1,500. *1,400—MOCA.
From Lafayette, La., VOR via S alter.; to *Raceland INT, La., via S alter.; MEA **4,700. *4,700—MRA. **1,500—MOCA.
From Raceland INT, La., via S alter.; to New Orleans, La., VOR via S alter.; MEA 1,400.
From New Orleans, La., VOR via N alter.; to Picayune, Miss., VOR via N alter.; MEA *1,400. *1,300—MOCA.
From Mobile, Ala., VOR via N alter.; to *Citronelle INT, Ala., via N alter.; MEA 1,500. *2,500—MRA.
From Citronelle INT, Ala., via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,500. *1,500—MOCA.

Section 610.6622 *VOR civil airway 22* is amended to read in part:

From *Calvary INT, Ga., via N alter.; to **Reno INT, Ga., via N alter.; MEA ***5,000. *2,500—MRA. **2,500—MRA. ***1,500—MOCA.

Section 610.6022 *VOR civil airway 22* is amended to delete:

From St. Rose, La., LF/RBN; to Cat INT, Ala.; MEA *3,000. *2,000—MOCA.
From Cat INT, Ala.; to Brookley, Ala., TVOR; MEA *3,000. *1,600—MOCA.

Section 610.6022 *VOR civil airway 22* is amended by adding:

From New Orleans, La., VOR; to Cat INT, La.; MEA *3,000. *2,000—MOCA.
From Cat INT, La., to Brookley AFB, Ala., TVOR; MEA *3,000. *1,600—MOCA.

Section 610.6023 *VOR civil airway 23* is amended to read in part:

From Rancho INT, Calif., via E alter.; to *Oceanside, Calif., VOR via E alter.; MEA 3,000. *2,500—MCA Oceanside VOR, northwestbound.
From *Bakersfield, Calif., VOR via E alter.; to Fresno, Calif., VOR, MEA 3,000; via E alter., MEA 3,500. *7,000—MCA Bakersfield VOR, southbound.

Section 610.6025 *VOR civil airway 25* is amended to read in part:

From Paso Robles, Calif., VOR to *Agnew, Calif., VOR; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Campbell INT, Calif.; to Agnew, Calif., VOR, northwestbound only; MEA 4,000.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Cherokee, Wyo., VOR; to Alcova, INT, Wyo.; MEA 12,000.
From Alcova INT, Wyo.; to Casper, Wyo., VOR; MEA 11,000.

Section 610.6027 *VOR civil airway 27* is amended to read in part:

From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Waterville, Ohio, VOR; to Wellington, Ohio, VAR; MEA 2,000.
From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.
From Clarion, Pa., VOR; to Phillipsburg, Pa., VOR; MEA 4,000.

Section 610.6035 *VOR civil airway 35* is amended by adding:

From Tampa, Fla., VOR via W alter.; to *Crystal INT, Fla., via W alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla., via W alter.; to *Shrimp INT, Fla., via W alter.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA *6,000. *1,200—MOCA.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Tallahassee, Fla., VOR via E alter.; to *Reno INT, Ga., via E alter.; MEA **2,000. *2,500—MRA. **1,500—MOCA.
From *Calvery INT, Ga.; to **Camilla INT, Ga.; MEA 2,000. *2,500—MRA. **2,200—MRA.
From Camilla INT, Ga.; to Albany, Ga., VOR; MEA 2,000.
From *Reno INT, Ga., via E alter.; to **Pelham INT, Ga., via E alter.; MEA. ***2,000. *5,000—MRA. **2,700—MRA. ***1,500—MOCA.
From Pelham INT, Ga., via E alter.; to *Hartsfield INT, Ga., via E alter.; MEA **2,000. *2,000—MRA. **1,500—MOCA.
From Hartsfield INT, Ga., via E alter.; to *Sale INT, Ga., via E alter.; MEA 1,700. *3,000—MRA.
From Sale INT, Ga., via E alter.; to Albany, Ga., VOR, via E alter.; MEA 1,700.

Section 610.6040 *VOR civil airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.

From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Hopkins INT, Fla.; to *Maytown INT, Fla.; MEA **2,000. *1,700—MRA. **1,300—MOCA.
From Maytown INT, Fla.; to Oakhill INT, Fla.; MEA *1,400. *1,200—MOCA.
From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.

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

From Indianapolis, Ind., VOR; to Linden, INT, Ind.; MEA 2,100.
From Linden INT, Ind.; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.

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

From Muscle Shoals, Ala., VOR; to *Tanner INT, Ala.; MEA 2,200. *3,500—MRA.
From Huntsville, Ala., VOR; to Princeton INT, Ala.; MEA 3,000.
From Princeton INT, Ala.; to Chattanooga, Tenn., VOR; MEA 4,000.

Section 610.6058 *VOR civil airway 58* is amended to delete:

From Bergholz INT, Pa.; to Elwood City, Pa., VOR; MEA 2,500.

Section 610.6064 *VOR civil airway 64* is amended to read in part:

From Thermal, Calif., VOR; to Chuckwalla INT, Calif.; MEA 7,000.
From Chuckwalla INT, Calif.; to Blythe, Calif., VOR westbound, MEA 7,000; eastbound, MEA 6,000.

Section 610.6067 *VOR civil airway 67* is amended to read in part:

From Cedar Rapids, Iowa, VOR; to *Vinton INT, Iowa; MEA 2,500. *3,200—MRA.
From Vinton INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,500.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From *Floresville INT, Tex.; to Clareville INT, Tex.; MEA **2,200. *3,000—MRA. **2,000—MOCA.

Section 610.6070 *VOR civil airway 70* is amended to read in part:

From Creole INT, La.; to *Albany INT, La.; MEA 1,400. *1,500—MRA.
From Albany INT, La.; to Hammond INT, La.; MEA 1,400.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Vandalia, Ill., VOR; to *Arcola INT, Ind.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Arcola INT, Ind.; to State Line INT, Ind.; MEA *3,000. *2,200—MOCA.
From State Line INT, Ind.; to Westpoint, Ind., VOR; MEA 2,000.
From Westpoint, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.

Section 610.6072 *VOR civil airway 72* is amended to delete:

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Kokomo INT, Ind.; MEA 2,200.

Section 610.6074 *VOR civil airway 74* is amended to delete:

From Ponca City, Okla., VOR via S alter.; to Shell Lake INT, Okla., via S alter.; MEA *3,000. *2,400—MOCA.
From Shell Lake INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA 3,100.
From Tulsa, Okla., VOR via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA 2,700.

Section 610.6074 *VOR civil airway 74* is amended by adding:

From Ponca City, Okla., VOR via S alter.; to *Sapulpa INT, Okla., via S alter.; MEA **3,000. *3,000—MRA. **2,400—MOCA.
From Sapulpa INT, Okla., via S alter.; to Okmulgee, Okla., VOR via S alter.; MEA *3,000. *2,400—MOCA.

Section 610.6075 *VOR civil airway 75* is amended to read in part:

From Wheeling, W. Va., VOR; to Kilgore INT, Ohio; MEA 3,000.
From Kilgore INT, Ohio; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From *Hudson INT, Colo., via E alter.; to Gill INT, Colo., via E alter.; MEA 7,500. *9,000—MRA. (Deletes MRA at Gill INT.)

Section 610.6091 *VOR civil airway 91* is amended to delete:

From Albany, N. Y., VOR; to *Keesville INT, N. Y.; MEA 6,000. *4,000—MCA Keesville INT, southbound.
From Keesville INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 3,000.

Section 610.6091 *VOR civil airway 91* is amended by adding:

From Albany, N. Y., VOR; to Benson, Vt., VOR; MEA 4,500.
From Benson, Vt., VOR; to Burlington, Vt., VOR; MEA 4,000.
From Burlington, Vt., VOR; to Plattsburg, N. Y., VOR; MEA 2,000.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Millersburg INT, Ind.; to Edgerton INT, Ohio; MEA *3,000. *2,300—MOCA.
From Edgerton INT, Ohio; to Pulaski INT, Ohio; MEA *3,000. *2,100—MOCA.
From Pulaski INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Mansfield, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.
From Kilgore INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From *Carlsbad, N. Mex., VOR; to **Potash INT, N. Mex.; MEA 5,300. *8,100—MCA Carlsbad VOR, southwestbound. **6,000—MRA.
From Potash INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 5,300.

Section 610.6096 *VOR civil airway 96* is amended to delete:

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

Section 610.6096 *VOR civil airway 96* is amended by adding:

From Greentown INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

Section 610.6097 *VOR civil airway 97* is amended by adding:

From Tampa, Fla., VOR via E alter.; to *Crystal INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla., via E alter.; to *Shrimp INT, Fla., via E alter.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla., via E alter.; to Scallop INT, Fla., via E alter.; MEA *4,000. *1,000—MOCA.
From Scallop INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA *1,500. *1,300—MOCA.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Shelbyville, Ind., VOR; to Stockwell INT, Ind.; MEA 2,900.
From Stockwell INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.
From Indianapolis, Ind., VOR via W alter.; to Lebanon INT, Ind., via W alter.; MEA 2,300.
From Labanon INT, Ind., via W alter.; to Stockwell INT, Ind., via W alter.; MEA 2,900.
From Stockwell INT, Ind., via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,300.
From Nodine, Minn., VOR; to *Lake City INT, Minn.; MEA 2,800. *3,000—MRA.
From *Calvery INT, Fla.; to **Camilla INT, Ga.; MEA 2,000. *2,500—MRA. **3,500—MRA.
From Camilla INT, Ga.; to Albany, Ga., VOR; MEA 2,000.
From Knoxville, Tenn., VOR; to Norris INT, Tenn.; MEA 3,000.
From Norris INT, Tenn.; to London, Ky., VOR; MEA 5,000.
From London, Ky., VOR; to Richmond INT, Ky.; MEA 3,500.
From Richmond INT, Ky.; to Lexington, Ky., VOR; MEA 3,000.

Section 610.6103 *VOR civil airway 103* is amended to read in part:

From Elkins, W. Va., VOR; to Clarksburg, W. Va., VOR; MEA 5,000.
From Clarksburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Kilgore INT, Ohio; MEA 3,000.
From Kilgore INT, Ohio; to Navarre, Ohio, VOR; MEA 2,500.
From Navarre, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

Section 610.6106 *VOR civil airway 106* is amended to read in part:

From *Clara INT, W. Va.; to Clarksburg, W. Va., VOR; MEA 4,000. *4,000—MRA.
From Clarksburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 4,000.

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

From *Panoche, Calif., VOR; to Mt. Hamilton INT, Calif.; MEA 7,000. *5,500—MCA Panoche VOR, southbound.
From Mt. Hamilton INT, Calif.; to Mt. Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.
From Mt. Day INT, Calif.; to Mission INT, Calif.; southbound, MEA 7,000; northbound, MEA 5,000.
From Mission INT, Calif.; to *Oakland, Calif., VOR; southbound, MEA 7,000; northbound, MEA 3,500. *2,500—MCA Oakland VOR, southeastbound.

Section 610.6114 *VOR civil airway 114* is amended to read in part:

From Baton Rouge, La., VOR; to *French Settlement INT, La.; MEA 2,000. *2,500—MRA.

From French Settlement INT, La.; to New Orleans, La., VOR; MEA 2,000.

Section 610.6114 *VOR civil airway 114* is amended by adding;

From Alexandria, La., VOR via N alter.; to *Woodville INT, La., via N alter.; MEA **3,000. *5,500—MRA. **1,700—MOCA.

From Woodville INT, La., via N alter.; to *Clinton INT, La., via N alter.; MEA **6,000. **1,300—MOCA.

*6,000—MRA. **1,300—MOCA.

From Clinton INT, La., via N alter.; to Albany INT, La., via N alter.; MEA *2,000. *1,400—MOCA.

From Albany INT, La., via N alter.; to New Orleans, La., VOR via N alter.; MEA 1,400.

Section 610.6119 *VOR civil airway 119* is amended to read in part:

From Imperial, Pa., VOR; to Clarion, Pa., VOR; MEA 3,500.

From Clarion, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6123 *VOR civil airway 123* is amended to read in part:

From Baltimore, Md., LFR; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6126 *VOR civil airway 126* is amended to read in part:

From Millersburg INT, Ind.; to Edgerton INT, Ohio; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio; to Pulaski INT, Ohio; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

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

From Peotone, Ill., VOR; to Westpoint, Ind., VOR; MEA 2,000.

From Westpoint, Ind., VOR; to Linden INT, Ind.; MEA 2,000.

From Linden INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,100.

Section 610.6135 *VOR civil airway 135* is amended to read in part:

From Needles, Calif., VOR; to Bullhead INT, Nev.; southbound, MEA 6,000; northbound, MEA 8,000.

From Bullhead INT, Nev., to Las Vegas, Nev., VOR; MEA 8,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Baltimore, Md., VOR; to Port Deposit INT, Md.; MEA 3,000.

Section 610.6141 *VOR civil airway 141* is amended to delete:

From Lebanon, N. H., LF/RBN; to Plattsburg, N. Y., VOR; MEA 6,000.

Section 610.6141 *VOR civil airway 141* is amended by adding:

From Lebanon, N. H., LF/RBN; to Burlington, Vt., VOR; MEA 6,000.

From Burlington, Vt., VOR; to West Bangor INT, N. Y.; MEA 6,000.

From West Bangor INT, N. Y.; to Massena, N. Y., VOR; MEA 2,500.

Section 610.6146 *VOR civil airway 146* is amended to read in part:

From Poughkeepsie, N. Y., VOR; to Bradley INT, Conn.; MEA 3,000.

From Bradley INT, Conn.; to Putnam, Conn., VOR; MEA 2,500.

From Putnam, Conn., VOR; to Providence, R. I., VOR; MEA 2,000.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Meridian, Miss., VOR; to *York INT, Ala.; MEA 2,000. *2,500—MRA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From *Quitman INT, Ga., via W alter.; to **Cotton INT, Ga., via W alter.; MEA ***3,000. 5,000 — MRA. **3,300 — MRA. ***1,500—MOCA.

From Cotton INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **3,000. *2,000—MRA. **1,500—MOCA.

From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA 1,700. *3,000—MRA.

From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,700.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Des Moines, Iowa, VOR; to *Mitchellville INT, Iowa; MEA 2,700. *5,000—MRA.

From Mitchellville INT, Iowa; to Newton, Iowa, VOR; MEA 2,700.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Spring Branch INT, Tex.; to *Johnson City INT, Tex.; MEA **3,000. *3,000—MRA. **2,800—MOCA.

From Johnson City INT, Tex.; to *Kingsland INT, Tex.; MEA **5,000. *3,100—MRA. **2,700—MOCA.

Section 610.6165 *VOR civil airway 165* is amended to read in part:

From *Palmdale, Calif., VOR; to White Oaks INT, Calif.; MEA 10,000. *8,000—MCA Palmdale VOR, northwestbound; *9,000—MCA Palmdale VOR, Southbound.

From White Oaks INT, Calif.; to *Whitman INT, Calif.; MEA 9,000. *9,000—MCA Whitman INT, southeastbound.

From Whitman INT, Calif.; to *Bakersfield, Calif., VOR; northwestbound, MEA 6,000; southeastbound, MEA 9,000. *7,000—MCA Bakersfield VOR, southbound.

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

From Charlotte, N. C., VOR; to Goldston INT, N. C.; MEA *3,500. *2,000—MOCA.

From Baton Rouge, La., VOR; to *Clinton INT, La.; MEA 1,600. *6,000—MRA.

From Clinton INT, La.; to McComb, Miss., VOR; MEA 1,600.

Section 610.6196 *VOR civil airway 196* is added to read:

From Tupper Lake INT, N. Y.; to Plattsburg, N. Y., VOR; MEA 6,000.

Section 610.6197 *VOR civil airway 197* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Cucharas INT, Colo.; MEA 12,000. *13,500—MRA.

From Cucharas INT, Colo., to Pueblo, Colo., VOR; northbound, MEA 8,000; southbound, MEA 12,000.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From San Antonio, Tex., VOR; to *Weimer INT, Tex.; MEA 2,500. *3,000—MRA.

From Weimer INT, Tex.; to Eagle Lake, Tex., VOR; MEA 2,500.

Section 610.6207 *VOR civil airway 207* is amended to read in part:

From *Hudson INT, Colo.; to Gill INT, Colo.; MEA 7,500. *9,000—MRA. (Deletes MRA at Gill INT.)

Section 610.6209 *VOR civil airway 209* is amended to read in part:

From Mobile, Ala., VOR; to *Citronelle INT, Ala.; MEA 1,500. *2,500—MRA.

From Citronelle INT, Ala.; to *York INT, Ala.; MEA **4,700. *2,500—MRA. **1,600—MOCA.

From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *2,500. *1,600—MOCA.

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

From Alamosa, Colo., VOR via S alter.; to *Walsenburg INT, Colo., via S alter.; MEA 13,000. *13,000—MRA.

From Walsenburg INT, Colo., via S alter.; to *Pueblo, Colo., VOR via S alter.; northeastbound, MEA 8,000; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 610.6220 *VOR civil airway 220* is amended to read in part:

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From *Woodside INT, La.; to **Woodville INT, La.; MEA ***5,500. *4,600—MRA. **5,500—MRA. ***1,800—MOCA.

From Woodville INT, La.; to McComb, Miss., VOR; MEA *5,000. *1,800—MOCA.

Section 610.6240 *VOR civil airway 240* is amended to read:

From New Orleans, La., VOR; to *Harbor INT, Miss.; MEA **2,000. *5,000—MRA. **1,600—MOCA.

From Harbor INT, Miss.; to Dog INT, Ala.; MEA *5,000. *1,100—MOCA.

From Dog INT, Ala.; to Mobile, Ala., VOR; MEA *1,500. *1,400—MOCA.

Section 610.6250 *VOR civil airway 250* is amended to delete:

From Ellwood City, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.

Section 610.6250 *VOR civil airway 250* is amended by adding:

From Ellwood City, Pa., VOR; to Clarion, Pa., VOR; MEA 3,500.

Section 610.6263 *VOR civil airway 263* is amended to read in part:

From Hugo, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000.

Section 610.6264 *VOR civil airway 264* is amended to read in part:

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6276 *VOR civil airway 276* is amended by adding:

From Navarre, Ohio, VOR; to Ellwood City, Pa., VOR; MEA 2,800.

Section 610.6278 *VOR civil airway 278* is amended to read in part:

From *Waterloo INT, Ark.; to **Hampton INT, Ark.; MEA ***4,500. *4,000—MRA. **4,500—MRA. ***1,400—MOCA.

Section 610.6283 *VOR civil airway 283* is amended to read:

From *Redmond, Oreg., VOR; to **Molalla INT, Oreg.; MEA 12,500. *10,000—MCA Redmond VOR, northwestbound. **9,500—MCA Molalla INT, southeastbound.

From Molalla INT, Oreg.; to Newberg, Oreg., VOR; MEA 4,000.

Section 610.6292 *VOR civil airway 292* is added to read:

From Hartford, Conn., VOR; to Putnam, Conn., VOR; MEA 2,000.

From Putnam, Conn., VOR; to Framingham INT Mass.; MEA 2,000.

Section 610.6402 *Hawaii VOR civil airway 2* is amended to read in part:

From Seaweed INT, T. H.; to *Coconut INT, T. H.; MEA 4,000. *4,000—MCA Coconut INT, northwestbound.

Section 610.6404 *Hawaii VOR civil airway 4* is amended to read in part:

From *South Port Allen, INT, T. H.; to Hula Girl INT, T. H.; northeastbound, MEA 4,000; southwestbound, MEA 8,000. *8,000—MRA.

Section 610.6406 *Hawaii VOR civil airway 6* is amended to read in part:

From Marlin INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.

Section 610.6409 *Hawaii VOR civil airway 9* is amended to read in part:

From *South Honolulu, INT, T. H.; to Coral INT, T. H.; northbound, MEA 2,000; southbound, MEA 9,000. *9,000—MRA.

Section 610.6412 *Hawaii VOR civil airway 12* is amended to read in part:

From *Swordfish INT, T. H.; to Orchid INT, T. H.; eastbound, MEA 4,000; westbound, MEA 7,000. *7,000—MRA.

Section 610.6427 *VOR civil airway 427* is added to read:

From Newcomerstown, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,600.

Section 610.6604 *VOR civil airway 1504* is amended to read in part:

From Cleveland, Ohio, VOR; to Navarre, Ohio, VOR; MEA 2,500.

From Navarre, Ohio, VOR; to Kilgore INT, Ohio; MEA 2,500.

From Kilgore INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

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

From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *7,000. *4,800—MOCA.

From Lexington INT, Nebr.; to Grand Island, Nebr., VOR; MEA *7,000. *3,600—MOCA.

From Millersburg INT, Ind., via S alter.; to Edgerton INT, Ohio, via S alter.; MEA *3,000. *2,300—MOCA.

From Edgerton INT, Ohio, via S alter.; to Pulaski INT, Ohio, via S alter.; MEA *3,000. *2,100—MOCA.

From Pulaski INT, Ohio, via S alter.; to Waterville, Ohio, VOR via S alter.; MEA 2,000.

From Youngstown, Ohio, VOR; to Clarion, Pa., VOR; MEA 2,600.

From Clarion, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

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

From Alamosa, Colo., VOR; to *Cucharas INT, Colo.; MEA 15,000. *13,500—MRA.

From Cucharas INT, Colo.; to Lamar, Colo., VOR; MEA 13,500.

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

From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000. *8,000—MCA Ontario VOR, eastbound.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From Rawlins-Cherokee, Wyo., VOR; to Alcova INT, Wyo.; MEA 12,000.

From Alcova INT, Wyo.; to Casper, Wyo., VOR; MEA 11,000.

From Casper, Wyo., VOR; to Dickinson, N. D., VOR; MEA *15,000. *Continuous navigation signal coverage does not exist over the entire route segment below 19,000 feet.

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

These rules shall become effective September 25, 1958.

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

AUGUST 29, 1958.

[F. R. Doc. 58-7185; Filed, Sept. 5, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

INCREASE OF REGISTRATION FEES

By virtue of the authority vested in the Secretary of Agriculture under section 8a of the Commodity Exchange Act, as amended (7 U. S. C., 1952 ed., sec. 12a), § 1.11 of Part 1 of Chapter I, Title 17, Code of Federal Regulations, as amended (17 CFR, 1958 Supp., 1.11), is hereby further amended by striking out "$25" and "$2", appearing therein, and inserting in lieu thereof "$30" and "$5", respectively.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER, except that the present fees shall remain in effect with respect to applications for registration as futures commission merchant, or renewal thereof, for the period ending December 31, 1958, and with respect to duplicates of registration certificates for such period.

It is hereby found that it would be impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to this amendment, or to delay the effective date thereof until 30 days after publication in the FEDERAL REGISTER, for the reasons that: (1) The costs of performing the service are increased over what they were formerly, and the Independent Offices Appropriation Act, 1952, provides that agencies should recover the aggregate cost of registration and licensing "to the full extent possible"; (2) the facts supporting the determinations with respect to the fees necessary to cover increased costs are not available to the trade, but are peculiarly within the knowledge of the Department; and (3) additional time is not required to comply with this amendment. Registration fees are deposited in the Treasury as general receipts and are not available for expenditure by the Department of Agriculture.

Issued this 2d day of September 1958.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-7210; Filed, Sept. 5, 1958; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6309]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNNING AFTER DECEMBER 31, 1953

FIGURE TO BE USED FOR 1958 IN DETERMINING RESERVE AND OTHER POLICY LIABILITY DEDUCTION FOR LIFE INSURANCE COMPANIES

By virtue of the authority contained in section 812 (a) of the Internal Revenue Code of 1954 (70 Stat. 45; 26 U. S. C. 812 (a)), it is hereby determined that the figure to be used under section 812 in computing the "reserve and other policy liability deduction" of life insurance companies for the taxable year 1958 shall be 0.7553.

Because the figure announced in this Treasury decision is computed from information contained in the income tax returns of life insurance companies for the year 1957, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said Act.

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

[SEAL] NELSON P. ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 4, 1958.

[F. R. Doc. 58-7266; Filed, Sept. 5, 1958; 9:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Artificial Islands and Fixed Structures on the Outer Continental Shelf

[CGFR 58-28]

PART 145—FIRE-FIGHTING EQUIPMENT

PORTABLE AND SEMIPORTABLE FIRE EXTINGUISHERS

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the eighth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains final actions taken with

respect to that portion of Item VIII respecting portable and semiportable fire extinguishers for artificial islands and fixed structures on the outer Continental Shelf.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. The proposed actions in Item VIII were revised as a result of information received. The regulations in 33 CFR 145.05 (c), as revised, are adopted and set forth in this document. The other actions based on Item VIII are set forth in separate Coast Guard Federal Register documents identified as CGFR 58-29 [1] and 58-30,[2] which are also published in this issue of the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-15, dated January 3, 1955 (20 F. R. 840), and 167-17, dated June 29, 1955 (20 F. R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, § 145.05 (c) is amended by revising Table 145.05 (c) to read as set forth below, and this amendment shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

§ 145.05 *Classification of fire extinguishers.* * * *

(c) * * *

TABLE 145.05 (c)—PORTABLE AND SEMIPORTABLE EXTINGUISHERS

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	II		2½	15	10
C	II			15	10
B	V		40	100	50

(Sec. 633, 63 Stat. 545; 14 U. S. C. 633. Interprets or applies sec. 4, 67 Stat. 462; 43 U. S. C. 1333)

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58-7230; Filed, Sept. 5, 1958; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-29]

RATING: TESTS AND INSPECTIONS OF PORTABLE AND SEMIPORTABLE FIRE EXTINGUISHERS

Notices regarding proposed changes in the navigation and vessel inspection regulations, as well as withdrawal of certain manufacturers' approvals, were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905-910), and March 1, 1958 (23 F. R. 1268-1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the ninth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains final actions taken with respect to certain portions of Items VIII and IX dealing with portable and semiportable fire extinguishers. The eighth document, identified as CGFR 58-28, contains final actions with respect to portable and semiportable fire extinguishers for artificial islands and fixed structures on the outer Continental Shelf, which are also based on Item VIII of the Agenda, and is published under "Title 33—Navigation and Navigable Waters" in this FEDERAL REGISTER.[1] With respect to the withdrawal of approvals granted certain manufacturers, a supplementary document, identified as CGFR 58-30, contains the final actions and is published as a "Notice" in this FEDERAL REGISTER with the title "Withdrawal of Approvals of Toxic Vaporizing Liquid Type Fire Extinguishers, Such as Those Containing Carbon Tetrachloride or Chlorobromomethane." [2]

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing were considered and are very much appreciated. The proposals respecting portable and semiportable fire extinguishers were revised because of the information received. Portions of the following items regarding portable and semiportable fire extinguishers considered at the public hearing held March 18, 1958, as revised, are adopted and included in this document:

Item VIII—Portable and Semiportable Fire Extinguishers; Clarification of Ratings and Withdrawal of Certain Approvals of Carbon Tetrachloride Fire Extinguishers (46 CFR 25.30-10, 76.50-5, 95.50-5, 167.45-75).

Item IX—Fire Precautions for Passenger, Tank, Cargo, and Miscellaneous Vessels (46 CFR 71.25-20, 91.25-20, 167.45-70).

The changes in the proposals respecting portable and semiportable fire extinguishers are:

a. All requirements for toxic vaporizing liquid fire extinguishers have been removed from the regulations.

b. New regulations have been added which provide that (1) vaporizing liquid type fire extinguishers presently installed on board boats and vessels may be continued in use so long as in good and serviceable condition until January 1, 1962; and (2) the carriage on board boats and vessels of toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, as Coast Guard approved equipment is prohibited after January 1, 1962.

c. Minimum values have been established for dry chemical fire extinguishers of 20-, 30-, and 50-pound capacities for classification Types B-III, B-IV, and B-V, respectively. The values for classification Type A-I fire extinguishers have been removed from the classification tables because such extinguishers are no longer required.

d. The current approvals issued to manufacturers of toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, are withdrawn effective on the 91st day after the date of publication of Coast Guard Federal Register Document CGFR 58-30 in the FEDERAL REGISTER.

It is felt very desirable to have the requirements for toxic vaporizing liquid type fire extinguishers removed from all the regulations and to prohibit the use of such fire extinguishers as approved equipment on all boats and vessels after January 1, 1962. Therefore, similar amendments will be proposed to the regulations governing tank vessels (Subchapter D) and to small passenger vessels (Subchapter T) and included in a future Public Hearing Agenda of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

Subchapter C—Uninspected Vessels

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

Section 25.30-10 is amended by revising Table 25.30-10 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 25.30-10 *Hand portable fire extinguishers and semiportable fire extinguishing systems.* * * *

(c) * * *

TABLE 25.30-10 (c)

Classification		Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

* * * * *

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon techrachloride or chlorobromomethane, shall not be acceptable as equipment required by this subchapter on and after January 1, 1962. Existing

[1] See title 46, chapter I, Federal Register document 58-7231, *infra*.

[2] See Department of the Treasury, United States Coast Guard, in Notices Section, *infra*.

[1] See Federal Register document 58-7230, *supra*.

[2] See Department of the Treasury, United States Coast Guard, Federal Register document 58-7232, in Notices Section, *infra*.

installations shall be permitted to be carried as part of the required equipment so long as such extinguishers are in good condition, but not later than January 1, 1962.

(R. S. 4405, as amended, 4462, as amended, secs. 8, 17, 54 Stat. 165, as amended, 166, as amended; 46 U. S. C. 375, 416, 526g, 526p)

Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.25—ANNUAL INSPECTION

Section 71.25–20 (a) (1) is amended by revising Table 71.25–20 (a) (1) to read as follows:

§ 71.25–20 *Fire detecting and extinguishing equipment.* (a) * * *

TABLE 71.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 74—STABILITY

SUBPART 74.10—STABILITY STANDARDS

Section 74.10–15 (a) (1), respecting application of damaged stability standards, is corrected by changing a reference from "paragraph (k) of this section" to "paragraph (e) of this section."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

Section 76.50–5 is amended by revising Table 76.50–5 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 76.50–5 *Classification.* * * *

(c) * * *

TABLE 76.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	I		1¼	4	2
B	II		2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

* * * * *

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.25—INSPECTION AND CERTIFICATION

Section 91.25–20 (a) (1) is amended by revising Table 91.25–20 (a) (1) to read as follows:

§ 91.25–20 *Fire extinguishing equipment.* (a) * * *

TABLE 91.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream)	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

TABLE 91.25–20 (a) (1)—Continued

Type unit	Test
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Weigh pressure cartridge and replace if end is punctured or weight is ½ ounce less than stamped on cartridge. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gauge is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

Section 95.50–5 is amended by revising Table 95.50–5 (c) in paragraph (c) and by adding a new paragraph (e), which read as follows:

§ 95.50–5 *Classification.* * * *

(c) * * *

TABLE 95.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II	2½	2½		
B	I		1¼	4	2
B	II		2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

* * * * *

(e) Vaporizing-liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.70—SPECIAL REQUIREMENTS FOR TANK VESSELS

Section 111.70–5 *Definitions* is amended by correcting in paragraphs (d) and (g) references to other regulations from "§§ 146.25–3 and 146.25–5" to "§§ 146.25–10 and 146.25–15."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter R—Nautical Schools

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.45—SPECIAL FIRE-FIGHTING AND FIRE PREVENTION REQUIREMENTS

1. Section 167.45–70 (e) is amended to read as follows:

§ 167.45–70 *Portable fire extinguishers, general requirements.* * * *

(e) Every fire extinguisher provided shall be examined at each annual inspection to determine that it is still in good condition. Soda-and-acid and foam fire extinguishers shall be tested by discharging the contents, cleaning thoroughly, and then refilling. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide shall be recharged. Pump tank fire extinguishers shall be tested by pumping and discharging the contents, cleaning thoroughly, and then refilling or recharging. Cartridge-operated type water or antifreeze fire extinguishers shall be checked by examining the extinguishing agents to determine if in still good condition and by weighing the cartridges; if the weight of the cartridge is ½ ounce or more under the weight stamped thereon or if it is punctured, the cartridge shall be rejected and a new one inserted. Stored pressure type extinguishers shall be checked by determining that the pressure gauge is in the operating range, and the full charge of extinguishing agent is in the chamber. The hoses and nozzles of all fire extinguishers shall be inspected to see that they are clear and in good condition.

2. Section 167.45–75 is amended to read as follows:

§ 167.45–75 *Fire extinguishers for emergency powerplants.* In compartments where emergency lighting and wireless units are located, two fire extinguishers approved by the Coast Guard or the Navy, of either carbon dioxide or dry chemical type, shall be permanently located at the most accessible points. In addition, two fire extinguishers of the above types, or foam type, shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine or naphtha. Carbon tetrachloride type fire extinguishers shall be removed on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 1–21, 54 Stat. 163–167, as amended, 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526t, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–7231; Filed, Sept. 5, 1958; 8:53 a. m.]

[CGFR 58–31]

Subchapter E—Load Lines

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subchapter J—Electrical Engineering

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notices regarding the proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated February 12, 1958 (23 F. R. 905–910), and March 1, 1958 (23 F. R. 1268–1270), as Items I through XVIII of an Agenda to be considered by the Merchant Marine Council. Pursuant to these notices the Merchant Marine Council held a public hearing on March 18, 1958, at Washington, D. C.

This document is the tenth and last of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council and contains the final actions taken with respect to miscellaneous changes in lifesaving equipment in Item XIII of the Agenda.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing were considered and are very much appreciated. The proposals were revised on the basis of the comments received. The miscellaneous amendments in Item XIII—Revisions of Specifications Governing Manufacturing of Certain Lifesaving Equipment, as revised, are adopted and set forth in this document. The proposed changes to 46 CFR 160.024–3 (c) and 160.028–3 (c), respecting the construction of the pistol projected parachute red flare distress signals and signal pistols by establishing the depth of penetration of the firing pin, were withdrawn for further study. With respect to requirements for testing lifeboat winches, 46 CFR 160.015–5 (b) (3) was revised to require the test weight shall be stopped by the action of the counterweight alone within a distance of 6 feet rather than 4 feet, while the language in 160.015–5 (b) (7) was clarified with respect to gravity davits. The lot size for the sampling, inspections, and tests of self-igniting water lights (calcium carbide—calcium phosphide type) in 46 CFR 160.012–4 (a) (2) was changed from "500" to "1000" water lights. Regarding the hand orange smoke distress signals, the proposal in 46 CFR 160.037–4 (o), regarding the volume and density of smoke of test specimens was changed from "50 percent transmission for not less than 40 seconds" to "70 percent transmission for not less than 30 seconds."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167–14, dated November 26, 1954 (19 F. R. 8026), 167–15, dated January 3, 1955 (20 F. R. 840), 167–20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 160.009—BUOYS, LIFE, RING, CORK OR BALSA WOOD, FOR MERCHANT VESSELS AND MOTORBOATS

1. Section 160.009–6 (a) is amended to read as follows:

§ 160.009–6 *Marking.* (a) Each ring life buoy shall be plainly marked in waterproof ink on both the body and the cover with the name and address of the manufacturer, the size of the buoy, and with the official approval number assigned.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 3, 54 Stat. 164, as amended, 166, as amended, 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.012—LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE—CALCIUM PHOSPHIDE TYPE), FOR MERCHANT VESSELS

2. Section 160.012–4 is amended by revising paragraph (a) and by adding a new paragraph (e), which reads as follows:

§ 160.012–4 *Sampling, inspections, and tests.* (a) *General.* Self-igniting water lights specified by this subpart are not inspected at regularly scheduled factory inspections of production lots, but the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where such lights are manufactured to check materials and construction methods and to conduct such tests and examinations as may be required to satisfy himself that the lights are being manufactured in compliance with the requirements of this specification and with the manufacturer's plans and specifications approved by the Commandant. The manufacturer shall provide a suitable place and the apparatus necessary for the use of the marine inspector in conducting tests at the place of manufacture. The marine inspector shall be admitted to any place in the

factory where work is done on the lights or component materials, and samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements. The manufacturer shall obtain material affidavits or suitable invoices for all materials entering into the construction of the lights and shall maintain a file of such affidavits or invoices which shows the lot numbers of the lights in which the materials were used. This file shall be made available to the marine inspector upon demand.

(1) *Manufacturer's inspections and tests.* Manufacturers of approved water lights shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product so as to meet the requirements of this specification, and shall make full inspections and tests of representative samples from each lot to maintain the quality of the product. From each lot the manufacturer shall test not fewer than one specimen light for susceptibility to explosion, paragraph (d) of this section; and not less than three specimen lights for disengaging load, paragraph (e) of this section, following which test them for burning time, paragraph (b) of this section, and candlepower, paragraph (c) of this section. The records for these tests shall be kept on file by the manufacturer and shall be made available to the Coast Guard marine inspector upon demand.

(2) *Lot size.* A lot shall consist of not more than 1,000 water lights of the same type and model. Lots shall be numbered serially by the manufacturer, and if at any time during the manufacture of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

* * * * *

(e) *Disengaging load.* Hang the specimen light by the top pull ring. Suspend a 35-lb. weight from the bottom pull ring. At one minute intervals add weights to produce the following static loads: 36, 37, 38, 39, 40, 50, 60, 70, 80, 90, 100, 101, 102, 103, 104, 105, 110, 120, etc., pounds. The disengaging load shall be not less than 40 nor more than 100 pounds.

3. Section 160.012–5 is amended by adding a new paragraph (b), which reads as follows:

§ 160.012–5 *Marking.* * * *

(b) The lot number, and the month and year of manufacture, shall be plainly and permanently marked in indelible ink on the cylinder and on the packing carton or box in which the water light is shipped.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.015—LIFEBOAT WINCHES FOR FOR MERCHANT VESSELS

4. Section 160.015–1 is amended to read as follows:

§ 160.015–1 *Applicable regulations*—(a) *Regulations.* The following regulations of the issue in effect on the date lifeboat winches are manufactured, form a part of this subpart.

(1) Coast Guard regulations; Electrical Engineering Regulations, CG–259 (46 CFR (Subchapter J) Parts 110 to 113, inclusive of this chapter).

(b) *Copies on file.* A copy of the regulations referred to in this section shall be kept on file by the manufacturer, together with the approved plans, material affidavits, and the certificate of approval.

5. Section 160.015–2 is amended by revising paragraphs (h), (i), and (k), which read as follows:

§ 160.015–2 *General requirements for lifeboat winches.* * * *

(h) Falls shall not lead past any position that may be needed for the operation of the winch, such as hand cranks, pay-out wheels, brake levers, etc.

(i) Where falls lead along a deck they shall be suitably covered and so arranged that the top of the cover does not exceed 12 inches above the deck.

* * * * *

(k) For the purpose of calculations and conducting tests, the working load is the maximum load in pounds applied to the winch for which approval is desired.

6. Section 160.015–3 is amended by revising paragraphs (g) and (m), which read as follows:

§ 160.015–3 *Construction of lifeboat winches.* * * *

(g) In addition to the hand brake, a governor type brake shall be fitted so as to control the speed of lowering of the lifeboat in accordance with § 160.015–5 (b) (4) and (5).

* * * * *

(m) Motors, switches, controls, cables, etc., shall be of the waterproof type if installed on an open deck. Controls may be of the dripproof type if installed in a deck house or under deck. Installations shall be in accordance with Subchapter J (Electrical Engineering) of this chapter (Electrical Engineering Regulations, CG–259).

7. Section 160.015–5 is amended by revising subparagraphs (1) through (7) in paragraph (b), and by revising subparagraph (2) in paragraph (c), which read as follows:

§ 160.015–5 *Inspection and testing of lifeboat winches.* * * *

(b) *Factory test for initial approval.* (1) Lifeboat winches shall be tested for strength and operation at the place of manufacture in the presence of an inspector. The lifeboat winch under test shall be set up similar to the intended shipboard installation. In the case of a lifeboat winch with non-grooved drums, the drums shall be built up or sufficiently filled with wire to simulate the maximum number of wraps for which the winch is to be approved. The tests to be conducted are as noted in subparagraphs (2) to (8) of this paragraph. The limiting values of velocities and the 2 foot braking distance set forth in the following paragraphs of this section are the values to be actually achieved with the specific arrangement of falls contemplated for the shipboard installation. If a different arrangement of falls is used to facilitate testing, due consideration shall be given to the use of limiting velocities, braking distances, and test weights which will be equivalent to the test performed with an arrangement of falls identical to that used for the shipboard installation.

(2) A pull of 2.2 times the working load, equally divided between drums, shall be applied in a direction similar to a shipboard installation. The test weight producing this load shall be dropped through a distance of not less than 15 feet, at which time this weight shall be stopped within a distance of 2 feet by action of the counterweight alone on the hand brake.

(3) A test identical to that noted in subparagraph (2) of this paragraph shall be conducted after the braking surfaces have been thoroughly wetted. The test weight shall be stopped by the action of the counterweight alone within a distance of 6 feet. The test need only be applied to lifeboat winches having external brakes.

(4) With a pull equal to the working load, it shall be determined that the governor brake will limit the speed of lowering of the test weight to a maximum of 120 feet per minute, except that, in the case of winches designed for use with emergency lifeboats aboard passenger vessels, the speed of lowering shall not exceed 160 feet per minute.

(5) With a pull equal to 0.3 times the working load, it shall be determined that the winch will lower the test weight at not less than 40 feet per minute, except that, in the case of winches designed for use with emergency lifeboats aboard passenger vessels, the speed of lowering shall not be less than 60 feet per minute.

(6) With a pull equal to the working load, the test weight shall be lowered and raised a sufficient number of times so that the combined lowering distance is not less than 500 feet. This test is to determine the efficiency of the lifeboat winch for prolonged service.

(7) With a pull equal to 0.5 times the working load, it shall be demonstrated that the lifeboat winch can be hand operated by hoisting the test weight without undue effort. In the case of gravity davits, it shall be demonstrated that this test weight can be carried easily to the stowed position of the lifeboat.

* * * * *

(c) * * *

(2) Each lifeboat winch shall be set up in a manner similar to that described in subparagraph (1) of this section. With a pull equal to 1.1 times the working load, the test weight shall be dropped through a distance of not less than 15 feet, at which time the load shall be stopped by the action of the counterweight alone. This test is to demonstrate the operation of the winch, and if satisfactory, no further test need be required. However, if the inspector is not satisfied with the operation of the winch, a com-

plete test as noted in paragraph (b) of this section may be required.

8. Section 160.015–6 is amended by revising paragraphs (a) and (d), which read as follows:

§ 160.015–6 *Procedure for approval of lifeboat winches.* (a) Before action is taken on any design of lifeboat winch, detail plans covering fully the arrangement and construction of the lifeboat winch, a complete bill of material setting forth the physical properties of the materials used, and strength calculations, shall be submitted to the Commandant through the Commander of the Coast Guard District having jurisdiction over the construction of the lifeboat winch.

* * * * *

(d) Upon receipt of corrected drawings, material affidavits, and satisfactory test report, the Commandant will issue a certificate of approval. No change shall be made in the design or construction without first receiving permission of the Commandant via the Commander of the Coast Guard District in which the lifeboat winch is built.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.021—SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

9. Section 160.021–4 is amended by revising Table 160.021–4 (b) (2) (i) in paragraph (b), and paragraphs (e) and (m), which read as follows:

§ 160.021–4 *Sampling, inspections, conditioning, and tests.* * * *

(b) *Qualification (type or brand approval) tests.* * * *

(2) *Technical tests.* (i) * * *

TABLE 160.021–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.021–4 (l).
b	2	Spontaneous ignition	160.021–4 (m).
c	2	Chromaticity	160.021–4 (n).

* * * * *

(e) *Ignition and burning characteristics.* Test specimens shall ignite and burn properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall ignite and burn satisfactorily with uniform intensity. The plug separating the flare composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

* * * * *

(m) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.022—SIGNALS, DISTRESS, FLOATING ORANGE SMOKE, FOR MERCHANT VESSELS

10. Section 160.022–3 (d) is amended to read as follows:

§ 160.022–3 *Materials, workmanship, construction, and performance requirements.* * * *

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.022–4.

11. Section 160.022–4 is amended by revising Table 160.022–4 (b) (2) (i) in paragraph (b), and paragraphs (e), (i), and (m), and by adding a new paragraph (n) (formerly paragraph (m)), which read as follows:

§ 160.022–4 *Sampling, inspections, conditioning, and tests.* * * *

(b) *Qualification (type or brand approval) tests.* * * *

(2) *Technical tests.* * * *

TABLE 160.022–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.022–4 (b).
b	2	Spontaneous ignition	160.022–4 (i).
c	1	Susceptibility to explosion.	160.022–4 (j).
d	1	Corrosion, color, and volume and density.	160.022–4 (k), (l) and (m).
e	1	Color and volume and density.	160.022–4 (l) and (m).

* * * * *

(e) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall emit smoke at a uniform rate while floating in smooth water, and should float in such a manner that the rate of discharge will be constant while the signal is floating in rough water. Signals should be so constructed that moderately heavy seas likely to be encountered at sea will not cause the signal to become inoperative.

* * * * *

(i) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

* * * * *

(m) *Volume and density of smoke.* Test specimens shall show less than 20 percent transmission for not less than 3 minutes when measured with apparatus having a light path of 7½", an optical system aperture of ±3.7 degrees, and an entrance air flow of 650 cubic feet per minute, such apparatus to be as described in National Bureau of Standards Report No. 4792 dated July 1956.

(n) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the floating orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer and meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing 4 signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (date), (port), Inspector's initials, U. S. C. G." A lot shall be rejected when the average percentage of failure, as computed by the table shown in paragraph (b) (1) of this section exceeds 15 percent. When notice is received by the marine inspector that specimen signals have failed to meet the requirements of the production check tests at a Government laboratory, further production check tests at the place of manufacture shall be discontinued until retests of adjusted samples show correction of the deficiency found. Signals from rejected lots may, when permitted by the marine inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.023—SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

12. Section 160.023–1 is amended to read as follows:

§ 160.023–1 *Applicable specifications—*(a) *Specification.* The following specification, of the issue in effect on the date hand combination flare and smoke distress signals are manufactured, forms a part of this subpart:

(1) Military Specification:

MIL–S–18655—Signal, Distress, Day and Night, Mark 13, Mod. 0.

(b) *Copies on file.* A copy of the specification referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Military Specification may be obtained from the Commanding Officer, Naval Supply Depot, Scotia 2, N. Y.

13. Section 160.023–2 (a) is amended to read as follows:

§ 160.023–2 *Type.* (a) Hand combination flare and smoke distress signals

specified by this subpart shall be of the type described in specification MIL–S–18655.

14. Section 160.023–3 (a) is amended to read as follows:

§ 160.023–3 *Materials, workmanship, construction, and performance requirements.* (a) The materials, construction, workmanship, general and detail requirements shall conform to the requirements of specification MIL–S–18655, except as otherwise specifically provided by this subpart.

15. Section 160.023–4 (a) is amended to read as follows:

§ 160.023–4 *Sampling, inspections, and tests.* (a) Sampling and tests of signals manufactured under this subpart for merchant vessels shall be done by a marine inspector in general accordance with the procedures provided by specification MIL–S–18655, except that the Coast Guard marine inspector shall be the cognizant inspector and the Coast Guard the cognizant agency.

16. Section 160.023–5 (a) is amended to read as follows:

§ 160.023–5 *Labeling and marking*—(a) *Labeling.* A label showing firing instructions in accordance with specification MIL–S–18655, and to include the commercial designation of the signal, the lot number, Coast Guard approval number and month and year of manufacture, shall be applied in a neat, workmanlike manner after the paint has become thoroughly dry. The label shall be attached to the signal and then protected by a transparent moisture impervious coating.

17. Section 160.023–7 (c) is amended to read as follows:

§ 160.023–7 *Procedure for approval.* * * *

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, the manufacturer will be advised as to any corrections or additions which are necessary. A marine inspector then will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with the requirements for production lots as provided by specification MIL–S–18655 and this specification to determine compliance for qualification for type or brand approval for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198)

SUBPART 160.024—SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

18. Section 160.024–4 is amended by revising Table 160.024–4 (b) (2) (i) in paragraph (b) and paragraph (k), which read as follows:

§ 160.024–4 *Sampling, inspections, conditioning, and tests.* * * *

(b) *Qualification (type or brand approval) tests.* * * *

(2) *Technical tests.* (i) * * *

TABLE 160.024–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity and storage.	160.024–4 (j).
b	2	Spontaneous ignition	160.024–4 (k).
c	2	Chromaticity	160.024–4 (l).

* * * * *

(k) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.036—SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

19. Section 160.036–4 is amended by revising Table 160.063–4 (b) (2) (i) in paragraph (b), and paragraph (k), which read as follows:

§ 160.036–4 *Sampling, inspections, conditioning, and tests.* * * *

(b) *Qualification (type or brand approval) tests.* * * *

(2) *Technical tests.* (i) * * *

TABLE 160.036–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.036–4 (j).
b	2	Spontaneous ignition	160.036–4 (k).
c	2	Chromaticity	160.036–4 (l).

* * * * *

(k) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.037—SIGNALS, DISTRESS, HAND ORANGE SMOKE, FOR MERCHANT VESSELS

20. Section 160.037–3 (d) is amended to read as follows:

§ 160.037–3 *Materials, workmanship, construction, and performance requirements.* * * *

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.037–4.

21. Section 160.037–4 is amended by revising Table 160.037–4 (b) (2) (i) in paragraph (b), paragraphs (e), (l), and (o), and by adding a new paragraph (p) (formerly paragraph (o)), which read as follows:

§ 160.037–4 *Sampling, inspections, conditioning, and tests.* * * *

(b) *Qualification (type or brand approval) tests.* * * *

(2) *Technical tests.* (i) * * *

TABLE 160.037–4 (b) (2) (i)

Letter identification	Number of specimens	Kind of tests	Paragraph references
a	2	Elevated temperature, humidity, and storage.	160.037–4 (k).
b	1	Spontaneous ignition	160.037–4 (l).
c	1	Susceptibility to explosion.	160.037–4 (m).
d	2	Color and volume and density.	160.037–4 (n) and (o).

* * * * *

(e) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. The plug separating the smoke producing composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

* * * * *

(l) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature over held at 75° C. for 48 consecutive hours. Signals shall not ignite or undergo marked decomposition.

* * * * *

(o) *Volume and density of smoke.* Test specimens shall show less than 70 percent transmission for not less than 30 seconds when measured with apparatus having a light path of 7½", an optical system aperture of ±3.7 degrees, and an entrance air flow of 650 cubic feet per minute, such apparatus to be as described in National Bureau of Standards Report No. 4792 dated July 1956.

(p) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the hand orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer and meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing 1 dozen signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (date), (port), Inspector's initials, U. S. C. G." A lot shall be rejected when the average percentage of failure, as computed by the table shown in para-

graph (b) (1) of this section exceeds 15 percent. When notice is received by the marine inspector that specimen signals have failed to meet the requirements of the production check tests at a Government laboratory, further production check tests at the place of manufacture shall be discontinued until retests of adjusted samples show correction of the deficiency found. Signals from rejected lots may, when permitted by the marine inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

SUBPART 160.050—BUOYS, LIFE, RING, UNICELLULAR PLASTIC

22. Section 160.050–6 (a) is amended to read as follows:

§ 160.050–6 *Marking.* (a) A substantial corrosion-resistant name plate shall be permanently attached to one of the straps of each ring buoy on which there appears the name and address of the manufacturer, the size of the buoy, and approval number. Space shall also be provided for the date, the inspector's initials, and the letters, "U. S. C. G." Alternate methods of marking will be given special consideration.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 6, 17, 3, 54 Stat. 164, as amended, 166, as amended, 347, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 481, 489, 367, 526c, 526p, 1333, 50 U. S. C. 198, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

EDITORIAL CORRECTIONS

1. Coast Guard Document CGFR 58–23 and Federal Register Document 58–4797, published in the FEDERAL REGISTER of June 25, 1958, is corrected in the following respect:

a. In § 160.052–7 (a) (23 F. R. 4630) the phrase "to observe reduction methods" is corrected to read "to observe production methods."

2. The Coast Guard Document CGFR 58–10 and Federal Register Document 58–4845, published in the FEDERAL REGISTER of June 26, 1958, is corrected in the following respects:

a. In Table 112.05–1 (a) in § 112.05–1 (23 F. R. 4682), the third description of the size of vessel and service in column 1 is changed from "other than ocean and coastwise, 100 g. t. and over, but less than 1600 g. t." to read "other than ocean and coastwise, 100 g. t. and over."[1]

b. In § 113.25–10 (c) (1) (ii) (23 F. R. 4684), the phrase "whichever is the high" is changed to "whichever is the higher."

3. The 1952 revision of Part 45 of Title 46 CFR is corrected by changing the following references:

a. In § 46.01–60 (a) the reference "§ 45.20–80" is changed to "§ 45.25–5."

b. In § 45.01–65 (a) the reference "§ 45.20–80" is changed to "§ 45.25–5."

c. In § 45.15–10 (a) the reference "§ 45.15–60" is changed to "§ 45.15–27."

Dated: August 29, 1958.

J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 58–7233; Filed, Sept. 5, 1958; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO–232–A7]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Travis Room of the St. Anthony Hotel, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., on September 10, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Association of San Antonio:

1. Amend § 949.53 by adding a provision that for Class II milk utilized in the manufacture of Cheddar cheese the price shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truck loads) as reported by the Department for the month involved.

Proposed by the Dairy Division, Agricultural Marketing Service:

2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio 2, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 3d day of September 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58–7239; Filed, Sept. 5, 1958; 8:55 a. m.]

[1] See also § 112.05–15.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 81 of this subchapter as set out below. As so revised, these regulations will be applicable to hearings held under section 8 of the Federal Water Pollution Control Act (70 Stat. 504; 33 U. S. C. 466g). Interested persons may submit written data, views or arguments (in duplicate) in regard to these regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered.

Part 81 will be revised to read as follows:

Sec.
81.1 Applicability.
81.2 Definitions.
81.3 Initiation of proceedings for public hearing; appointment of Board.
81.4 Organization and general procedures of the Board.
81.5 Notice of hearing.
81.6 Service.
81.7 Publication of notice.
81.8 Parties.
81.9 Presentation of evidence by the Surgeon General.
81.10 Hearing procedure.
81.11 Records of proceedings.
81.12 Oral argument.
81.13 Final findings and recommendations.

AUTHORITY: §§ 81.1 to 81.13 issued under sec. 10, 70 Stat. 506; 33 U. S. C. 466i. Interpret or apply sec. 8 (e), 70 Stat. 505; 33 U. S. C. 466g (e).

§ 81.1 *Applicability.* The provisions of this part apply to proceedings under

section 8 (e) of the Federal Water Pollution Control Act (70 Stat. 504; 33 U. S. C. 466g (e)).

§ 81.2 *Definitions.* As used in this part:

(a) "Act" means the Federal Water Pollution Control Act, 70 Stat. 498, 33 U. S. C. 466.

(b) "Board" means the board appointed by the Secretary pursuant to section 8 (e) of the act (33 U. S. C. 466g (e)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 8 (a) of the act (33 U. S. C. 466g (a)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of terms contained in sections 8 and 11 of the act (33 U. S. C. 466g, 466j) shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 81.3 *Initiation of proceedings for public hearing; appointment of Board.* (a) In any case where the Secretary finds that the conditions precedent to the calling of a public hearing under the act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Surgeon General to do so.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons, as provided in the act, and will designate one of the members as chairman. A majority of the Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Board in the event of disability of a member, and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 *Organization and general procedures of the Board.* (a) The chairman shall convene the Board for hearing sessions and for such other meetings as may be necessary.

(b) The chairman shall preside at all hearing sessions and meetings of the Board. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the chairman. Rulings of the chairman may be appealed to the Board.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

(g) The Board may authorize the chairman and the executive secretary on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

§ 81.5 *Notice of hearing.* (a) The Surgeon General shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Secretary, shall fix such time and place.

(b) The notice of hearing shall identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the interstate waters affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held upon a day and at a time and place specified not earlier than three (3) weeks after the service of the notice.

(c) Notice of hearing shall be served on the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution and the water pollution control agency or interstate agency, to whom formal notification of such pollution has previously been given in accordance with the Act.

(2) The water pollution control agency or the interstate agency of the State or States, other than that in which the discharge originates, claiming to be adversely affected by such pollution.

§ 81.6 *Service.* Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or places of business as ascertained by the Surgeon General or the Board, as the case may be.

§ 81.7 *Publication of notice.* Notice of the public hearing shall be published in the FEDERAL REGISTER at least three (3) weeks prior to the hearing.

§ 81.8 *Parties.* (a) The parties to a hearing shall include the persons and agencies specified in § 81.5 (c).

(b) The Surgeon General shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 81.9 *Presentation of evidence by the Surgeon General.* The Surgeon General shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.10 *Hearing procedure.* (a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

§ 81.11 *Record of proceedings.* (a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Board of their authenticity, relevancy and materiality, be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Board shall, after satisfying itself of the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.12 *Oral argument.* Oral argument may be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

§ 81.13 *Final findings and recommendations.* (a) The Board shall make its final findings, conclusions and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: August 19, 1958.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: August 29, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-7192; Filed, Sept. 5, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 58-30]

WITHDRAWAL OF APPROVALS OF TOXIC VAPORIZING LIQUID TYPE FIRE EXTINGUISHERS, SUCH AS THOSE CONTAINING CARBON TETRACHLORIDE OR CHLOROBROMOMETHANE

A notice of proposed withdrawal of approvals of toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, was published in the FEDERAL REGISTER of February 12, 1958 (23 F. R. 908), in conjunction with a notice of proposed rule making to revise the classification ratings for various types of portable and semiportable fire extinguishers. In accordance with this notice the Merchant Marine Council held a public hearing at Washington, D. C., on March 18, 1958. The changes in the regulations are further described in documents identified as CGFR 58-28 [1] and 58-29,[2] which are published as "Rules and Regulations" in this FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), 167-15, dated January 3, 1955 (20 F. R. 840), 167-20, dated June 18, 1956 (21 F. R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to prescribe requirements with respect to fire protection equipment in accordance with the statutes cited with the regulations in 46 CFR Parts 25, 76, 95, and 167:

It is ordered, That all approvals for toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, are withdrawn, effective on the 91st day after the date of publication of this document in the FEDERAL REGISTER: *Provided*, That any such vaporizing liquid type fire extinguishers manufactured prior to this date and in service may be continued in service so long as in good and serviceable condition until January 1, 1962.

Dated: August 29, 1958.

[SEAL] J. A. HIRSHFIELD,
Real Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 58-7232; Filed, Sept. 5, 1958; 8:53 a. m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Corrected Reprint

In Federal Register Document 58-7190, appearing on page 6799 in the issue for Thursday, September 4, 1958, the first amendatory paragraph, now designated "a", should be designated "1", and the first line of 821.7 should read "a. An independent officer appointed by". As corrected, the entire document is reprinted as follows:

Federal Register Document 58-4353, appearing on pages 4010 to 4018, inclusive, of the issue for June 7, 1958, as amended (23 F. R. 5278-5281), is further amended as follows:

1. Amend section 821.7, Judicial Officer, to read as follows:

821.7—JUDICIAL OFFICER

a. An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions having delegated authority from the Postmaster General to—

(1) Execute final departmental decisions and orders in administrative proceedings arising from alleged violation of postal laws and disputes over second-class permits conducted in accordance with the rules of practice and procedures of the Department; and modify, suspend, or rescind any action heretofore taken or hereafter taken pursuant to a delegation of authority.

(2) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or provided in Rules of Practice.

(3) Revise or amend the Post Office Department Rules of Practice for administrative hearings.

b. Decisions and orders of the Judicial Officer made under the delegated authority are the final departmental action from which there is no further administrative remedy or appeal. The Judicial Officer does not supervise or exercise control over any officer, employee or organization in the Post Office Department except as provided in 821.7 (c). He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding. The Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

c. Exercises administrative supervision over the Division of Hearing Examiners and the Docket Clerk but does not direct or participate in the Initial Decision of the Hearing Examiner in any proceeding.

2. Amend section 821.8, Division of Hearing Examiners, to read as follows:

821.8—DIVISION OF HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U. S. C. 1010). They preside at administrative hearings in cases involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Examiners prepare initial decisions in those cases which become final departmental decisions, unless an appeal is taken to the Judicial Officer.

c. The Division of Hearing Examiners and the Docket Clerk are under the jurisdiction of the Judicial Officer for administrative supervision in the same manner as are Hearing Examiners assigned to independent regulatory commissions.

3. Amend paragraph a of section 822.2, General Counsel, to read as follows:

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to legal interpretations and opinions; drafting or approving legal documents; and conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under sections 821.7 and 821.8 except in the disposition of ex parte matters as authorized by law, nor does he participate in the decisions of the Judicial Officer or Hearing Examiners.

(R. S. 161, as amended, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

LEO G. KNOLL,
Acting General Counsel.

The foregoing amendments to the Department's Organization are hereby adopted.

[SEAL] E. O. SESSIONS,
Acting Postmaster General.

[F. R. Doc. 58-7190; Filed, Sept. 3, 1958; 9:32 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LATINA SHIPPING CO., LTD. AND SEAPORT SHIPPING CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8292 between Latina Shipping Company, Ltd., New York, and Seaport Shipping Co. (Portland), Portland, Oregon, provides that Seaport will

[1] See Title 33, Chapter I, Part 145, *supra*.
[2] See Title 46, Chapter I, *supra*.

perform specified freight forwarding services for Latina in connection with the latter's shipments moving through Portland, Oregon; Latina is to compensate Seaport by payment of a service fee.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 3, 1958.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-7218; Filed, Sept. 5, 1958; 8:51 a. m.]

GRACE LINE, INC.

NOTICE OF APPLICATION AND HEARING

Notice is hereby given that Grace Line, Inc. has filed application for the privilege of carrying cargo and passengers southbound from United States Atlantic ports to Jamaica on its passenger ships ss "Santa Rosa" and ss "Santa Paula" and its C-2 type combination passenger-cargo ships operating on Trade Route No. 4.

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon the aforementioned application, should any person, firm, or corporation having a material interest in said application file with the Secretary, Federal Maritime Board, by close of business on September 22, 1958, any protest, in writing, in triplicate, with a full and complete statement of the reasons for his objections, and request (also in writing, in triplicate) for hearing under section 605 (c).

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

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: September 4, 1958.

By Order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-7287; Filed, Sept. 5, 1958; 9:42 a. m.]

Maritime Administration

TRADE ROUTE NO. 13; U. S. SOUTH ATLANTIC AND GULF/MEDITERRANEAN AND BLACK SEA

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 13 as published in the FEDERAL REGISTER issue of August 9, 1958 (23 F. R. 6148).

Dated: September 3, 1958.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 58-7217; Filed, Sept. 5, 1958; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

EMPIRE STEEL CASTINGS, INC.

BYPRODUCT MATERIAL LICENSE

Upon the basis of a preliminary investigation it appears that Empire Steel Castings, Inc. (hereinafter referred to as the "licensee") is the holder of License No. 37-2448-1 issued by the Atomic Energy Commission under its regulations in 10 CFR, Part 30 "Licensing of Byproduct Material;" and that said license authorizes the possession and use of two sealed sources containing 200 millicuries and 500 millicuries each of Cobalt-60; that the licensee is also in possession of a one curie source of Cobalt-60; and that the licensee's possession and use of such one curie source of Cobalt-60 are without license authority from the United States Atomic Energy Commission, and are, therefore, in violation of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission issued thereunder. Pursuant to said Act and regulations, the possession and use of byproduct material as defined therein are unlawful, except as authorized by a Commission license.

It further appears that subsequent to acquisition of the one curie of Cobalt-60 the licensee has submitted an application for amendment to its license requesting authorization to possess and use the said source; that the licensee's operating procedures, instrumentation, personnel monitoring equipment and facilities may be inadequate to protect health and minimize danger to life or property with respect to the licensee's intended use of the said source.

In view of the foregoing, it appears that the public health, interest and safety require the omission of a notice of violation in accordance with § 2.201 (b) of the Commission's rules of practice (10 CFR Part 2); and that the following order be effective immediately.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20 and 30, 10 CFR: *It is ordered,* That,

1. The licensee shall cease and desist from further use of the one curie source of Cobalt-60, the possession and use of which by the licensee has not been duly authorized by the Commission pursuant to the regulations in 10 CFR Part 30;

2. The licensee shall place the one curie source of Cobalt-60 in its possession in storage pending:

(a) Transfer of said source by the licensee to a recipient duly authorized by the Atomic Energy Commission to receive such source, after prior approval of the Atomic Energy Commission has been received by the licensee with respect to the method of transfer; or

(b) Issuance of a license by the Atomic Energy Commission to the licensee authorizing it to possess and use such source.

3. The licensee shall store the one curie source of Cobalt-60 in its possession in such manner that the storage of the source shall not cause any individual to receive a dose, or be exposed to radiation levels or airborne concentrations of radioactive material in excess of that permitted under the Atomic Energy Commission's regulations "Standards for Protection Against Radiation," 10 CFR Part 20, and the storage areas and containers shall be posted and labeled in accordance with the provisions of §20.203 of said regulation.

The licensee may request a formal hearing with respect to this order, or any part thereof, by filing a written request for hearing with the office of the Secretary, United States Atomic Energy Commission, Washington 25, D. C., within 15 days after the date of this order. Filing of a written request for hearing may also be accomplished in person either in the Commission's Public Document Room, 1717 H Street NW., Washington, D. C., or the office of the Secretary in Germantown, Maryland.

Signed and dated at Germantown, Maryland, this 29th day of August 1958.

For the Atomic Energy Commission.

EBER PRICE,
Acting Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-7191; Filed, Sept. 5, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16114]

WARREN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Warren Petroleum Corporation (Warren) on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22.
Effective date: September 1, 1958 (effective date is that proposed by Warren).

In support of the proposed favored-nation rate increase Warren submitted a copy of a letter from El Paso, dated July 11, 1958, in which El Paso states that as of June 1, 1958,[1] it would begin to pay higher prices to Phillips Petroleum Company for gas produced within the "favored-nation" area as set forth in the contract comprising Warren's FPC Gas Rate Schedule No. 22. In further support, Warren states the gas sales contract resulted from arm's-length bargaining and was entered into in good faith to provide for and reflect the market price of gas to be delivered in future years.

In addition to the support as stated, Warren also has submitted "for information purposes a cost of service study" which it considers "irrelevant and unnecessary to support the increase in price."

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or perferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Warren's FPC Gas Rate Schedule No. 22.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7193; Filed, Sept. 5, 1958; 8:45 a. m.]

[1] Date Phillips' suspended rate became effective subject to refund at Docket No. G-14115.

[Docket No. G-16125]

ARKANSAS LOUISIANA GAS CO.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 29, 1958.

Arkansas Louisiana Gas Company (Respondent), on July 30, 1958, tendered for filing Supplement No. 3 to its FPC Gas Rate Schedule XFS-1 and revised tariff sheets[1] to two other rate schedules by which Respondent proposes to increase its rate for sale of gas in the amount of $28,358 annually to three purchasers[2] supplied with gas produced or gathered by Respondent in the State of Louisiana. August 1, 1958 is the requested effective date.

The clause in the contracts between Respondent and the buyers provide generally that the buyer will reimburse Respondent for 66⅔ percent (in the case of Rate Schedules XFS-1 and XFS-2) and 50 percent (in the case of Rate Schedule XFS-4) of any additional taxes over those presently paid by Respondent.

The increased rates and charges so proposed are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rates and charges until August 2, 1958, and thereafter to permit them to become effective as of that date: *Provided,* That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

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

(B) Pending such hearing and decision thereof, said Supplement No. 3 to Respondent's FPC Gas Rate Schedule XFS-1, First Revised Sheet No. 68 to Respondent's FPC Gas Rate Schedule XFS-3 and Second Revised Sheet No. 81 to Respondent's FPC Gas Rate Schedule XFS-4, are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the above-designated filings shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said

[1] First Revised Sheet No. 68 (relating to Rate Schedule XFS-3) and Second Revised Sheet No. 81 (relating to Rate Schedule XFS-4) were tendered on August 19, 1958 in substitution for supplements to these rate schedules which were submitted on July 30, 1958.

[2] Mississippi River Fuel Corporation (Rate Schedule XFS-1); Southwest Gas Producing Company, Inc. (Rate Schedule XFS-3) and United Gas Pipe Line Company (Rate Schedule XFS-4).

Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of Arkansas Louisiana Gas Company To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued ----------, in Docket No. G-16125, Arkansas Louisiana Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------.

Arkansas Louisiana Gas Company

By ----------

Attest:

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The aforementioned sheets hereby suspended shall not be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7194; Filed, Sept. 5, 1958; 8:45 a. m.]

[Docket No. G-16116]

HAROLD L. WOODS ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

AUGUST 29, 1958.

Harold L. Woods et al. (Respondent), on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Southwest Gas Producing Company, Inc.

Rate schedule designation: Supplement No. 4 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until August 2, 1958, and thereafter to permit it to become effective as of that date: *Provided*, That within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 2, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of August 2, 1958: *Provided, however*, That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement

and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Harold L. Woods, et al. to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-16116, Harold L. Woods et al., on this _____ day of _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for this purpose has executed this agreement and undertaking

_____
By _____

Attest:

_____
(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7195; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16122]

T. J. AHERN ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

T. J. Ahern et al. (Ahern) on August 1, 1958, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Texas Illinois Natural Gas Pipeline Company.

Rate schedule designation: Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2.

Effective date: September 1, 1958 (effective date is the effective date proposed by Ahern).

In support of the proposed redetermined rate increase, Ahern submits a copy of a letter from Texas Illinois Natural Gas Pipeline Company informing him that the price has been redetermined to be a base price of 16.99 cents per Mcf plus tax reimbursement. Ahern has signed the letter in agreement.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Ahern's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7196; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16113]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Phillips Petroleum Company (Phillips), on July 30, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated July 29, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 21 to its FPC Gas Rate Schedule No. 31.

Effective date: September 26, 1958 (effective date is the effective date proposed by Phillips).

In support of the proposed rate increase, Phillips states that the proposed price is not unjust nor unreasonable, that the new rate will do no more than reduce the deficiency in Phillips' jurisdictional revenues, that many producers in the area are receiving prices greatly in excess of those proposed, and that the indicated price of the subject gas as shown by Exhibit No. 324 in Docket No. G-1148, et al. is 20.2 cents per Mcf.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 31 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 31.

(B) Pending such hearing and decision thereon, said supplement be and is hereby suspended and the use thereof deferred until February 26, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7197; Filed, Sept. 5, 1958; 8:46 a. m.]

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[1] A previous increase was suspended in Docket No. G-13099 until February 1, 1958, but motion to place the suspended rate into effect subject to refund was never filed by Ahern.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-11125.

[Docket No. G-16121]

SOUTHWEST NATURAL PRODUCTION CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

AUGUST 29, 1958.

Southwest Natural Production Company (Southwest) on July 31, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 30, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8.

Effective date: September 4, 1958 (effective date is the date on which Supplement No. 3 to Southwest's FPC Gas Rate Schedule was accepted for filing and permitted to become effective).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and change.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Southwest's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 5, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7198; Filed, Sept. 5, 1958; 8:46 a. m.]

[Docket No. G-16070]

F. A. CALLERY, INC., ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGES IN RATES, AND ALLOWING INCREASED RATES TO BECOME EFFECTIVE

AUGUST 29, 1958.

F. A. Callery, Inc., et al. (Respondent), on July 30, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, Dated July 29, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13. Supplement No. 3 to Respondent's FPC Gas Rate Schedule No. 13.

Effective date: August 1, 1958 (effective date is the date proposed by Respondent).

Respondent on October 2, 1957, tendered a Notice of Change which reflected a 4 mil periodic increase from 17.80¢ per Mcf to 18.20¢ and said Notice of Change was designated Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 13. By order issued November 1, 1957, at Docket No. G-13616, we suspended said supplement and deferred its use "until April 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act." As of the date of this order, said Supplement No. 1 has not been made effective subject to refund.

The instant Notice of Change which is designated herein as Supplement No. 2 to Callery's FPC Gas Rate Schedule No. 13 proposes to increase the level of rate from 17.80¢ per Mcf, the presently effective price, to 18.55¢, a price reflecting the Louisiana tax increase. The instant Notice of Change which is designated herein as Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 13, on the other hand proposes to increase the level of rate from 18.20¢ per Mcf, the increased rate not as yet made effective subject to refund, to 18.95¢, an amount also reflecting the Louisiana tax increase.

The increased rates and charges proposed in Supplement Nos. 2 and 3 are intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable (1) to suspend Supplement No. 2 until August 2, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of this Commission an appropriate undertaking to assure such refund as may be ordered and (2) to suspend Supplement No. 3 until the date on which Supplement No. 1 is made effective in the manner prescribed by the Natural Gas Act.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rates be made effective as hereinafter provided, and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 2 and 3 to Respondent's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, Supplement No. 2 is hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in said Supplement No. 2 to Respondent's FPC Gas Rate Schedule No. 13 shall be effective as of August 2, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (F) below.

(D) Pending such hearing and decision thereon, Supplement No. 3 is hereby suspended and the use thereof deferred until the date on which Supplement No. 1 is made effective in the manner prescribed by the Natural Gas Act.

(E) Respondent shall refund at such times and in such amounts to the per-

sons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rates and charges and the proposed increased rates and charges hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(F) As a condition of this order, as such applies to aforesaid Supplement No. 2, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (E) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of F. A. Callery, Inc., et al. to Comply with the Terms and Conditions of Paragraph (E) of Federal Power Commission's Order Making Effective Proposed Rate Charges

In conformity with the requirements of the order issued _____, in Docket No. G-16070, F. A. Callery, Inc., et al., hereby agrees and undertakes to comply with the terms and conditions of paragraph (E) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

By _____

Attest:

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(G) If Respondent shall, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(H) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(I) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7199; Filed, Sept. 5, 1958; 8:47 a. m.]

[Project No. 1971]

IDAHO POWER CO.

NOTICE OF LAND WITHDRAWAL; OREGON

SEPTEMBER 2, 1958.

In accordance with Article 45 of the license, issued August 8, 1955, for this Project, the Idaho Power Company (Licensee) on May 9, 1958, filed exhibits for the inclusion, in its transmission system, of the Oxbow-Pallette Junction 230 kv transmission line.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are from May 9, 1958, the date of filing of exhibits, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

All portions of the following described subdivisions lying within 75 feet of the center line survey of the transmission line right-of-way location from the Oxbow powerhouse to Pallette Junction, as delimited on map Exhibit J and K, consolidated (F. P. C. No. 1971-65), entitled "Oxbow-Palette Junction-Hells Canyon 230 kv Transmission Line" and filed in the Commission May 9, 1958.

WILLAMETTE MERIDIAN

T. 4 S., R. 48 E.,
Sec. 8: SW¼SW¼;
Sec. 18: Lot 11;
Sec. 19: Lot 1;
Sec. 30: NE¼SW¼;
Sec. 31: SE¼SW¼.
T. 5 S., R. 48 E.,
Sec. 5: Lot 3, SE¼NW¼, N½SW¼, SE¼SW¼;
Sec. 8: SW¼NE¼, E½NW¼, W½SE¼;
Sec. 16: SW¼SW¼;
Sec. 17: E½E½, NW¼NE¼;
Sec. 21: W½NW¼, N½SW¼, SE¼SW¼;
Sec. 28: SW¼NE¼, E½NW¼, NW¼SE¼, S½SE¼;
Sec. 33: N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 34: N½SW¼, SE¼SW¼, SW¼SE¼, SW¼NW¼.
T. 6 S., R. 48 E.,
Sec. 2: Lot 7, W½SW¼;
Sec. 3: NE¼SE¼;
Sec. 11: Lot 6, SE¼NW¼, SW¼SW¼;
Sec. 14: Lot 1;
Sec. 15: Lot 2, SW¼SW¼;
Sec. 21: Lots 1 and 5;
Sec. 22: Lot 1;
Sec. 28: Lot 4 and M. S. No. 683;
Sec. 33: Lots 3, 4, SE¼NW¼.
T. 7 S., R. 48 E.,
Sec. 4: Lot 1;
Sec. 5: NE¼SE¼.

The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for power transmission line purposes only, is applicable to these lands. The area reserved herein is approximately 199.46 acres, of which approximately 117.59 acres are within the boundaries of the Wallowa or Whitman National Forests, also approximately 88.05 acres have been heretofore reserved for power purposes under Project No. 406, Power Site Classification Nos. 263 or 421 or Power Site Reserve No. 77.

A copy of map Exhibit J and K (F. P. C. No. 1971-65) has been transmitted to the Bureau of Land Management, Forest Service, Geological Survey and Bureau of Reclamation.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7221; Filed, Sept. 5, 1958; 8:51 a. m.]

[Docket No. E-6816]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER FIXING TIME AND PLACE OF HEARING AND GRANTING INTERVENTION

SEPTEMBER 2, 1958.

The Commission, by order issued April 17, 1958, in the above-entitled matter (19 FPC 554), (1) ordered that a hearing be held concerning the lawfulness of a proposed rate schedule of Public Service Company of Oklahoma, Rate Schedule FPC No. 151, at a time and place and in the manner to be fixed by further order of the Commission; and (2) suspended the operation of that rate schedule and deferred the use thereof as more specifically set forth in that order. Public Service Company of Oklahoma by that proposed rate schedule proposes to effect certain revisions both in the type of electric service which it renders to the Grand River Dam Authority and its rates and charges therefor.

The Grand River Dam Authority, an agency of the State of Oklahoma, by petition filed May 22, 1958, requested leave to intervene and participate as a party in this proceeding all in support of the aforementioned rate schedule. By that petition, Grand River Dam Authority also requested permission to file with the Commission a proffered agreement between the Public Service Company of Oklahoma and the Grand River Dam Authority dated April 21, 1958, which by its terms would amend certain contractual provisions between those parties as embodied in Public Service Company of Oklahoma's Rate Schedule FPC No. 151.

Kamo Electric Cooperative, an "electric cooperative" organized and existing under the laws of the State of Oklahoma, together with a number of other such electric cooperatives,[1] by petition filed June 9, 1958, requested leave to intervene and participate as interveners and be fully heard in all matters involving or relating to this matter, all in support of certain contentions generally in opposition to the Public Service Company of Oklahoma's Rate Schedule FPC No. 151.

The aforementioned electric cooperatives, with the exception of Oklahoma Statewide Electric Cooperative, are stated to be engaged in the distribution and sale of electric power and energy (obtained from the Grand River Dam Authority), to rural customers in all or part of certain named counties in the State of Oklahoma. Oklahoma Statewide is said to be engaged in coordinating and assisting the other named electric cooperatives in promoting and planning for the widespread use of electric power and energy in Oklahoma.

In the opinion of the Commission, the participation of the Grand River Dam Authority, Kamo Electric Cooperative and the other above-named electric cooperatives, in this proceeding may be in the public interest and, therefore, they should be granted permission to intervene and participate herein as hereinafter provided. Also, it is appropriate and in the public interest in carrying out the provisions of the Federal Power Act that the public hearing ordered by the aforementioned Commission order be commenced as hereinafter provided.

Considering the issues herein before the Commission and the respective positions of the aforementioned petitioners, the following order of presentation on direct is anticipated (1) Public Service Company of Oklahoma and Grand River Dam Authority, (2) Kamo Electric Cooperative and the other above-named electric cooperatives, and (3) staff; each such presentation being followed by a recess of the hearing and the opportunity for cross examination with respect to that particular presentation with further recesses of the hearing following the opportunity for cross examination of (1) and before the presentation of (2) and following the opportunity for cross examination of (2) and before the presentation of (3); each of the above recesses being for a minimum period of four calendar weeks unless otherwise agreed to by the parties herein including staff.

Wherefore, the Commission, pursuant to the authority contained in the Federal Power Act, particularly sections 205, 307, 308, and 309, orders:

(A) The public hearing concerning the lawfulness of Public Service Company of Oklahoma's Rate Schedule FPC No. 151 ordered by the aforementioned Commission order be held commencing October 21, 1958, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

(B) Grand River Dam Authority, Kamo Electric Cooperative and the other above-named electric cooperatives are hereby permitted to become interveners in this proceeding: *Provided, however,* That with respect to each of those petitioning parties, its participation shall be limited to matters affecting its asserted rights and interests specifically set forth in its respective petition for leave to intervene: *And provided further,* That with respect to each of those petitioning parties, the admission of such petitioning party shall not be construed as recognition by the Commission that such petitioning party might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

(D) The Commission hereby accepts for information purposes only, the aforementioned agreement between the Public Service Company of Oklahoma and the Grand River Dam Authority dated April 21, 1958, proffered by the Grand River Dam Authority. Nothing herein contained shall be construed (1) as constituting an acceptance of said agreement for filing to effect a change in Public Service Company of Oklahoma's Rate Schedule FPC No. 151; (2) as effecting a change in that rate schedule; or (3) as being in any way prejudicial to any request which hereafter may be made by Public Service Company of Oklahoma for permission to change such rate schedule, pursuant to the Commission's regulations under the Federal Power Act.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7282; Filed, Sept. 5, 1958; 8:52 a. m.]

[1] Northeast Oklahoma Electric Cooperative, Oklahoma Statewide Electric Cooperative, Lake Region Electric Cooperative, East Central Oklahoma Electric Cooperative, Cookson Hills Electric Cooperative, Verdigris Valley Electric Cooperative, Indian Electric Cooperative and Central Rural Electric Cooperative.

[Docket No. G-4207]

SAM SKLAR

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Sam Sklar, Trustee (Applicant), a partnership having its principal place of business in Shreveport, Louisiana, filed on October 6, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from its acreage in the Cotton Valley Field, Webster Parish, Louisiana, and sells such gas in interstate commerce for resale to: (1) United Gas Pipe Line Company (United) under a contract between Applicant and United, executed April 29, 1940, as amended November 29, 1952, and designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 3, and (2) Louisiana Nevada Transit Company (Louisiana Nevada) under a contract between Louisiana Nevada and the Cotton Valley Operators Committee, executed October 24, 1940, and designated in the Commission's files as Applicant's FPC Gas Rate Schedule No. 4.

Analysis of the above-mentioned Rate Schedule No. 4 discloses that Applicant's sale to Louisiana Nevada is made under a contract to which Applicant is not a signatory party; therefore, the Applicant is hereby notified that that portion of its application relating to the sale of natural gas to Louisiana Nevada will be dismissed, and that the Commission's action accepting Applicant's FPC Gas Rate Schedule No. 4 will be rescinded, pursuant to § 154.91 (d) of the Commission's regulations under the Natural Gas Act. The order accompanying the Commission's Opinion No. 314, issued July 23, 1958, ordered the Cotton Valley Operators Committee to file an application for a certificate of public convenience and necessity and to file a rate schedule covering the sale of natural gas to Louisiana Nevada from the Cotton Valley Field.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. 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 September 24, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7223; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-14371]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, having its principal officers at 1221 Baltimore Avenue, Kansas City, Missouri, and 120 Broadway, New York, New York, filed on January 31, 1958, an application and on April 22, 1958, and May 27, 1958, supplements thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas transmission facilities, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Panhandle proposes to acquire by purchase from the Town of Lapel, Indiana (Town) 4.9 miles of natural gas pipeline and other appurtenant facilities, more particularly described as follows: Twenty-six thousand three hundred thirty-four feet, more or less, of steel pipeline 4½ inches in outside diameter running from the connection of said line with the Panhandle Eastern Pipe Line Company's Anderson 18-inch Lateral to the point downstream of the measuring and regulating devices housed in the town border station of the Town of Lapel where the gas enters the distribution system of the Town of Lapel, Indiana; such portion of the farm tap connection service lines which are located along and connected to said 4½ inch steel pipeline as may be owned by the Town or the Municipal Gas Company thereof; all meters, regulators, valves and other equipment and fixtures attached and appurtenant to said line and to the farm tap service lines, including the building housing the town border station and all measuring and regulating devices therein contained; all land owned by the Town or the Municipal Gas Company thereof which is a part of the tract on which the town border station stands; and any and all rights of way, easements, permits, licenses and agreements under or pursuant to which the Town has constructed and now maintains said line and appurtenant property.

Applicant alleges that the facilities proposed to be acquired comprise all of the gas transportation facilities owned by the Town, but do not include the lines and other facilities which the Town owns and uses for the distribution of gas at low pressures to the public in the Town of Lapel.

The consideration proposed to be paid for the said facilities is $15,814.78 from funds on hand.

Applicant alleges that it delivers gas through the pipeline and facilities proposed to be purchased to the Town of Lapel for resale to the public and to Brockway Glass Company (Brockway), a direct industrial customer. There are also approximately twenty farm service tap customers served from said pipeline, which Applicant will continue to serve.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 14, 1958, at 9:30 a. m., e. d. 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 1, 1958. Failure of any party to appear at and participate in the hearing will be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7224; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-14836]

MIDSTATES OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that on April 4, 1958, Midstates Oil Corporation, (Applicant) filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United Gas Pipe Line Company (United) for resale for ultimate public consumption, subject to the jurisdiction of the Commission, which gas is produced by Applicant from approximately 529.17 acres located in the Normanna and South Tuleta Fields, Bee County, Texas, as more fully described in the application on file with the Commission and open to public inspection.

The estimated volume of gas to be sold per month is 93,000 Mcf and the proposed price is 17 cents per Mcf at 14.65 psia. A gas sales contract between the Applicant and United dated March 31, 1958, is made a part of the application and has been designated Midstates Oil Corporation FPC Gas Rate Schedule No. 61, which said agreement provides for periodic price increases and a redetermination clause.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1958, at 10:00 a. m., e. d. 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.

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 September 25, 1958.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7225; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-15339]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that John B. Hawley, Jr., Trustee (Applicant), filed an application on June 23, 1958, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks athority to sell natural gas in interstate commerce to Cities Service Gas Company (Cities Service) for resale from the Danner A-1 gas unit, located in the Hugoton Field, Finney County, Kansas.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958 at 9:30 a. m., e. d. 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 noncontested 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 unneces-

sary 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 September 26, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7226; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-15715]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 2, 1958.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed on July 29, 1958, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate, during the year 1959, taps, meters and appurtenant facilities necessary to render service to not more than 25 unnamed road construction contractors who annually use natural gas in connection with Federal, State, or local road building projects. Exact information is not available as to the facilities, number of customers, their location, or the amount of gas they would need, as the road building projects are transient. The temporary deliveries cease and the contracts terminate when the road construction projects are completed. Applicant states that its past experience shows that the average road project uses about 16,000 Mcf of natural gas, generates a revenue of about $4,000 to Applicant and requires Applicant to invest about $500.00 for construction and subsequent removal of facilities.

The amount of gas involved is small compared to Applicant's available system reserves. The service, as proposed, would have no appreciable effect on Applicant's available gas reserves or service to existing customers.

The purpose of this budget type application is to avoid hardship upon the road building contractors in awaiting the preparation and filing of an application for each project and the delay involved in hearing and decision in each instance.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1958, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-7227; Filed, Sept. 5, 1958; 8:52 a. m.]

[Docket No. G-16077]

CHEYENNE OIL CORPORATION OF DELAWARE ET AL.

ORDER FOR HEARING, SUSPENDING PROPOSED CHANGE IN RATE, AND ALLOWING INCREASED RATE TO BECOME EFFECTIVE

SEPTEMBER 2, 1958.

Cheyenne Oil Corporation of Delaware (Operator), et al., (Respondent) on August 14, 1958, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 8, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Respondent's FPC Gas Rate Schedule No. 1.

Effective date: September 13, 1958 (effective date is the first day after expiration of required thirty days notice).

The increased rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge until September 14, 1958, and thereafter to permit it to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increased rate be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in the above-designated supplement to Respondent's FPC Gas Rate Schedule.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until September 14, 1958, and until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement to Respondent's FPC Gas Rate Schedule shall be effective as of September 14, 1958: *Provided, however,* That within 20 days from the date of this order, Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the additional tax of one cent per Mcf levied by the State of Louisiana is for any reason held to be invalid. Should such additional tax eventually be held invalid and the State of Louisiana makes refund, with interest, of the tax monies collected pursuant to the said Act No. 8 of 1958, then, and in that event, a proportionate part of the interest so received by the Respondent herein shall be passed on and paid to the

persons entitled thereto at such times and in such amounts, and in such manner as may be required by final order of the Commission. Respondent shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ to Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Charges

In conformity with the requirements of the order issued _____, in Docket No. G-_____, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ____ day of _____.

_____

Attest: By _____

_____

(Secretary)

Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-7228; Filed, Sept. 5, 1958; 8:53 a. m.]

[Docket No. E-6839]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF APPLICATION

SEPTEMBER 2, 1958.

Take notice that on August 22, 1958, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Vermont Public Service Corporation ("Applicant"), a corporation organized under the laws of the State of Vermont and qualified to do business as a foreign corporation in the States of New Hampshire and New York, with its principal business office at Rutland, Vermont, seeking an order authorizing it to sell or otherwise dispose of certain of its facilities to Vermont Electric Power Company, Inc. ("Velco"). Velco, a subsidiary of Applicant, which is incorporated in the State of Vermont with its principal business office at Rutland, Vermont, was organized for the primary purpose of constructing and operating transmission and associated facilities to receive and transmit 100,000 KW of firm power from the St. Lawrence River Development, pursuant to a contract dated June 13, 1957, between Velco and the State of Vermont, and to deliver such power directly or through the facilities of others to allottees of the State of Vermont. Velco intends to begin receiving St. Lawrence power on or about September 2, 1958. Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing and selling electric energy for thirteen counties in Vermont. It also sells electric energy to four customers in Washington County, New York.

The facilities to be transferred consist of approximately 33.8 circuit miles of 115 KV transmission line between Essex and Middlebury, Vermont, and approximately 12.3 circuit miles of 115 KV transmission line between Essex and Milton, Vermont. Their present use is for the interchange of power between the Central system and the St. Albans system (both in Applicant's main system) and subsequent to the transfer will be used by Applicant as at present and by Velco for the transmission of St. Lawrence power to allottees of the State of Vermont. The proposed transfer does not include all the operating facilities of either party to the transaction. The consideration for the transfer will be cash equal to the original cost of the facilities, less the amounts accrued for depreciation as of September 1, 1958. The original cost of the facilities to be sold, less accrued depreciation, as of September 1, 1958, is $712,994.36. Applicant states that the proposed sale will not have any effect upon any contract for the purchase, sale or interchange of electric energy except to permit Velco to fulfill its commitments to the State of Vermont under Power Transmission Contract dated June 13, 1957.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of September 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-7229; Filed, Sept. 5, 1958; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3726]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES

AUGUST 29, 1958.

Notice is hereby given that Missouri Power & Light Company ("Missouri"), a public-utility subsidiary of Union Electric Company ("Union"), a registered holding company, has filed with the Commission and application pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated section 6 (b) thereof as applicable to the proposed transactions, which are summarized as follows:

As of August 14, 1958, Missouri had outstanding $1,075,000 of promissory notes issued to two banks, of a maturity of nine months from date of issue, which were issued pursuant to the exemptive provisions contained in the first sentence of section 6 (b) of the act. Missouri expects that it will be necessary to borrow an additional amount of $400,000 on or about September 10, 1958, at which time the total aggregate amount of such promissory notes will be $1,475,000. This amount is within the maximum amount, $1,575,000, which Missouri may presently issue under such exemptive provisions, or 5 per centum of the aggregate of the principal amount of Missouri's long-term debt and the par value of its preferred and common stock.

Missouri estimates its cash requirements from external sources for construction purposes during the months October 1958 through March 1959 will aggregate $3,150,000. This includes $1,475,000 for the repayment of the promissory notes to be outstanding on or about September 10, 1958, which will be held by Central Missouri Trust Company (Jefferson City, Missouri) and The Chase Manhattan Bank. Missouri has made arrangements with the present holders of its short-term notes, and with two other financial institutions, Harris

Trust and Savings Bank of Chicago, Illinois, and the Exchange National Bank of Jefferson City, Missouri, for bank loans in the aggregate amount of $3,150,000, without any commitment fees, as required by Missouri from time to time. These loans will be evidenced by promissory notes to be dated as of the date of each particular borrowing, will mature on June 30, 1959, will bear interest at the prime rate effective at the particular time of borrowing, and will be prepayable prior to maturity without premium.

It is further stated that Missouri contemplates permanent financing during the first six months of 1959 to obtain funds for the repayment of its promissory notes and for the continuation of its construction program.

Accordingly, Missouri requests the Commission to enlarge the percentage which Missouri may borrow, pursuant to the first sentence of section 6 (b) of the act, from 5 percent to 10 percent, such increase to remain in effect until June 30, 1959, or such earlier date upon which Missouri shall have consummated its permanent financing referred to above.

It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100, or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 58-7200; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 812-1173]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

AUGUST 29, 1958.

Notice is hereby given that National Aviation Corporation ("Applicant"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 10 (f) of the Act the proposed purchase of not to exceed 10,000 shares of the 113,500 shares of capital stock proposed to be issued by Thiokol Chemical Corporation (the "Issuer").

Applicant recites that the Issuer is preparing to issue in a public offering an aggregate of 113,500 shares of its common stock which are covered by a Registration Statement filed by the Issuer with the Securities and Exchange Commission on or about August 22, 1958. The Issuer proposes to issue to holders of its capital stock of record as of the close of business September 11, 1958 rights in the form of transferable warrants, expiring September 26, 1958, to subscribe for such stock at the rate of 1 share for each 12 shares held.

The investments of Applicant over the last ten years have been, and are, for the most part, in securities of aircraft manufactures, air transport companies and in companies either in, or connected with, or serving and/or supplying the aviation industry. The Issuer is engaged primarily in the research, development and production of solid and liquid propellant motors for rockets and missiles for the United States Government and also produces liquid polymers and special purpose synthetic rubbers for industrial application.

The investment banking firms of Paine, Webber, Jackson & Curtis and Hornblower & Weeks are expected to be members of the underwriting group offering the securities. The application recites that Stuart R. Reed, a director of applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis and that Charles S. Sargent, also a director of Applicant, is a general partner of Hornblower & Weeks. Applicant proposes to purchase the shares either through the exercise of rights purchased on the New York Stock Exchange or from any of the underwriters other than Paine, Webber, Jackson & Curtis or Hornblower & Weeks. The proposed investment would represent approximately 1.87 percent of the total assets of Applicant as of August 21, 1958.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Reed and Sargent are affiliated persons of investment banking firms which may be part of the underwriting group of the securities offering, purchase of the rights or the stock by the Applicant during the underwriting is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase is consistent with the protection of investors and the investment policies of the Applicant as recited in its registration statement filed with the Commission.

Notice is further given that any interested person may, not later than September 12, 1958, at 1:00 p. m., submit to the Commission in writing any facts bearing on the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

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

[F. R. Doc. 58-7201; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 31-654]

BENDIX AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

AUGUST 29, 1958.

Notice is hereby given that Bendix Aviation Corporation ("Bendix"), a holding company which has heretofore claimed exemption pursuant to Rule 9 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), has filed with this Commission an application for exemption for itself, and its public-utility subsidiary Hamilton and Rossville Hydraulic Company ("H&R") as such, pursuant to section 3 (a) (3) of the Act.

All interested persons are referred to the application on file at the Commission for a statement of the request for the exemption, and of the facts forming the basis for such exemption, which are summarized as follows:

Bendix is a corporation organized under the laws of Delaware in 1929. It is engaged in the business of diversified engineering and manufacturing. The products manufactured and sold by it relate primarily to aviation, automotive, industrial, consumer, and miscellaneous military products.

H&R is the only subsidiary of Bendix which is a public-utility company as defined in the Act, and its outstanding securities, consisting only of common stock, are all owned by Bendix. It owns certain hydro-electric facilities located on the Miami River at Hamilton, Ohio, and the electric energy produced therefrom is normally used by the Hamilton Division of Bendix located contiguous to the generating facilities of H&R; however, at certain times of the year the energy produced exceeds the requirements of the Hamilton Division of Bendix and such excess electricity is sold to Cincinnati Gas & Electric Company, a non-affiliated public-utility company, from which company H&R, at times, also purchases electricity.

H&R sells electric energy to Bendix at its cost which covers all operating expense of H&R including depreciation on its plant and taxes but which allows for no profit or loss. During the five-year period 1953–57, the electricity sold to Cincinnati Gas & Electric Company ranged from about 2¼ million to 5 million kilowatt hours comprising from 20 percent to 40 percent of H&R's generation in those years. During the same period the revenue received from sales to Cincinnati Gas & Electric Company ranged from about $8,500 to $20,000 per year. Consolidated net sales, royalties and other operating income of Bendix for the year ended September 30, 1957, exceeded $700,000,000, and its net income for the period was about $27,500,000.

Notice is further given that interested persons may, not later than September 15, 1958, request in writing that a hearing be held in respect of the application for exemption, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application as filed, or as it may be amended, may be granted, or the Commission may take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 58-7202; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 7-1930]

DEERE & CO. (DELAWARE)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING.

SEPTEMBER 2, 1958.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Deere & Company (Delaware), common stock; File No. 7-1930.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before September 17, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 58-7205; Filed, Sept. 5, 1958; 8:48 a. m.]

[File No. 7-1934]

SYMINGTON-WAYNE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 2, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Symington-Wayne Corporation, common stock; File No. 7-1934.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 17, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 58-7206; Filed, Sept. 5, 1958; 8:48 a. m.]

[File No. 7-1935]

STANDARD OIL COMPANY OF OHIO

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

SEPTEMBER 2, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Standard Oil Company of Ohio, common stock; File No. 7-1935.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before September 17, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commisison.

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

[F. R. Doc. 58-7207; Filed, Sept. 5, 1958; 8:48 a. m.]

[File No. 70-3727]

UNION ELECTRIC CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING PROPOSED ACQUISITION OF UTILITY ASSETS IN EXCHANGE FOR COMMON STOCK

AUGUST 29, 1958.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company and also a public-utility company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed acquisition of certain public-utility assets of R. W. Foss Electric Company, Inc. ("Foss"), and has designated sections 6 (a), 7, and 9 (a) of the Act and Rule 50 (a) (4) promulgated under the Act as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Union renders electric service in eastern and central Missouri, in portions of Illinois, and in southeastern Iowa. Foss is a public-utility company engaged in the purchase, transmission and distribution of electric energy in Henry, Lee, and Van Buren counties in southeastern Iowa, and, among other communities, serves the cities of Salem, Hillsboro, Stockport, Douds, and environs. The outstanding capital stock of Foss is owned by members of the Foss family. Approximately 82 percent of the electric energy used by Foss is purchased from Union, and the Foss properties are adjacent to those of Union in Iowa. Pursuant to a contract dated August 1, 1958,

between Union and the stockholders of Foss, Union proposes to acquire substantially all the properties of Foss in exchange for 9,133 shares of Union's $10 par value treasury common stock at an agreed value of $30 per share, or an aggregate of $273,990.

The application-declaration states that the Public Service Commission of Missouri and the Illinois Commerce Commission have jurisdiction over the issuance and sale by Union of its common stock, but that no State commission has jurisdiction over the proposed acquisition by Union of the utility assets of Foss. It is also stated that no Federal commission other than this Commission has jurisdiction over any of the proposed transactions.

No finder's fee or commission is to be incurred in connection with the proposed transactions, and the expenses to be incurred in connection therewith are estimated at not to exceed $1,000.

Notice is further given that any interested person may not later than September 15, 1958, at 5:30 p. m., request in writing that a hearing be held in respect to such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application and permit the declaration to become effective as prescribed in Rule 23 promulgated under the Act or the Commission may grant exemption from its rules as provided in Rule 20 (a) or 100 thereof or take such action as it deems appropriate.

By the Commission.

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

[F. R. Doc. 58-7203; Filed, Sept. 5, 1958; 8:47 a. m.]

[File No. 1-3074]

CORNUCOPIA GOLD MINES

ORDER SUMMARILY SUSPENDING TRADING

SEPTEMBER 2, 1958.

In the matter of trading on the American Stock Exchange in the $0.05 par value common stock of Cornucopia Gold Mines; File No. 1-3074.

I. The common stock, $0.05 par value, of Cornucopia Gold Mines being listed and registered on the American Stock Exchange; and

II. The Commission on July 25, 1958, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the Act") to determine at a hearing to be held September 2, 1958, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of Cornucopia Gold Mines (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation 14 adopted pursuant to section 14 (a) of the Act.

On August 13, 1958, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

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

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, September 3 to September 12, 1958, inclusive.

By the Commission.

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

[F. R. Doc. 58-7204; Filed, Sept. 5, 1958; 8:47 a. m.]