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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

Title 7, Parts 900 to 959 (\$1.00)

Titles 22-23, Rev. Jan. 1, 1958 (\$4.25)

Titles 28-29 (\$1.50)

Previously announced: Title 3, 1957 Supp. (\$0.40); Titles 4-5 (\$1.00); Title 8, Rev. Jan. 1, 1958 (\$3.25); Title 9 (\$0.75); Titles 10-13 (\$1.00); Title 17 (\$0.65); Title 18 (\$0.50); Title 20 (\$1.00); Titles 30-31 (\$1.50); Title 32, Parts 700-799 (\$0.60), Part 1100 to end (\$0.50); Titles 35-37 (\$1.00); Title 39 (\$0.60); Titles 40-42 (\$1.00); Title 43 (\$0.70); Title 46, Parts 1-145 (\$0.75), Parts 146-149, Rev. Jan. 1, 1958 (\$5.50); Title 49, Part 165 to end (\$0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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has become subrogated by payment to, or on behalf of its insured, pursuant to a contract of insurance in force at the time of the incident from which the claim arose. An insurance carrier and its insured may file a claim either jointly or separately. Joint claims must be asserted in the names of, and must be signed by, all parties; payment then will be made jointly. If separate claims are filed, payment to each party will be limited to the extent of such party's undisputed interest.

(2) For the purpose of determining authority to settle or compromise a claim, the payable interests of the insurance carrier (or carriers) and the insured represent merely separable interests, which interests in the aggregate must not exceed the amount authorized for administrative settlement or compromise.

(3) The policies set forth in subparagraphs (1) and (2) of this paragraph with respect to subrogation arising from insurance contracts are applicable to all other types of subrogation.

(h) *Limitation of settlement.* (1) The authority of the Secretary of the Army to effect settlement of claims under this section is subject to the same limitation as the Suits in Admiralty Act (act of March 9, 1920, 41 Stat. 525, as amended (46 U. S. C. 741 et seq.)), that is, a 2-year period from the date of the origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such period; otherwise, thereafter the cause of action ceases to exist and there is no authority to effect settlement administratively. The presentation of a claim or its consideration by the Department of the Army does not waive nor extend the 2-year limitation period.

(2) When a claim cognizable under this section or notice of intention to file such claim is received, the claimant or potential claimant will be advised by the receiving claims office of the comprehensive application of this time limit.

(i) *Delegation of authority.* Claims within the purview of this section may be disapproved if asserted in an amount not exceeding \$1,000 or settled or compromised at a net amount not exceeding \$1,000, by The Judge Advocate General or such other officers or persons as the

Secretary of the Army may designate for that purpose.

(Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

2. Revise § 537.7 to read as follows:

§ 537.7 *Maritime claims*—(a) *Statutory authority.* The statutory authority for this section, which is published under the direction of the Secretary of Defense, is contained in Title 10, United States Code, sections 4801-4806 for claims accruing after August 9, 1956, and in the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861-1866, 1952 ed.), for claims accruing before August 10, 1956.

(b) *Scope.* (1) Section 2 of the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1862, 1952 ed.) and section 4803 of Title 10, United States Code, provide for the settlement or compromise of claims of a kind that is within the admiralty jurisdiction of a district court of the United States and of claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Army or property for which the Department has assumed an obligation to respond for damages, where the net amount payable to the United States does not exceed \$500,000.

(2) Section 3 of the act of October 20, 1951 (65 Stat. 573; 10 U. S. C. 1863, 1952 ed.) and section 4804 of Title 10, United States Code, provide for the settlement or compromise of claims in any amount for salvage services (including towage) performed by the Department of the Army for any vessel.

(c) *Amount exceeding \$500,000.* Claims in favor of the United States, except claims for salvage services, may not be settled or compromised under this section at a net amount exceeding \$500,000 payable to the United States. However, all such claims otherwise within the scope of this section will be investigated and reported to The Judge Advocate General, Department of the Army.

(d) *Civil works activities.* Rights of the United States to fines or penalties created by any statute and to liens, forfeitures, or other special remedies, by virtue of the provisions of the Rivers and Harbors Act of 1899 (30 Stat. 1151, as amended (33 U. S. C. 401 et seq.)), are not dealt with in this section. However, claims in favor of the United States for money damages, which are civil in nature, arising out of civil works activities of the Corps of Engineers and otherwise within the purview of this settlement authorization, with respect to which an adequate remedy is not available to the Chief of Engineers, may be processed under this section.

(e) *Delegation of authority.* Claims under this section, except claims for salvage services, may be settled or compromised at a net amount not exceeding \$1,000 by The Judge Advocate General, Department of the Army, or such other officers or persons as the Secretary of the Army may designate for that purpose.

(f) *Demands.* Demand for the payment of claims in favor of the United States under this section may be made

only by The Judge Advocate General, Department of the Army, or other designees of the Secretary of the Army.

[AR 25-60, Apr. 1, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[P. R. Doc. 58-2980; Filed, Apr. 21, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 3]

PART 401—FEDERAL CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1958 AND SUCCEEDING CROP YEARS

ORANGES

Correction

In F. R. Document 58-2835, appearing in the issue for Thursday, April 17, 1958, at page 2481, make the following change:

In § 401.25, paragraph 8 (c), the last sentence should read "The Corporation reserves the right to delay the determining of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year."

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

[Lemon Reg. 734, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

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 amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 2000]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES

SPECIAL STIPULATIONS FOR LANDS WHERE SURFACE CONTROL IS UNDER JURISDICTION OF DEPARTMENT OF AGRICULTURE OR FOR LANDS IN RECLAMATION, OR POWER SITE WITHDRAWALS OR RESERVATIONS, OR FEDERAL WILDLIFE LANDS

Section 191.6 is revised as follows:

§ 191.6 *Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation, or power site withdrawals or reservations, or Federal wildlife lands.* Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands, the surface control of which is under the jurisdiction of the Department of Agriculture, will be required to consent to the inclusion therein of the stipulation on Form 4-216. Where the lands have been withdrawn for reclamation purposes the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-467 if the land is potentially irrigable, or Form 4-467 (a) if the land is within the flow limits of a reservoir site, or Form 4-467 (b) if the land is within the drainage area of a constructed reservoir, or if withdrawn for power purposes, Form 4-1223. Where the lands have been withdrawn as Game Range Lands, Coordination Lands, or Alaska Wildlife Areas, as defined in § 192.9, the offeror or applicant will be required to consent to the inclusion of a stipulation on Form 4-1383. Additional conditions may be imposed to protect the land withdrawn if deemed necessary by the agency having jurisdiction over the surface.

(Sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301, as amended; 30 U. S. C. 189, 271)

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3025; Filed, Apr. 21, 1958;
10:57 a. m.]

[Form 4-1383]

PART 192—OIL AND GAS LEASES

LEASING OF WILDLIFE REFUGE LANDS, GAME RANGE LANDS AND COORDINATION LANDS

The following note affects § 192.9:

Note:

Stipulations. For inclusion in oil and gas leases entered into pursuant to § 192.9 relating to oil and gas leases in wildlife refuge, game range, and coordination lands.

Instructions. (1) The following stipulations will be made a part of Interior Department Lease Form No. 4-1158 (6th Edition of April 1957) and Lease Form No. 4-1196 (Edi-

tion of December 1954), and all revisions thereof and substitutions therefor. These stipulations will be made applicable as terms and conditions of performance by lessees under all oil and gas leases entered into under authority vested in the Secretary of the Interior over game range, coordination or Alaska Wildlife lands pursuant to the order of the Secretary of the Interior published in 23 F. R. 227, January 11, 1958, § 192.9.

(2) Should compliance with one or more of these terms and conditions be considered unduly burdensome and unnecessary to the protection of wildlife resources, the lessee may request waiver thereof by letter addressed to the Secretary of the Interior setting forth, in full, the reasons why a waiver is considered necessary. The authority to grant such waivers shall be discretionary and may be exercised only by the Secretary or the Under Secretary of the Interior.

(3) The authorized officer shall (a) approve no plan of operation that contains provisions inconsistent with the stipulations hereinafter set forth; (b) waive no term or condition in a lease; or (c) exercise no discretion vested in him unless he is satisfied the exercise of that discretion will not damage any wildlife resource.

(4) Drilling and production operations under the lease shall be under the direction of the Geological Survey.

Terms and conditions. (1) As used herein:

(a) The term "lessee" includes the lessee, heirs and assigns of the lessee and persons operating on behalf of the lessee;

(b) The term "wildlife resources" includes fish and wildlife resources and concentrations, fish and wildlife management operations and range improvements and facilities;

(c) The term "authorized officer" means the State Supervisor of the Bureau of Land Management in the State in which the land is located, and, in Alaska, the Refuge Manager of the Bureau of Sport Fisheries and Wildlife;

(2) The lessee shall:

(a) Comply with all the rules and regulations of the Secretary of the Interior;

(b) Prior to the beginning of operations, appoint and maintain at all times during the term of the lease a local agent upon whom may be served written orders or notices respecting matters contained in these stipulations and to inform the authorized officer in writing of the name and address of such agent. If a substitute agent is appointed, the lessee shall immediately inform the said representative;

(c) Conduct all authorized activities in a manner satisfactory to the authorized officer with due regard for good land management and avoid damage to improvements, timber, crops, and wildlife cover, and fill all sump holes, ditches, and other excavations or cover all debris, and so far as reasonably possible, restore the surface of the leased lands to their former condition and when required to bury all pipelines below plow depth. The authorized officer shall have the right to enter all the premises at any time to inspect both the installation and operational activities of the lessee;

(d) Take such steps as may be necessary to prevent damage to wildlife;

(e) Do all in his power to prevent and suppress forest, brush, or grass fires and to require his employees, contractors, subcontractors and employees of contractors or subcontractors to do likewise;

(f) Install adequate blow-out prevention equipment;

(g) Construct ring dikes and sump pits to confine drilling mud and other pollutants and make safe disposition of salt water by

and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.841 (Lemon Regulation 734; 23 F. R. 2399) are hereby amended to read as follows:

(ii) District 2: 227,850 cartons.

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

Dated: April 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F. R. Doc. 58-2985; Filed, Apr. 21, 1958;
8:51 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 4]

PART 103—SMALL BUSINESS SIZE STANDARDS

CAPACITY; PETROLEUM INDUSTRY

The Small Business Size Standards Regulation, as amended (21 F. R. 9709, 22 F. R. 2121, 2758, 3314, 4190) is hereby further amended by:

1. Adding the following new paragraph (h) to § 103.2:

§ 103.2 *Definition of terms.* * * *

(h) *Capacity.* The crude-oil capacity of a refinery represents the maximum daily average crude throughput of the plant in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

2. Adding the following new paragraph (e) to § 103.3:

§ 103.3 *Determination of small business for Government procurement.* * * *

(e) *Petroleum Refining Industry.* A small business concern in the petroleum refining industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, (3) together with its affiliates employs not more than 1,000 persons, and (4) does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: April 11, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-2973; Filed, Apr. 21, 1958;
8:49 a. m.]

use of injection wells or such other method as may be approved in the plan of operation;

(h) Cover flare pits in acres of wildlife concentration;

(i) Remove derricks, dikes, equipment, and structures not required in producing operations within 60 days after the completion of drilling;

(j) Comply with and see to it that his agents and employees comply with all Federal, State, or territorial laws relating to hunting, fishing, and trapping;

(k) Commit the lease to any unit plan required in the interest of conservation of oil or gas resources or for the protection of wildlife;

(l) Prior to the conduct of geological, geophysical, or core drilling operations or construction of any facilities, or prior to operations to drill or produce, submit in triplicate for approval in writing by the authorized officer a plan of operation that will include detailed statements indicating the manner in which the lessee will comply with these stipulations together with a statement that the lessee agrees that compliance with these stipulations and with the approved plan of operations are conditions of performance under this lease and that failure to comply with these provisions (unless they are waived by the Secretary or the Under Secretary of the Interior) will be grounds for cancellation of the lease by the United States. Notwithstanding other provisions in these stipulations, the lessee shall include in any plan of operation specific provisions relating to: The time, place, depth and strength of seismicographic shots, maps showing the location of his leases included in the plan, actual and proposed access roads, bunkhouses, proposed well locations, storage and utility facilities, water storage, pipelines and pumping stations; the type of safety equipment that will be employed; the methods to be used to assure the disposition of drilling mud, pollutants, and other debris; the location of facilities in relation to flood levels; and such other specific matters as the authorized officer may require. The plan of operation shall be kept current in all respects and all revisions and amendments submitted to the authorized officer for written approval;

(m) Do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the land, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this lease causes damage to the watershed or pollution of the water resource, the lessee agrees to repair such damage, including reseeded and to take such corrective measures to prevent further pollution or damage to the watershed as are deemed necessary by the authorized officer;

(n) File the bond required by section 2a (4) of the lease before conducting any operations on the leasehold, and file any additional bond required by the authorized officer to pay for damages to wildlife habitat, including trees and shrubs, or wildlife improvements;

(o) Agree to respect and comply with any new requirements imposed by the Secretary of the Interior, or the authorized officer, on the operating program as operating experience proves necessary in order to give complete protection to wildlife populations and wildlife habitat on the areas leased.

(3) The lessee shall not:

(a) Construct roads, pipelines, utility lines, and attendant facilities that are either unnecessary or which might interfere with wildlife habitat or resources or with drainage;

(b) Modify or change the character of streams, lakes, ponds, water holes, seeps, and marshes, except by advance approval in writing by the authorized officer nor shall he in any way pollute such streams, lakes, ponds, water holes, seeps, or marshes;

(c) Conduct operations at such times as will interfere with wildlife concentrations;

(d) Conduct geological or geophysical explorations that might damage any wildlife resource and such operations shall be conducted only in accordance with advance approval in writing by the authorized officer as to the time, manner of travel, and disturbances of surfaces and the facilities required for the protection of wildlife;

(e) Use explosives in fish spawning or rearing areas, nesting areas, lambing grounds, or other areas of wildlife concentration during periods of intense activity or at any other time or in any manner that might damage any wildlife resources; the pattern, size, and depth of seismicographic shots shall be submitted to the authorized officer for advance approval in writing and immediately following the detonation of any seismicographic charge, the hole shall be filled or plugged and any surface damage repaired to the satisfaction of the authorized officer;

(f) Without advance approval in writing, use any water or water source controlled or developed by the United States;

(g) Use mobile equipment under such conditions as to permanently damage surface resources, cause scarring and erosion, or interfere with wildlife concentration;

(h) Conduct geological, or geophysical, or core drilling operations or construct roads, bunkhouses or any facilities or drill or produce under a lease until the submittal and approval in writing of a plan of operation pursuant to section (2) (m) supra or deviate therefrom until any revisions or amendments of said plan have been approved in writing by the authorized officer.

(i) Burn rubbish, trash, or other inflammable materials or use explosives in a manner or at a time that would constitute a fire hazard.

(Sec. 32, 41 Stat. 450, 30 U. S. C. 189)

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3026; Filed, Apr. 21, 1958; 11:18 a. m.]

Appendix—Public Land Orders

[Public Land Order 1621]

[1941468]

ALASKA

MODIFYING PUBLIC LAND ORDER NO. 82 OF JANUARY 22, 1943, IN PART TO PERMIT MINING LOCATIONS AND MINERAL LEASING OF LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 82 of January 22, 1943, reserving lands under jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, which was modified by Public Land Orders Nos. 250, 254, and 299 of November 20, 1944, December 15, 1944, and October 9, 1945, respectively, and partially revoked by Public Land Order No. 323 of August 14, 1946, is hereby modified, subject to the provisions of paragraphs 2 and 3 of this order, to the extent necessary to permit locations and entries under the mining laws and the issuance of mineral leases pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 et seq.), as amended and supplemented, for

the following-described lands (exclusive of those described in paragraph 2 of this order).

NORTHERN ALASKA

All that part of Alaska lying north of a line beginning at a point on the boundary between the United States and Canada, on the divide between the north and south forks of Firth River, approximately latitude 68°52' N., longitude 141°00' W., thence westerly, along this divide, and the periphery of the watershed northward to the Arctic Ocean, along the crest of portions of the Brooks Range and the De Long Mountains, to Cape Lisburne.

Approximately 16,000 acres of this land is located within the known geologic structure of the Gubik gas field and will be offered for oil and gas leasing through competitive bidding.

2. This order shall not affect the following-described lands reserved by Executive Order No. 3797-A of February 27, 1923, as amended by Public Land Order No. 289 of July 20, 1945, for oil and gas, which lands comprise Naval Petroleum Reserve No. 4:

Commencing at the most northwestern extremity of the point of land shown on the maps of Alaska as Icy Cape, approximately lat. 70°21', long. 161°46'; thence extending in a true south course to the crest of the range of mountains forming the watershed between the Noatak River and its northern tributaries and the streams flowing into the Arctic Ocean; thence eastward along the crest of this range of mountains to a peak at the head of the northernmost of the two eastern forks of Midas Creek (Pl. 1, U. S. G. S., Bull. 536), at approximately lat. 67°50', long. 156°00'; thence in a true north course to a point at the highest high water on the western or left bank of the Colville River; thence following said highest highwater mark downstream along said Colville River and the western bank of the most western slough at its mouth to the highest highwater mark on the Arctic coast. From here, following the highest highwater mark westward to the point of beginning.

The coast line to be followed shall be that of the ocean side of the sandspits and islands forming the barrier reefs and extending across small lagoons from point to point, where such barrier reefs are not over three miles off shore, except in the case of Plover Islands, from Point Tangent, to Point Barrow (Pl. 3, U. S. G. S., P. P. 109), long. approximately 154°50', where it shall be the highest highwater mark on the outer shore of the islands forming the groups and extending between the most adjacent points of these islands and the sandspits at either end. In cases where the barrier reef is over three miles off shore the boundary shall be the highest highwater mark of the coast of the mainland.

3. An area included within the area described in paragraph one of this order, and which may be described briefly as "all lands lying east of Canning River, extending from its mouth on the Arctic Ocean at Flaxman Island in approximate longitude 146° W., to its source in the Brooks Range in approximate longitude 145°13' W., latitude 68°53', and containing approximately 5 million acres," is included in an application for withdrawal, Fairbanks 017050, filed by the Bureau of Sport Fisheries and Wildlife for use as the Arctic Wildlife Range. As provided by the regulations in 43 CFR 295.11, the lands shall remain segregated from leasing under the mineral-leasing laws, and from location under the

mining laws, to the extent that the withdrawal applied for, if effected would prevent such leasing or locations, until action on the application for withdrawal has been taken.

4. None of the released lands shall become subject to oil and gas leasing until approved leasing maps for such lands, or portions thereof, are from time to time prepared, and notices of the time and place of filing thereof and of the availability of the lands for leasing have been published in the FEDERAL REGISTER by the Bureau of Land Management. These notices will describe the lands subject to noncompetitive lease and will provide for a simultaneous filing period of offers to lease. The leasing maps will not describe any lands within two miles of Naval Petroleum Reserve No. 4.

5. Leases will be issued pursuant to the provisions of the 1920 Mineral Leasing Act in accordance with the regulations in 43 CFR Part 192, and the provisions of this order and of the published notices of the availability of the lands for leasing.

6. Notwithstanding the provisions of 43 CFR 192.42 (d), all offers to lease must describe the lands applied for according to the leasing blocks in the specified townships as shown on the approved leasing maps. Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR, 192.140.

7. All offers to lease any portion of the released lands filed prior to the publication of the notices above referred to will be rejected.

8. The released lands shall become open to locations under the United States Mining Laws at 10:00 a. m. on September 1, 1958.

9. All inquiries concerning the released lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska. Inquiries relating to the land within the Gubik gas field which will be offered for competitive oil and gas leasing should be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

FRED A. SEATON,
Secretary of the Interior.

APRIL 18, 1958.

[F. R. Doc. 58-3024; Filed, Apr. 21, 1958;
10:57 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 410—SALE OF FEDERAL PROPERTIES IN UNINCORPORATED TOWN OF COULEE DAM AND CITY OF GRAND COULEE, WASH- INGTON, AND VICINITY

A new Part 410 is added to Title 43,
Chapter II, reading as follows:

- Sec.
410.1 Purpose.
410.2 Definitions.
410.3 Timing of sales.
410.4 Assignments of first priorities—residential property.
410.5 Public drawings.
410.6 Sale of multiple lease non-residential property.

- Sec.
410.7 Earnest money.
410.8 Public sales.
410.9 Conditional sales contracts.

AUTHORITY: §§ 410.1 to 410.9 issued under sec. 11, 71 Stat. 530; 16 U. S. C. 835c note.

§ 410.1 *Purpose.* The purpose of this part is to supplement the Coulee Dam Community Act of 1957 (71 Stat. 524) and to assist in carrying out its provisions relating to the sale of certain Federal properties in the unincorporated town of Coulee Dam in order that the United States may withdraw from the ownership and operation of the town and in the city of Grand Coulee, Washington, and vicinity in order to reduce restrictions on the growth thereof, which provisions, by this reference, are incorporated herein and made a part hereof.

§ 410.2 *Definitions.* As used in this part, the term:

(a) "Project Manager" shall mean the Project Manager, Columbia Basin Project, Bureau of Reclamation.

(b) "Town Administrator" shall mean the Town Administrator, Municipal Field Division, Columbia Basin Project, Bureau of Reclamation.

(c) "Town Area" shall mean the unincorporated area in the State of Washington commonly known as the Town of Coulee Dam.

(d) "Act" shall mean the Coulee Dam Community Act of 1957 (71 Stat. 524).

(e) "Housing Regulations" shall mean the Bureau Reclamation "Regulations for the Allocation of Government Residences in Coulee Dam, Washington," dated July 15, 1955, as amended on October 6, 1955, and as may be subsequently amended, on file in the office of the Town Administrator, Coulee Dam, Washington.

§ 410.3 *Timing of sales.* (a) The Project Manager shall determine when properties not needed for Federal purposes are to be offered for sale in accordance with the act and may reserve from sale for as long as may be necessary any properties he deems essential for the continued operation and maintenance of the Town area or of Grand Coulee Dam and its appurtenant works.

(b) Properties which may be transferred without cost pursuant to section 6 of the act shall not be offered for sale or sold during any time that there is authority in the law for transfers without cost.

§ 410.4 *Assignments of first priorities—residential property.* (a) Any residential tenant in the Town area having a first priority may assign his priority to:

(1) Any person who has entered into a valid contract to lease the property back to him for a period of not less than one year from the date of the contract to purchase or deed, whichever is earlier; or

(2) Any other residential tenant of the United States in the Town area or to any person who would meet the requirements for eligibility to become such tenant under the Housing Regulations. Applications for such assignments, submitted to the Project Manager on a form provided, may be approved if said assignments do not involve any payment

between the parties thereto. If any consideration is involved the Project Manager may deny the application for priority assignment or refuse to grant the assignee any discount or rebate to which he might otherwise be entitled.

(b) Any purchase of property by an Assignee under this section shall render the purchaser ineligible to purchase any other residential property through exercise of any priority through assignment or otherwise.

§ 410.5 *Public drawings.* (a) Whenever a public drawing is required to determine the order of opportunity to choose residential property as contemplated by section 3 (b) (2) and section 3 (e) (1) of the act, the following procedure shall be observed:

(1) An offer to sell such properties shall be published in a newspaper of local circulation, posted in local post offices and other public places in the area and through other news media brought to the attention of eligible persons for a period of not less than fifteen days prior to the drawing. Said offer to sell shall specify that persons eligible to participate in the drawings shall submit applications on a form provided to the Town Administrator at least two days prior to the date of the drawing.

(2) (i) At a public drawing the names of all applicants who have been determined to be eligible to participate shall be placed in a single container and withdrawn one at a time on a random basis. A list designating order of preference shall be prepared showing each name in the order in which it is drawn. The Town Administrator may, in order to facilitate selection of properties, divide the list into two or more groups of not more than twenty-five names each in the order drawn. The individuals participating in the drawing, or the first of the several groups of such individuals, shall meet at a time and place designated by the Town Administrator on a day not less than five days nor more than fifteen days after the date of the drawing to exercise their preference to select property pursuant to the drawing. If there are two or more groups of individuals, the second and subsequent groups shall meet to exercise their preference to select properties on a day not less than two days after the day on which the next preceding group has met. A list of the properties selected shall be posted in the local post office and other public places in the area not later than one day following the date on which selections are made.

(ii) The Town Administrator shall cause to be posted in post offices and other public places in the area and otherwise bring to the attention of persons eligible to select property pursuant to the drawing, information as to the order of preference established pursuant to the drawing, the groups, if any, established to facilitate the selection process and the date or dates on which eligible persons or groups of persons shall meet to exercise their preferences to select properties for purchase.

(3) At 10:00 a. m., of the day on which selections are to be made those persons eligible to select shall meet at the desig-

nated place and make their selections in order of preference. Any preference right not exercised on the prescribed day shall be forfeit.

(4) Any person becoming a residential tenant of the United States or eligible to become a residential tenant of the United States under the Housing Regulations on a date after the date of a public drawing, may, by filing an application with the Town Administrator prior to the time at which the last preference right established as a result of said drawing has been exercised, have his name added in the last preference position to the list of those eligible to select property pursuant to said drawing.

(b) Whenever a public drawing is required to determine the order of opportunity to choose non-residential property as contemplated by section 3 (f) of the act, the Town Administrator shall by certified mail notify all persons eligible to purchase of the availability of such property, setting a date not less than fifteen days after the date on which such notices are mailed, on which applicants for purchase of the property shall meet at a place designated by the Town Administrator. At 10:00 a. m., of the day designated award of the opportunity to purchase said property shall be made by lot from among those eligible persons present.

(c) Any person selecting property for purchase pursuant to a public drawing shall, on the day he makes his selection of property, deposit earnest money and sign an earnest money agreement. The earnest money agreement shall provide:

(1) In the case of a person exercising a second priority, or a person purchasing other than residential property, that the balance of the purchase price be paid or a contract to purchase signed within one hundred and eighty days of the date of the agreement.

(2) In the case of a person purchasing vacant residential property, that the balance of the purchase price be paid within sixty days of the date of the agreement.

§ 410.6 *Sale of multiple-lease non-residential property.* (a) The Town Administrator shall, by certified mail, notify each lessee of a multiple-lease non-residential property that such property will be offered for sale not less than thirty days after the date of the notice. During this period the lessees may decide which one of them should be afforded the opportunity to purchase, notifying the Town Administrator of their decision.

(b) In the event the lessees request that one of them be afforded the opportunity to purchase, the Town Administrator shall offer to sell the property to the designated tenant.

(c) In the event the lessees fail to decide which one of them shall be afforded the opportunity to purchase, or fail to notify the Town Administrator during the prescribed time, the Town Administrator shall, by certified mail, notify each lessee of an order of priority among them to purchase such property. First priority shall be given to the tenant paying the highest annual rental to the United States under his current lease.

Second priority to purchase shall be given to the tenant paying the second highest rental, etc. In the event the annual rental is equal for two or more tenants, the highest priority among such tenants shall be given to the tenant whose lease has been in effect longest. Sale shall be made subject to existing leases.

(d) The purchase price of the property shall include a deduction for the structural improvements made by the purchaser at his expense, to the extent such improvements have been determined in the appraisal to enhance the value of the property.

§ 410.7 *Earnest money.* (a) Whenever an earnest money deposit is required under the act, the prospective purchaser shall make such deposit, accompanied by a signed earnest money agreement, with the Town Administrator by cash, certified check, cashier's check, bank draft, postal or express money order payable to the Bureau of Reclamation, in accordance with the following schedule:

Appraised value:	Deposit
\$5,000 or less.....	\$100
\$5,001 to \$7,500.....	\$150
\$7,501 to \$10,000.....	\$200
\$10,001 and over.....	(1)

¹ An amount equal to 3 per centum of the appraised value.

(b) The earnest money deposit shall be applied to the purchase price provided the purchase contract is signed by the purchaser or the purchase price paid and a deed requested within the prescribed time limits. Otherwise, the earnest money deposit shall be deemed forfeit. The Town Administrator may refund an earnest money deposit only in the event of the death of the depositor.

§ 410.8 *Public sales.* Invitations for the general public to bid on real properties offered for sale to the highest responsible bidder at not less than the appraised value shall be advertised for a period of not less than thirty days prior to the date of sale in not less than three newspapers of general circulation in the State of Washington, including at least one such newspaper published in Eastern Washington, posted in post offices and other public places within a radius of ten miles of the Town area and of the City of Grand Coulee, Washington, and through other news media brought to the attention of prospective bidders. The invitations to bid shall specify:

(a) Sealed bids will be received by the Town Administrator for thirty days from date of issue of the invitation to bid.

(b) A deposit of 10 per centum of the total amount bid shall accompany the bid to guarantee purchase within sixty days of date of award. Such deposit shall be made by cash, certified check, cashier's check, bank draft, postal or express money order, payable to the Bureau of Reclamation. Bid deposits shall be refunded to unsuccessful bidders.

(c) In the event of identical bids award shall be made by lot.

(d) The Project Manager reserves the right to reject all bids.

§ 410.9 *Conditional sales contracts.*

(a) An applicant for the purchase of

property from the United States under a conditional sales contract shall affirm that he has been unable to obtain financing on reasonable terms from any other source and shall provide:

(1) A list of the lending institutions, including at least one bank capitalized at not less than \$1,000,000.00 chartered under the laws of the State of Washington to which he has applied; or

(2) A statement that he is relying upon current information as to the availability of financing on reasonable terms submitted to the Town Administrator by the Coulee Dam Advisory Council or other group satisfactory to the Project Manager.

(b) In the event the Coulee Dam Advisory Council, or other group satisfactory to the Project Manager, makes investigations of the availability of financing from lending institutions to assist applicants for purchase of property from the United States under conditional sales contracts, said Council or other group shall submit to the Project Manager a list of the lending institutions, including at least one bank capitalized at not less than \$1,000,000.00, chartered under the laws of the State of Washington, which have been consulted. Said list shall specify the terms and conditions, if any, offered by each lending institution.

(c) The Project Manager shall, prior to the time properties are first offered for sale and from time to time thereafter, determine whether financing on reasonable terms is available. Determinations shall be based on a survey of the terms and conditions offered by banks and other lending institutions serving Grant, Okanogan, and Douglas Counties, including at least three banks capitalized at not less than \$1,000,000.00 each, chartered under the laws of the State of Washington.

(d) In the event an applicant eligible under the act to purchase property from the United States under a conditional sales contract affirms that financing from other sources is not available and the Project Manager determines that financing from the sources he has consulted was not available at the time an application was made, he shall approve such application.

(e) "Reasonable terms" for the purposes of this section shall be the same as conditional sales contract terms as specified in paragraph (f) of this section.

(f) Conditional sales contract terms shall be as follows:

(1) For residential property purchased for occupancy by the owner thereof, a down payment of 3 per centum of the purchase price; other terms to be the same as those which would be available were the purchase to be financed under a mortgage eligible for insurance under subsection 223 (a) of the National Housing Act.

(2) For residential property purchased for any purpose other than that specified in subparagraph (1) of this paragraph, terms shall be the same as in subparagraph (1) of this paragraph, except that the down payment shall be 10 per centum of the purchase price.

(3) For non-residential property, including hospital and church property

except when purchased under section 3 (c) (3) of the act, a down payment of 10 per centum of the purchase price shall be required. Interest shall be at the rate of 6 per centum per annum. Principal and interest shall be paid within not more than ten years from the date of the contract, installments to be of more or less equal amounts, payable monthly during the term of the contract.

These regulations shall become effective upon publication in the FEDERAL REGISTER. Notice and publication procedures thereon have been deemed unnecessary. As required by the Act, this part has been prepared in cooperation with the Coulee Dam Town Council as representatives of the community and the people affected in the area have been given an opportunity to comment. All such comments have been considered in connection with the preparation and issuance of this part and the Council is in substantial agreement with the regulations.

FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2956; Filed, Apr. 21, 1958;
8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Policy, Practice and Procedure

[Gen. Order 85]

PART 206—MISCELLANEOUS FEES

SUBPART A—CHARGES FOR STATISTICAL OR ECONOMIC DATA

Notice of proposed rule making in the matter of charges for statistical and economic data appeared in the FEDERAL REGISTER issue of February 13, 1958 (23 F. R. 950). Comments thereon having been considered, notice is hereby given of the adoption of the regulation as set forth therein, amended as follows:

1. Section 1 (a) (§ 206.2 (a)) is amended by substituting the word "service" for the words "trade route".

2. Section 1 (b) (§ 206.2 (b)) is amended by changing the words "on each trade route for which subsidy is requested and between the United States and each country on the trade route", at the end thereof, to read "for areas and countries covered by each service for which subsidy is requested."

3. Section 1 (d) (§ 206.2 (d)) is amended by changing the words "in each trade route by each American-flag line and by ships of each foreign-flag (nationality)", at the end thereof, to read "by each United States-flag line and by all foreign-flag lines serving countries on the service for which subsidy is sought".

4. Section 2 (§ 206.3) is amended by substituting the word "is" for the words "might be".

The following new part is added to this chapter:

Sec.
206.1 Purpose.
206.2 Data required in the public interest.

Sec.
206.3 Data providing special benefit.
206.4 Charges.
206.5 Procedure.

AUTHORITY: §§ 206.1 to 206.5 issued under secs. 3, 204, 49 Stat. 293, as amended, 1957, as amended; 15 U. S. C. 192; 46 U. S. C. 1114. Interpret or apply sec. 1, 40 Stat. 1256, as amended, sec. 1, 49 Stat. 292; 15 U. S. C. 192, 189a.

§ 206.1 *Purpose.* To set forth the charges to be made for statistical or economic data, furnished to individuals or groups by the Federal Maritime Board/Maritime Administration, which convey a special benefit to them, above and beyond that accruing to the public at large; and to describe the policy and procedure applicable thereto.

§ 206.2 *Data required in the public interest.* The basic statistical data required by the Federal Maritime Board in considering applications for operating-differential subsidy under Title VI, Merchant Marine Act, 1936, as amended, include:

(a) For each year of a given 5-year period, the outbound and inbound liner and non-liner cargo, broken down into commercial and military, carried by applicant on each service for which subsidy is sought;

(b) For each year of a given 5-year period, outbound and inbound liner and non-liner cargo, broken down between commercial and military, showing United States-flag and foreign-flag carryings for areas and countries covered by each service for which subsidy is requested;

(c) For a single year, usually the last complete year before the hearing, typical outbound and inbound itineraries and vessel types employed by each United States-flag and foreign-flag line serving countries on the service for which subsidy is sought; and

(d) For each year of a given 5-year period, number of sailings per annum by each United States-flag line and by all foreign-flag lines serving countries on the service for which subsidy is sought.

The above data will be considered as being required in the public interest and will be furnished free of charge to applicants for operating-differential subsidy and to other parties directly concerned.

§ 206.3 *Data providing special benefit.* Any additional statistical or economic data furnished to applicants or intervening lines (except in cases where the additional information is required by the Federal Maritime Board) will be considered as providing a special benefit to the recipient, above and beyond that accruing to the public at large, and a charge will be made for such data, as indicated in § 206.4.

§ 206.4 *Charges.* (a) To recover the cost to the Federal Government of statistical or economic data furnished within the purview of § 206.3, including the direct and indirect costs thereof, the Maritime Administration will make a charge of:

\$5.00 per hour for regular time, and
\$7.50 per hour for overtime,

for each employee's time required to produce the information.

(b) Although the rates set forth in paragraph (a) of this section apply specifically to data for use in connection with applications for operating-differential subsidy, the same hourly rates will be charged for other types of statistical or economic data requested, which are determined by the Federal Maritime Board/Maritime Administration to provide a special benefit to the recipient.

§ 206.5 *Procedure.* (a) Applicants desiring statistical or economic data should submit a formal written request therefor to the Maritime Administrator. If the data requested are determined by the Federal Maritime Board/Maritime Administration to provide a special benefit to the recipient, the project will be undertaken, at the discretion of the Maritime Administrator or his designee, on the basis of the nature and scope of the work, its estimated cost, availability of personnel and other services, and other pertinent information.

(b) Upon approval of the project, the applicant will be requested to make payment in advance in the amount of the estimated cost of the work, based on the charges set forth in § 206.4.

(c) Cost estimates of \$500 or less will be established as fixed fees. Such fixed fees will be kept as close to the actual cost as possible.

(d) Cost estimates of more than \$500 shall be subject to revision as the work progresses, to reflect actual costs. If the advance payment is insufficient to cover the actual cost, the applicant will be required to make such additional payment as may be required before the project is completed. Conversely, if the advance payment is more than the actual cost, the difference will be refunded to the applicant.

Since it is found for good cause shown, in accordance with section 4 of the Administrative Procedure Act, that further delay would be impracticable and unnecessary, this rule, including the aforementioned amendments, shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 14, 1958.

By order of the Federal Maritime Board/Maritime Administration.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-2953; Filed, Apr. 21, 1958;
8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

[Ex Parte No. 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

APPLICATION FOR AUTHORITY TO SELF-INSURE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1958.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act.

The matter of FF-39, Application for Authority to Self-Insure under section 403 (c) and (d), Interstate Commerce Act, prescribed by order of the Commission of October 11, 1944 (9 F. R. 14550) being under consideration; and

It appearing, that there has been no occasion for the use of application form FF-39 since the adoption of that form October 11, 1944, and that the continued maintenance of such form as one cur-

rently in use is impracticable and unnecessary; and since the revocation of this form will not affect the general public or freight forwarders subject to the provisions of Part 405, notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is deemed unnecessary; and since, in the event of a future application of a freight forwarder to self-insure, the application form approved and prescribed for motor carriers with necessary slight modifications would be used; and good cause appearing therefor,

It is ordered, That the order of October 11, 1944, insofar as such order pertains to the adoption of form FF-39, be, and it is hereby revoked.

It is further ordered, That Part 405 be amended by deleting from the list of

forms in the editorial note to § 405.8 *Forms and procedure* the form FF-39 listed.

This order shall be effective June 30, 1958, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary at Washington, D. C. and by filing a copy with the Director, Division of the Federal Register.

(Sec. 403, 56 Stat. 285; 49 U. S. C. 1003)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2977; Filed, April, 21, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 330]

DETERMINATION OF PRICE AND PRICE READJUSTMENTS

NOTICE OF EXTENSION OF TIME

The proposed regulations on determination of price and price readjustments were published with a notice of proposed rule making in the FEDERAL REGISTER for Saturday, March 22, 1958 (23 F. R. 1931). That notice provided that consideration would be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of that notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and any data, views, or arguments pertaining to those proposed regulations which are submitted not later than Wednesday, May 21, 1958, will be given consideration.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

[F. R. Doc. 58-2990; Filed, Apr. 18, 1958; 12:31 p. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 2]

RULES OF PRACTICE IN TRADEMARK CASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to trademarks. The amendments are proposed to be issued pursuant to the authority contained in Title 15, U. S. Code, section 1123, Title 35, U. S. Code, section 6, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before July 1, 1958. An oral hearing will not be scheduled unless sufficient requests for the same are received.

The text of the proposed amendments follows:

1. Paragraph (a) of § 2.12 is proposed to be amended to read as follows:

(a) Attorneys at law: Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, Territory, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law, may represent others before the Patent Office in trademark cases. No application for recognition to practice in trademark cases by attorneys at law is required.

2. Section 2.15 is proposed to be amended to read as follows:

§ 2.15 *Signature and certificate of attorney or agent.* (a) Every paper filed by an attorney at law or other person representing an applicant or party to a proceeding in the Patent Office must bear the signature of such attorney at law or other person except those papers which are required to be signed by the applicant or party (such as the application itself and verifications required of applicants, registrants or others). The signature of an attorney at law or such other person to a paper filed by him, or the filing of any paper by him, constitutes a certificate that the paper has been read; that its filing is authorized; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.

(b) When an applicant or party is represented by a firm composed of attorneys at law, papers may carry the

signature or name of the firm, with the signature of a member or associate of the firm.

(c) When an applicant or party is represented by a firm (registered in accordance with § 1.341 (d) of this chapter, Patent Rule 341 (d)) which includes one or more nonlawyers, papers may carry the signature or name of the firm, but in any case, they must carry the signature of an individual member of the firm or of an individual employee of the firm who is registered in the Patent Office and who is authorized to sign on behalf of the firm, and the certification referred to in paragraph (a) of this section shall, in either case, be a certification by and on behalf of the firm and by the individual.

3. Section 2.17 is proposed to be amended to read as follows:

§ 2.17 *Recognition for representation.*

(a) When an attorney at law acting in a representative capacity appears in person or signs a paper in practice before the Patent Office in a trademark case, his personal appearance or signature shall constitute a representation to the Patent Office that under the provisions of these rules and the law he is authorized, and qualified under § 2.12 (a), to represent the particular party in whose behalf he acts. Further proof of authority to act in a representative capacity may be required.

(b) Before any nonlawyer will be allowed to take action of any kind in any application or proceeding, a written authorization from the applicant, party to the proceeding, or other person entitled to prosecute such application or proceeding must be filed therein.

4. Section 2.18 is proposed to be amended to read as follows:

§ 2.18 *Correspondence held with attorney or agent.*

Correspondence will be held with the attorney at law, or other recognized person who shall have filed his written authorization, representing the applicant or party to a proceeding. Double correspondence will not be under-

taken, and if more than one attorney at law appears or more than one agent is authorized, correspondence will be held with the one last appearing or appointed, as the case may be, unless otherwise requested.

5. Section 2.19 is proposed to be amended to read as follows:

§ 2.19 *Revocation of power of attorney or authorization of agent.* Authority to represent an applicant or a party to a proceeding may be revoked at any stage in the proceedings of a case upon notification to the Commissioner; and when it is so revoked, the Office will communicate directly with the applicant or party to the proceeding or with such other qualified person as may be authorized. The Patent Office will notify the person affected of the revocation of his authorization.

6. The last sentence of § 2.24 is proposed to be deleted and the following inserted in lieu thereof: "Official communications of the Patent Office will be addressed to the domestic representative unless the application is being prosecuted by an attorney at law or other qualified person duly authorized. The mere designation of a domestic representative does not authorize the person designated to prosecute the application unless qualified under § 2.12 (a), or qualified under subparagraph (b) or (c) of § 2.12 and authorized under § 2.17 (b)."

7. Section 2.27 is proposed to be amended by changing the title to read "Pending applications index; access to applications" and by changing the word "description" in the first sentence to "reproduction".

8. Section 2.37 is proposed to be amended to read as follows:

§ 2.37 *Authorization for representation; U. S. representative.* The authorization of a qualified person to represent applicant (§ 2.17 (b)) and the appointment of a domestic representative (§ 2.24) may be included as a paragraph or paragraphs in the application.

9. The last sentence of paragraph (a) of § 2.39 is proposed to be amended to read as follows: "If the certificate is not in the English language, a translation is required."

10. Section 2.41 is proposed to be amended to read as follows:

§ 2.41 *Proof of distinctiveness under section 2 (f).* (a) When registration is sought of a mark which would be unregistrable by reason of section 2 (e) but which is said by applicant to have become distinctive in commerce of the goods set forth in the application, applicant may, in support of registrability, submit with the application, or in response to a request for evidence or to a refusal to register, affidavits, depositions, or other appropriate evidence showing duration, extent and nature of use and advertising expenditures in connection therewith (identifying types of media and attaching typical advertisements), and affidavits, letters or statements from the trade or public, or both, tending to show that the mark distinguishes such goods.

(b) In appropriate cases, ownership of one or more prior registrations on the principal register or under the act of 1905 of the same mark may be accepted as prima facie evidence of distinctiveness. Also, if the mark is said to have become distinctive of applicant's goods by reason of substantially exclusive and continuous use thereof by applicant for the five years next preceding the application filing date, a showing by way of verified statements in the application may, in appropriate cases, be accepted as prima facie evidence of distinctiveness. In each of these situations, however, further evidence may be required.

11. Section 2.53 is proposed to be amended to read as follows:

§ 2.53 *Transmission of drawings.* Drawings transmitted to the Patent Office, other than those typed in accordance with § 2.51 (d), should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube to prevent mutilation or folding.

12. Paragraph (b) of § 2.67 is proposed to be amended to read as follows:

(b) If registration is refused solely on the basis of a prior registration and the applicant files a petition to cancel the reference registration, such action upon notice thereof being placed in the application file by the applicant within the time for reply, shall be taken as a response to the refusal, and further action by the Office shall, at applicant's request, be suspended pending the termination of the cancellation proceeding.

13. Section 2.75 is proposed to be amended by canceling the last sentence thereof.

14. Section 2.86 is proposed to be amended by canceling the word "description" and substituting the word "identification."

15. The second sentence of § 2.95 is proposed to be amended by inserting the words "under § 2.143" after the word "Commissioner."

16. Section 2.98 is proposed to be amended by deleting the third and fourth sentences and substituting in lieu thereof the following: "If, however, any testimony has been, or is about to be, taken the case will not be added except upon approval of the Examiner of Interferences. If not added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding, following which an interference may be instituted between such case and the case of the party prevailing in the first interference."

17. Section 2.120 is proposed to be amended to read as follows:

§ 2.120 *Discovery procedure.* The provisions of the Federal Rules of Civil Procedure relating to discovery are inapplicable in inter partes trademark cases except as specifically set forth in this section.

(a) *Depositions for discovery.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, at any time not later than thirty days prior to the date when any testi-

mony may be first taken, take the deposition of any person, including a party, for the purpose of discovery. Such depositions may be taken upon oral examination in the manner prescribed by §§ 1.273, 1.274 and 1.275 of this chapter (Patent Rules 273, 274 and 275), or upon written interrogatories in the manner prescribed by § 2.124.

(2) *Scope of examination.* The deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(3) *Use of discovery depositions.* Discovery depositions may be used in accordance with Rule 26 (d) (1), (2), (4) and (f) of the Federal Rules of Civil Procedure, provided the party offering the deposition, or any part thereof, in evidence files it before the close of his testimony period and also files a notice of reliance thereon, setting forth in said notice the specific portions to be relied upon. Objections, including any made during the examination, will be considered only if they are renewed in the brief or at the time of the hearing.

(b) *Requests for admission.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, at any time prior to the opening of his period for taking testimony, serve upon any adverse party a written request for admission by the latter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached, provided the original thereof is made available for inspection). The genuineness of each such document shall be considered as admitted unless, within fifteen days after service thereof, the party to whom the request is directed serves upon the party requesting the admissions a sworn statement denying the genuineness thereof, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same.

(2) *Effect of admissions.* No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon, setting forth in said notice each request and admission relied upon. Any objections noticed will be considered only if made at the time of the hearing.

18. Section 2.127 is proposed to be amended by deleting paragraph (c).

19. Paragraph (a) of § 2.128 is proposed to be amended by changing "date of service", both occurrences, to "due date".

20. Section 2.131 is proposed to be amended to read as follows:

§ 2.131 *Ex parte matter in an inter partes case.* If, in considering an inter partes case involving an application, facts appear which, in the opinion of the Examiner of Interferences, may render the mark of the applicant unregistrable on one or more ex parte grounds, he may in his decision on the inter partes issues in the case recommend that if the applicant finally prevails in the case, registration be withheld pending a reexamination by the Examiner of Trademarks of the application in the light of such facts. If, upon such reexamination following termination of the inter partes case, the Examiner of Trademarks finally refuses registration to applicant, appeal may be taken as provided in §§ 2.141 and 2.142.

21. New § 2.162a is proposed, reading as follows:

§ 2.162a *Notice to registrant.* If no affidavit is filed within a reasonable time prior to expiration of the sixth year, the registrant may be notified that the registration will be canceled by the Commissioner at the end of such sixth year unless the owner files in the Patent Office the affidavit of use or excusable nonuse required by section 8. Failure to notify the registrant does not, however, relieve the registrant of the responsibility of filing the affidavit within the period required by statute.

22. Paragraph (b) of § 2.164 is proposed to be amended by deleting "he may petition to the Commissioner for review under § 2.146" and inserting in lieu thereof "he may request the Commissioner to review the action under § 2.146", in the first sentence; by deleting "petition to" and inserting in lieu thereof "review by" in the second and third sentences; and by inserting "or review by the" before the word "court" in the last sentence.

23. The first sentence of § 2.165 is proposed to be amended to read as follows: "If no affidavit is filed within the sixth year following registration or publication under section 12 (c), the registration will be canceled forthwith by the Commissioner."

24. Section 2.173 is proposed to be amended by inserting the words "and verified" after the word "signed" in the second sentence of paragraph (a) and by deleting the word "specification" and inserting in lieu thereof the word "identification" in paragraph (b).

25. Paragraph (b) of § 2.175 is proposed to be amended by inserting the words "and verified" after the word "signed", in the first sentence.

26. Section 2.176 is proposed to be amended by deleting "petition may be taken to the Commissioner under § 2.146" and inserting in lieu thereof, "registrant may request the Commissioner to review the action under § 2.146".

27. Paragraph (b) of § 2.184 is proposed to be amended by deleting "he may petition to the Commissioner for review under § 2.146" and inserting in lieu thereof "he may request the Commis-

sioner to review the action under § 2.146".

[SEAL] ROBERT C. WATSON,
Commissioner of Patents.

Approved: April 16, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-2983; Filed, Apr. 21, 1958;
8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations for the employment of learners in the cigar industry at wages lower than the wage applicable under section 6 of the act (29 CFR 522.80-522.85).

Such regulations have been reexamined in the light of recent changes in wage levels and experience gained in the administration of these regulations. All relevant information presently available indicates that it is necessary to increase the subminimum rates presently authorized for learner occupations in the cigar industry (29 CFR 522.85) from 80 and 87½ cents an hour to 85 cents and 92½ cents an hour, respectively.

It also appears desirable to amend the regulations concerning the number or proportion of learners that may be employed in the cigar industry (29 CFR 522.82). It is the purpose of the proposed amendment to make it clear that the proportion of learners that may be utilized is based upon the ratio of the number of learners to the total number of factory production workers rather than the number of factory production workers engaged in each authorized learner occupation.

In addition, it appears desirable in those regulations concerned with learner occupations, learning periods, and subminimum rates (29 CFR 522.83, 522.84, and 522.85, respectively), wherein reference is made to the making of Italian stogies, to limit the reference to the making by hand of Italian stogies.

Accordingly, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068, 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, that I propose to amend Part 522 of Title 29, Code of Federal Regulations, as indicated below.

1. Amend paragraph (a) of § 522.82 to read as follows:

(a) The number of learners which any employer may be authorized to employ by any certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of factory production workers in the plant; *Provided, however,* That in plants employing less than 100 production workers, a maximum of ten learners may be authorized.

2. Amend § 522.83 to read as follows:

§ 522.83 *Learner occupations.* Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; hand making Italian stogies; hand stripping; and machine stripping.

3. Amend paragraph (a) of § 522.84 by revising the clause concerning the learning period for making Italian stogies to read: "for hand making Italian stogies, 640 hours;"

4. Amend paragraph (a) of § 522.85 to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 85 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 85 cents per hour for the first 480 hours and 92½ cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 85 cents per hour for the first 320 hours and 92½ cents per hour for the second 320 hours in the occupation of hand making Italian stogies; and not less than 85 cents per hour in the occupations of hand stripping and machine stripping.

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Acting Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. on or before May 8, 1958.

Signed at Washington, D. C., this 16th day of April 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-2975; Filed, Apr. 21, 1958;
8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 210]

[File No. 21-434]

COMMERCIAL AND INDUSTRIAL FLOOR AND VACUUM MACHINERY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

In the matter of proposed trade practice rules for the Commercial and Industrial Floor and Vacuum Machinery Industry to supersede trade practice rules promulgated for the Floor Machinery Industry on March 21, 1952 (16 CFR Part 210).

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Commercial and Industrial Floor and Vacuum Machinery Industry (to supersede the rules for the Floor Machinery Industry as promulgated March 21, 1952), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 9,

1958. Opportunity to be heard orally in the matter will be afforded at the hearing commencing at 10 a. m., e. d. t., Friday, May 9, 1958, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of commercial and industrial power driven machines for wet or dry cleaning, polishing, resurfacing, or maintenance of floors, floor coverings

and other surfaces, and parts, accessories and attachments for such machines. Among the products included are commercial and industrial power driven floor polishers, sanders and scrubbers, rug shampoo machines, mopping machines, and vacuum cleaners, including vacuum cleaners designed for removing liquids and/or dirt from containers of all kinds.

These proceedings were instituted by the Commission pursuant to an industry application. The announced hearing constitutes the first step in proceedings to revise and extend existing trade practice rules for this industry.

Issued: April 17, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-2968; Filed, Apr. 21, 1958;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54569]

CATALOGS, PRICE LISTS, TRADE NOTICES,
AND CERTAIN SAMPLES

FREE ENTRY

APRIL 16, 1958.

Questions have been presented to the Bureau regarding the application of subparagraphs (a) and (b) of paragraph 1821, and subparagraph (c) of paragraph 1629 of the Tariff Act of 1930. These provisions were added to the tariff act by Public Law 85-211, 85th Congress, approved August 28, 1957 (T. D. 54463).

Subparagraphs (a) and (b) of paragraph 1821 provide for the free entry of "any sample to be used in the United States only for soliciting orders for products of foreign countries" "if its value does not exceed \$1."

This law permits foreign manufacturers and suppliers to ship samples, any or each of which does not exceed \$1 in value, to persons or firms in the United States as a basis for soliciting orders to be placed with the foreign manufacturers or suppliers for products of foreign countries which the foreign manufacturers or suppliers are offering for sale. The samples may be demonstrated or shown by the person or firm in the United States to other persons in the United States to solicit orders from them for products of foreign countries which have not yet been ordered, purchased or otherwise obtained from a foreign manufacturer or supplier.

The law does not permit importers or others in the United States to receive free of duty articles which are to be used in soliciting orders within the United States for products they have purchased or otherwise obtained from foreign manufacturers or suppliers, either on the basis of the samples referred to in the preceding paragraph or as a result of

orders to or other arrangements with foreign manufacturers or suppliers which have involved no utilization of samples, for example, when the shipments were made from abroad as a result of orders placed from catalogs, photographs, specifications, or descriptive material.

It will be noted that the samples provided for in subparagraphs (a) and (b) of paragraph 1821 may be "used in the United States only for soliciting orders." This precludes the persons or firms in the United States who receive samples from foreign manufacturers or suppliers as a basis for placing orders with such manufacturers or suppliers for the products of foreign countries from using such samples for any other purpose. Thus the samples may not be used for other purposes or be sold or given away within the United States; and after serving their use as samples they must be retained, reexported, or destroyed by or on behalf of the person or firm who received them from abroad as the basis for placing orders with the foreign manufacturer or supplier by whom they were sent to the United States.

Paragraph 1629 (c) provides for the free entry of: "Any catalog, price list, or trade notice relating to offers, by a person whose principal place of business or bona fide residence is in a foreign country, to sell or rent products of a foreign country or to furnish foreign or international transportation or commercial insurance services."

Free entry under this provision is limited to catalogs, price lists, or trade notices relating to offers by a person whose principal place of business or bona fide residence is in a foreign country. It does not permit the free importation of such material which is to be used by agents or distributors in the United States in making offers within the United States for foreign products which such agents or distributors have available for sale and delivery by them within

this country, paragraph 1629 (c), as stated therein, relating only to "offers, by a person whose principal place of business or bona fide residence is in a foreign country."

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-2976; Filed, Apr. 21, 1958;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Offer 12]

[B-23689]

COLORADO

SMALL TRACT OFFER

1. Effective immediately, paragraphs 1 through 7 of Federal Register Document 54-1297 appearing on page 1096 of the issue of Friday, February 26, 1954, so far as they affect lots 27 and 29 of section 13, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, are hereby revoked and the following paragraphs are substituted therefor.

2. Pursuant to authority delegated to me by the Colorado State Supervisor of the Bureau of Land Management, effective February 19, 1958 (23 F. R. 1098), I hereby offer the above described lands which were classified by Classification Order No. 12 dated February 17, 1954 (19 F. R. 1096) and lots 20, 21, and 26 section 13, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, which were also classified by Classification Order No. 12, dated February 17, 1954 (19 F. R. 1096), as amended by Federal Register Document 57-7151, appearing in the issue for Saturday, August 31, 1957, on page 7062, for public sale under the Small Tract Act of June 1, 1938, as amended. Lots 20, 21, 26, 27 and 29 are five individual small tracts, containing a total of 12.85 acres.

3. These five lots are located in the Valley of the Uncompahgre River, about three miles northwest of Ouray, Colorado, immediately adjoining U. S. Highway 550. Lot 26 does not touch the highway. Vegetation consists of oakbrush and a few ponderosa pine trees.

The individual lots vary in size from 1.54 to 4.18 acres. A small scale copy of the official plat of survey showing the lots being offered can be obtained by writing to the Manager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado. The fair market value of lot 20 is \$275; lot 21 is \$275; lot 26 is \$200; lot 27 is \$375; and lot 29 is \$375. A right-of-way 50 feet in width is reserved along the east boundary of lots 26 and 27 for roads and for public utilities, in accordance with Title 43 CFR 257.17 (b). All minerals in the land are reserved to the United States.

4. Veterans preference rights in accordance with the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) were provided for by Small Tract Classification No. 12 (19 F. R. 1096), dated February 17, 1954. This sale is therefore open to the general public irrespective of qualifications upon which veterans preference is based.

The above described tracts will be sold at public auction at a public sale to be held in room 383, New Custom House, Denver, Colorado, at 9:00 a. m., July 16, 1958. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Land Office, Denver, Colorado, prior to 10:00 a. m., July 15, 1958. No sealed bid will be accepted if it is less than the appraised value of the lot. Sealed bids will be opened in the presence of the public in Room 367, New Custom House, Denver, Colorado, beginning at 10:00 a. m. on July 15, 1958. A list of the highest sealed bids received for each lot will be posted for public inspection at the sale. Sealed bids must be in units of \$5. Oral bidding will be in increments to be announced at the sale. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the sale unless they can make a satisfactory showing to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show: (a) The name and mailing address of the bidder; (b) Offer No. 12; (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. Bids for separate lots must be enclosed in separate envelopes but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must be addressed to the Man-

ager, Colorado Land Office, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and carry in the lower left-hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Offer No. 12"; and (c) the number of the lot for which the bid is made, described in accordance with paragraph 3 above. Sender's name and return address should be shown on reverse side of envelope.

7. Each lot will be awarded to the highest qualified bidder. If the highest bid is oral the bidder will be required to make payment for the tract at the close of the bidding, and a personal check will be acceptable for this purpose. Any person who is declared high bidder for any tract will automatically be disqualified for consideration of other tracts at the sale unless he is an agent acting for one or more persons.

8. Inquiries concerning these lands should be addressed to the Land Office Manager, Bureau of Land Management, 371 New Custom House, P. O. Box 1018, Denver 1, Colorado, and should be accompanied by a stamped, self-addressed envelope.

J. ELLIOTT HALL,
Lands and Minerals Officer.

APRIL 11, 1958.

[F. R. Doc. 58-2954; Filed, Apr. 21, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 019125, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an Air Force station and facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

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

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

The lands involved in the application are:

Point Barrow

Beginning at a point on the line of mean high water of the Arctic Ocean which bears N. 05°46' E., 8,630 feet more or less from U. S. C. & G. S. Station Triangulation Station "Point Barrow South Base", latitude 71°19'26" N., and longitude 156°36'46" W.; thence by metes and bounds,

South, 8,800 feet;
West, 7,230 feet;
North, 3,630 feet more or less to the mean high water line of the Arctic Ocean;

Northeasterly and meandering along the mean high water line of the Arctic Ocean, 9,030 feet more or less to the point of beginning.

Containing 1,030 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-2981; Filed, Apr. 21, 1958; 8:50 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Indian Affairs has filed an application, Serial No. Fairbanks 013704, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for school purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

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

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

The lands involved in the application are:

Noatak

Beginning at Corner No. 1 of U. S. Survey 2037; thence N. 18°51' E., 29.0 ft.; thence N. 71°09' W., 264.0 ft.; thence S. 18°51' W. 174.0 ft.; thence S. 71°09' E., 402 ft., more or less, to a point along the bank of the Noatak River; thence Northwesterly following the meanders of the bank of the Noatak River 90 ft., more or less, to the intersection of line 3-4 of U. S. Survey 2037; thence N. 65°50' W. 130 ft., more or less, to Corner 4 of U. S. Survey 2037; thence N. 18°51' E., 99.0 ft. to Corner No. 1 of U. S. Survey 2037 the point of beginning.

Containing 1.3 acres.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-2982; Filed, Apr. 21, 1958; 8:51 a. m.]

Bureau of Reclamation

[Public Notice 49]

MINIDOKA IRRIGATION PROJECT, IDAHO,
NORTH SIDE PUMPING DIVISION

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

APRIL 3, 1958.

Minidoka Irrigation Project, Idaho, North Side Pumping Division. Public notice announcing availability of water for public and private lands and opening of public lands to entry.

LANDS COVERED

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1959 and thereafter for certain irrigable lands on the North Side Pumping Division of the Minidoka Irrigation Project, as shown on approved farm unit plats on file in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, and in the Idaho Land Office, Boise, Idaho.

Applications may be made in accordance with this notice, beginning at 2:00 p. m., April 22, 1958, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats. In order to permit the continued orderly development and settlement of project lands, this public notice is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566), and regulations for the administration thereof.

The lands to which this notice pertains are described as follows:

BOISE MERIDIAN, IDAHO

PUBLIC LAND: IRRIGATION BLOCK NO. 7

Section	Farm unit	Description	Total irrigable acres
<i>Township 7 South, Range 25 East</i>			
29	A	Tract A	138.0
30	B	Tract B	138.2
	C	Tract C	160.0
31	A	Tract A	137.6
32	B	Tract B	144.3
	E	Tract E	147.1
<i>Township 8 South, Range 24 East</i>			
17	K	Tract K	122.1
<i>Township 8 South, Range 25 East</i>			
3	B	Tract B	127.5
5	A	Tract A	139.3
	B	Tract B	133.1
	C	Tract C	122.9
	F	Tract F	158.4
	J	Tract J	125.2
6	B	Tract B	132.9
7	D	Tract D	152.0
	E	Tract E	148.8
	F	Tract F	160.0
8	B	Tract B	160.0
10	A	Tract A	134.9
15	F	Tract F	110.5
21	C	Tract C	134.4
<i>Township 9 South, Range 21 East</i>			
2	H	Tract H	152.5
<i>Township 9 South, Range 22 East</i>			
7	A	Tract A	119.2
8	A	Tract A	140.2
8	C	Tract C	124.1
	D	Tract D	114.4
9	B	Tract B	132.6
	C	Tract C	123.8
	D	Tract D	121.8
	F	Tract F	148.7
10	C	Tract C	169.6
17	A	Tract A	135.6
	B	Tract B	145.0
	C	Tract C	132.6
18	B	Tract B	106.1
28	A ¹	Part of SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$	49.5
34	F ¹	Part of SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$	57.7
	G ¹	Part of NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
	H ¹	Part of NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.6
<i>Township 10 South, Range 22 East</i>			
3	D ¹	Part of S $\frac{1}{2}$ N $\frac{1}{2}$	58.4
	H ¹	Part of E $\frac{1}{2}$ SE $\frac{1}{4}$	8.6

¹ Patented, not subject to entry.

BOISE MERIDIAN, IDAHO—CON.

PRIVATE LAND: NOT SUBJECT TO ENTRY

Section	Description	Total irrigable acres
<i>Township 10 South, Range 21 East</i>		
9	SW $\frac{1}{4}$ SW $\frac{1}{4}$	27.6
	Part of SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.1
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.1
	Tract A	28.8
	Tract B	30.2
<i>Township 10 South, Range 22 East</i>		
2	Part of NW $\frac{1}{4}$ SE $\frac{1}{4}$	17.7
	Part of SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.9

The Reclamation law provides that the Secretary of the Interior may designate an area of land in a project which, in his judgment, should be reclaimed and put under irrigation at substantially the same time as an irrigation block. Pursuant to section 2 (k) of the Reclamation Project Act of 1939, the farm units described above are designated as Irrigation Block No. 7.

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange of farm units under the provisions of the act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants," a preference right shall be given to applications which are made by certain veterans (and in some cases by their wives, husbands, or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, except for those received from qualified exchange applicants, which shall be given prior preference, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before 2:00 p. m., July 21, 1958.

In order to be eligible to receive farm units, all applicants, other than qualified exchange applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 7 of this notice) and (except for duly ap-

pointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least 90 days at any time between September 16, 1940, and the official termination of the Korean conflict, and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right and submits written proof of such consent with the application. (See section 8 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 6. *Examining board.* An examining board of 3 members, including the Superintendent of the Minidoka Project,

who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Minidoka Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award, or cancellation of an entry.

Sec. 7. Minimum qualifications. This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a Reclamation farm unit. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) **Character and industry.** An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) **Farm experience.** Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) **Health.** An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) **Capital.** An applicant must possess assets worth at least \$4,500 in excess

of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. No value will be allowed for household goods or passenger car. An applicant may be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See section 15 of this notice.) Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before the issuance of a certificate of qualification.

Sec. 8. Other qualifications required. Except for qualified exchange applicants, all applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family. Complete information concerning qualifications for homesteading may be obtained from the Idaho Land Office of the Bureau of Land Management at Boise, Idaho, or from the Director of that Bureau, Washington 25, D. C.

Sec. 9. Restriction on ownership of project lands. Applicants, other than qualified exchange applicants, for certificates of qualification must not hold or own, within any Federal Reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal Reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO APPLY FOR A FARM UNIT

Sec. 10. Application blanks. Any person desiring to enter any of the public land farm units described in this notice must fill out the attached application blank. Additional application blanks may be obtained from the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho; the Regional Director, Bureau of Reclamation, Boise, Idaho; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C.

Sec. 11. The filing of application. An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person.

Sec. 12. Applications become Department records. Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm, the copy of his discharge papers will be attached to his certificate of qualification (see section 19 of this notice) for submission to the Bureau of Land Management.

SELECTION OF QUALIFIED APPLICANTS

Sec. 13. Priority of applications. All applications, including those filed by exchange applicants, must be received prior to 2:00 p. m., July 21, 1958. All applications, except those received from exchange applicants, will be classified for priority purposes and considered in the following order:

(a) **First Priority Group.** All complete applications filed prior to 2:00 p. m., July 21, 1958, by applicants who claim veterans preference. Such applications will be treated as simultaneously filed.

(b) **Second Priority Group.** All complete applications filed prior to 2:00 p. m., July 21, 1958, by applicants who do not claim veterans preference. Such applications will be treated as simultaneously filed.

(c) **Third Group.** All complete applications filed after 2:00 p. m., July 21, 1958. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

Sec. 14. Public drawing. After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 13 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be awarded) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

Sec. 15. Submission of evidence of qualification. After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications

set forth in sections 7 and 8 of this public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 4 of this public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 16. Final examination. After the information requested as outlined in section 15 of this notice has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants to whom certificates of qualification will be issued. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the board for a personal interview when requested, he shall thereby forfeit his priority as established by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this notice, the applicant shall be disqualified and shall be notified by the board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the applicant's receipt of such notice, on in any event, within 30 days from the date the notice is mailed to the last

address furnished by the applicant. The office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

SEC. 17. Order of selection. The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right to selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as the result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 14 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit, and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by the

notice, without regard to veterans preference.

SEC. 18. Failure to select. If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 19. Payment of charges and filing homestead applications. After each qualified applicant has advised the board of his selection of a farm unit, he shall be notified by the board of the annual construction, water rental, or other charges and shall be furnished with copies of the contracts to be executed by him as required by subsections 20 (b) and (c) of this notice. The required payment and executed contracts must be received in the Office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the receipt by the applicant of such notice and contracts. Upon receipt of such payment and of the contracts fully executed before the expiration of said 15-day period, the board shall furnish each applicant, by certified mail or by delivery in person, a certificate of qualification stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed in the Idaho Land Office, Bureau of Land Management, Boise, Idaho. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay annual construction, water rental, or other charges, to execute the required contracts, or to make application for homestead entry within the period specified herein will render the application subject to rejection.

SEC. 20. Repayment obligations required to be undertaken under Federal Reclamation laws—(a) Establishment of development period. Section 9 (d) (1) of the Reclamation Project Act of 1939 provides that, if, as in the case of the lands involved in this public notice, the lands are for the most part lands owned by the United States, the Secretary, prior to the execution of a repayment contract, may fix a development period and provide for the delivery of water during that period to the individual landowners on the basis of annual payments in advance of delivery of water.

Pursuant to that authority, the development period is hereby fixed as 10 years for the lands comprising Irrigation Block No. 7, commencing January 1, 1959, subject, however, to the right of the Secretary by a supplemental notice to shorten this period should it be determined that the full period is not justified.

(b) *Repayment organization and contract.* The Reclamation Project Act of 1939 requires that, as a condition precedent to the continued delivery of water after the close of the development period, the water users must form an organization, satisfactory in form and powers to the Secretary, to contract with the

United States to repay the reimbursable construction costs incurred and to be incurred by the United States in the construction and operation and maintenance of the North Side Pumping Division. The organization proposed for the area comprising the North Side Pumping Division is an irrigation district to be created under the laws of the State of Idaho embracing all the lands proposed to be served by the works of the Division as authorized by the act of September 30, 1950. Before the end of the development period for Irrigation Block No. 1, the United States will request the landowners involved to organize such a district and to enter into an appropriate repayment contract with the United States in conformity with the requirements of the Federal Reclamation laws. To insure fulfillment of this requirement, each qualified applicant will be required as a condition precedent to the issuance of a certificate of qualification to agree to join in a petition for the creation of such a district and to include his lands in such a district when requested so to do by the United States.

(c) *Charges payable during development period.* (1) During the development period, a minimum amount of water will be furnished at an annual charge per irrigable acre to be paid in advance of delivery of water. The quantity of water to be delivered for the minimum charge each year will be specified by the Regional Director and water in excess of the amount to be furnished for the minimum charge will be furnished on an acre-foot basis in accordance with an ascending scale of rates. It is estimated that over the development period charges for water will average \$10.50 per year for each irrigable acre. It is also the present plan to set a small minimum charge for the first year and to increase it each year during the development period with the object of having the charge for the last year of the development period approximately equal to the estimated combined construction and operation and maintenance charges for the first year that construction charges are required to be paid under the repayment contract. This combined operation and maintenance and construction charge is presently estimated at \$13.50 per irrigable acre annually. Charges during the development period are expected to equal operation and maintenance costs during that period and are not intended to return any of the construction costs. Prior to the execution of the repayment contract, payments required to be made during the development period will be paid by the individual water users to the United States pursuant to announcements made by the Regional Director. After the repayment contract has been executed, payments by the water users will be made to the irrigation districts which will in turn make payment to the United States.

(2) For the 1959 irrigation season a minimum charge of \$4.20 per irrigable acre shall be required to be paid for each irrigable acre for which water is requested except that each entryman in the block must pay this minimum charge

for at least 50 percent of the irrigable acreage of his farm unit.

Water users will be furnished three acre-feet of water for each irrigable acre in their farm units for which payment of the minimum charge is made. Water, in excess of three acre-feet for each irrigable acre, if available, will be furnished during the 1959 irrigation season at the following rates:

Fourth acre-foot per acre.....	\$1.70
Fifth acre-foot per acre.....	2.25
Sixth acre-foot per acre.....	2.80

(3) The foregoing charges are subject to all provisions of the Federal Reclamation laws relating to collections and penalties for delinquencies.

(d) *Construction charges required to be paid.* After the development period has ended as to each irrigation block, the water users of the block will be required to pay, in accordance with the terms of the repayment contract, an annual charge per irrigable acre to meet operation and maintenance costs and to repay to the United States that portion of the cost of construction of the North Side Pumping Division which is assigned for repayment by the water users. The repayment contract may provide for such payment over a 50-year period following the development period and the law requires that the construction charge obligation shall be distributed equally to like classes of land, both annual instalments to be adjusted on the basis of crop returns, as adjusted for agricultural parity. It is now estimated that a basic annual payment of \$3.00 per irrigable acre for the entire North Side Pumping Division will be sufficient to return the current estimate of the costs of the Division required to be repaid by the water users, this representing an estimated total construction charge of \$150 per irrigable acre. In terms of present day costs, it is estimated that the average annual charge per irrigable acre for operation and maintenance will be \$10.50. This estimate includes replacements required during the repayment period and the costs of power for irrigation pumping. The figures given both as to the construction obligation and the annual operation and maintenance costs are estimates only and subject to change in terms of costs as actually incurred. These estimates of the construction and operation and maintenance charges and the average estimated charges for water during the development period, as set out in subsection 20 (c) (1) of this notice, are based on the assumption that power will be furnished by the Bureau under a wheeling arrangement with the Idaho Power Company on terms similar to those provided by existing contracts with the Company.

(e) *Recordable contracts required.* Applicants for entry of public land will be required, as a condition precedent to the issuance of a certificate of qualification, to execute and deliver a recordable contract which is intended to discourage the sale of land while it is in a development stage at prices in excess of its fair market value and to discourage speculation in such lands. Under present policies such contracts will remain in

effect until the end of the fifth year after the commencement of payment of construction charges on the lands involved. As a basis for operation of such contracts, all the lands of the Division will be appraised at their fair market value without regard to increments by reason of the prospect of obtaining water, and the contracts will provide that, in the event lands are sold at prices in excess of their appraised values, as these are revised from time to time, a portion of the excess shall be applied in payment of construction charges against the land.

GENERAL PROVISIONS

Sec. 21. Warning against unlawful settlement. No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

Sec. 22. Reservation of rights of way for public roads. Rights of way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, State, and Federal highways and access roads to the farm units shown on said farm unit plats.

Sec. 23. Reservation of rights of way for utilities. Rights of way are reserved for Government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other Government-owned facilities over and across the farm units above-described as hereafter, in his opinion, may be necessary for the proper construction, operation and maintenance of the said project. Existing rights of way granted by the United States are also reserved.

Sec. 24. Waiver of mineral rights. All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

Sec. 25. Effect of relinquishment or cancellation. In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant,

the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of 2 years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 58-2958; Filed, Apr. 21, 1958;
8:46 a. m.]

Office of the Secretary

[Order 2765, Amdt. 3]

COMMISSIONER OF RECLAMATION DELEGATION OF AUTHORITY

Order No. 2765, as amended (19 F. R. 5004, 7417; 22 F. R. 1090), is further amended to authorize the Commissioner of Reclamation to perform certain functions and exercise certain authority of the Secretary of the Interior under the Coulee Dam Community Act of 1957 (71 Stat. 524):

1. Paragraph (a) of section 1 is amended by the addition of a new subparagraph (12), reading as follows:

(12) Coulee Dam Community Act of 1957 (71 Stat. 524).

2. Paragraph (a) of section 2 is amended by the addition of a new subparagraph (13), reading as follows:

(13) Determine amounts of power and energy needed to meet load requirements for space-heating purposes and to establish special rates therefor under section 7 (c) of the Coulee Dam Community Act of 1957 (71 Stat. 524).

[SEAL] FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2957; Filed, Apr. 21, 1958;
8:45 a. m.]

[Order 2583; Amdt. 18]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Section 2.78 of Order No. 2583 (15 F. R. 5643) is amended to read as follows:

Sec. 2.78 *Town sites.* All town-site matters, including the designation of town-site trustees as provided in 43 CFR 80.2 under authority of section 11 of the act of March 3, 1891 (26 Stat. 1099, 48 U. S. C. 355) and as provided in 43 CFR 80.19 under authority of the act of May 25, 1926 (44 Stat. 629, 48 U. S. C. 355a-355d): *Provided*, That reclamation town-site matters shall be handled jointly with the Commissioner of Reclamation, pur-

suant to 43 CFR 255.42 to 255.45, inclusive, and 255.47.

FRED A. SEATON,
Secretary of the Interior.

APRIL 15, 1958.

[F. R. Doc. 58-2959; Filed, Apr. 21, 1958;
— 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9251 et al.]

PACIFIC AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Pacific Airlines, Inc., Docket No. 9251, and a Board investigation, Docket No. 9396.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 13, 1958, at 10:00 a. m., local time, in Room 226A, Old Mint Building, Fifth and Mission Streets, San Francisco, California, before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues, particular attention will be directed to the following matters: Whether the public convenience and necessity require (a) the renewal of Pacific Air Lines' authority to serve Red Bluff, Ukiah, Fort Bragg, and/or Yreka, California, on a temporary or permanent basis and (b) the continued suspension or elimination of United Air Lines' authority to serve Red Bluff and/or Eureka, California.

Dated at Washington, D. C., April 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2987; Filed, Apr. 21, 1958;
8:52 a. m.]

[Docket No. 7149 et al.]

SERVICE TO SANTA CATALINA ISLAND, CALIF.

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 6, 1958, at 10:00 a. m., local time, in the Miramar Hotel, Ocean Avenue and Wilshire Boulevard, Santa Monica, California, before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., April 17, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2988; Filed, Apr. 21, 1958;
8:52 a. m.]

[Docket No. 7984 et al.]

HOUSTON SERVICE INVESTIGATION

NOTICE OF CHANGE OF PLACE OF PREHEARING CONFERENCE

Reference is hereby made to the Notice of Prehearing Conference in the

above-styled proceeding issued on April 1, 1958, by the Chief Examiner of the Civil Aeronautics Board.

The prehearing conference in the above-entitled matter will be held on May 5, 1958, at 10 a. m., e. d. s. t., as heretofore assigned; but the place of the conference is hereby changed from Room E-210, Temporary Building No. 5, to Hearing Room A, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D. C.

Except for the change of the place of the prehearing conference, the remaining procedures specified in the Notice dated April 1, 1958, remain unchanged.

Dated at Washington, D. C., April 15, 1958.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F. R. Doc. 58-2989; Filed, Apr. 21, 1958;
8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE WAGES AND PRICES IN FLORIDA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 8, 1958, beginning at 10:00 a. m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1958 through June 30, 1959, on farms with respect to which applications for payment under the act are made, and (2) pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1958 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Tom O. Murphy and A. A. Greenwood are hereby designated as presiding offi-

cers to conduct either jointly or severally the foregoing hearing.

Issued this 17th day of April 1958.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Division.

[F. R. Doc. 58-2986; Filed, Apr. 21, 1958;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13695]

KERR-MCGEE OIL INDUSTRIES, INC., AND
CLARK M. CLIFFORD

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 16, 1958.

Take notice that on November 12, 1957, Kerr-McGee Oil Industries, Inc., a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, and Clark M. Clifford, with an office in Washington, D. C. (Applicants), independent producers, filed a joint application in Docket No. G-13695 pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon service to Phillips Petroleum Company (Phillips) from the Spraberry Field, Midland County, Texas, as hereinafter described, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The service to be abandoned is covered by a gas sales contract dated November 1, 1952, and was previously authorized by the Commission in its order of October 16, 1956, in Docket No. G-9841.

The application recites that the supply of natural gas has been depleted to the extent that the continuance of service to Phillips is unwarranted; and that the wells supplying natural gas have been plugged and abandoned.

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 June 11, 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 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. 58-2960; Filed, Apr. 21, 1958;
8:46 a. m.]

[Docket Nos. G-14212, G-14438]

FELMONT OIL CORP. AND MANUFACTURERS
LIGHT AND HEAT CO.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

APRIL 16, 1958.

In the matters of Felmont Oil Corporation, Operator, Docket No. G-14212; The Manufacturers Light and Heat Company, Docket No. G-14438.

Take notice that on February 7, 1958, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation with a principal place of business in Pittsburgh, Pennsylvania, filed an application in Docket No. G-14438 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 7.5 miles of 8-inch lateral supply line to extend from a point of connection with its existing 16-mile Clinton County transmission pipeline in Cherry Hill Township, Indiana County, Pennsylvania, to the Bethlehem-Cuba well in the Pine Field, Indiana County, and approximately 4,100 feet of 6 $\frac{1}{2}$ -inch field line to extend from a point on said proposed 8-inch lateral to the H. George well in said Pine Field, with metering facilities at each well (for the purpose of receiving natural gas produced from said well—by Felmont Oil Corporation (Felmont), Operator) subject to the jurisdiction of the Commission, as more fully set out in the application on file with the Commission, and open for public inspection.

The application recites that the estimated initial cost of the facilities to be constructed and operated by Manufacturers will be \$510,000, which will be financed under an arrangement with its parent company, The Columbia Gas System, Inc.

Felmont Oil Corporation (Felmont), Operator, a Delaware corporation with a principal office in New York City, New York, an independent producer, filed on January 9, 1958, an application in Docket No. G-14212 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Felmont to sell natural gas produced from the wells in the Pine Field, Indiana County, Pennsylvania, by Felmont as operator, and for Columbian Carbon Company (a non-operating non-signatory party) in interstate commerce to The Manufacturers Light and Heat Company (Manufacturers), subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 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. 58-2961; Filed, Apr. 21, 1958;
8:46 a. m.]

[Docket Nos. G-14367, G-14476]

CLAUD B. HAMILL AND TEXAS ILLINOIS
NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

APRIL 16, 1958.

In the matters of Claud B. Hamill, Docket No. G-14367; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14476.

Take notice that on February 13, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation having its principal place of business in Chicago, Illinois, filed in Docket No. G-14476 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3-inch tap on its existing 26-inch main transmission pipeline in Wharton County, Texas, and approximately 2 miles of 4-inch lateral supply pipeline to extend from a point of connection with the 3-inch tap referred to above to a proposed meter station to be installed by Texas Illinois in the Spanish Camp Field in Wharton County, subject to the jurisdiction of the Commission for the purpose of receiving volumes of natural gas produced in said field by Claud B. Hamill (Hamill), for transportation in interstate commerce

for resale, as more fully related in the application on file with the Commission, and open for public inspection.

On January 31, 1958, Hamill, an independent producer with a principal office in Houston, Texas, filed an application in Docket No. G-14367 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas produced from acreage in the Spanish Camp Field in Wharton County, Texas, to Texas Illinois in interstate commerce for resale, subject to the jurisdiction of the Commission, as more fully related in the application on file with the Commission, and open for public inspection.

The application of Texas Illinois in Docket No. G-14476 recites that its proposal will enable it to purchase and receive additional volumes of natural gas for its system requirements.

The estimated cost of Texas Illinois proposed facilities is stated to be \$40,000, which will be defrayed from funds on hand.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 4, 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 applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 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. 58-2962; Filed, Apr. 21, 1958;
8:47 a. m.]

[Docket No. G-14514]

TEXAS GAS TRANSMISSION CORP.
NOTICE OF APPLICATION AND DATE OF HEARING
APRIL 16, 1958.

Take notice that on February 19, 1958, Texas Gas Transmission Corporation

(Applicant), filed in Docket No. G-14514 a "budget type" application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the 12-month period immediately following date of issuance of certificate authorization, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the present proposal is to augment Applicant's ability to act with reasonable dispatch in contracting for and attaching to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with its existing system.

The total cost of all projects for which authorization is sought herein is not to exceed \$3,000,000, with no single project to exceed \$400,000.

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 May 13, 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 May 9, 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. 58-2963; Filed, Apr. 21, 1958;
8:47 a. m.]

[Docket No. G-14690]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING
APRIL 16, 1958.

Take notice that on March 17, 1958, The Ohio Fuel Gas Company (Applicant), filed in Docket No. G-14690 an

application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain natural gas facilities being used to serve Sidwell Brothers, a direct industrial customer, as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities involved consist of a service line from Applicant's Line "H" west of Zanesville, Ohio, to the plant of Sidwell Brothers, in Newton Township, Muskingum County, Ohio, and regulating and measuring facilities, presently being used for the delivery and sale of natural gas to Sidwell Brothers for use in the production and processing of blacktop road-building material.

The application states that the original cost of these facilities was approximately \$6,600; the service is essentially off-peak interruptible in character; and the deliveries to Sidwell Brothers in 1957 totaled 13,544 Mcf of natural gas.

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 May 13, 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 May 9, 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. 58-2964; Filed, Apr. 21, 1958;
8:47 a. m.]

[Docket No. G-14885]

CITIES SERVICE OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

APRIL 16, 1958.

Cities Service Oil Company (Cities Service) on March 17, 1958, tendered for filing a proposed change in its presently

effective rate schedule¹ 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, dated March 12, 1958.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 6 to Cities Service's FPC Gas Rate Schedule No. 43.

Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cities Service merely cites the periodic escalation provision in the contract.

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 Cities Service's FPC Gas Rate Schedule No. 43 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 Cities Service's FPC Gas Rate Schedule No. 43.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 18, 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 (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2965; Filed, Apr. 21, 1958; 8:47 a. m.]

¹Present rate previously suspended and is in effect subject to refund in Docket No. G-13031.

[Docket No. G-14886]

CITIES SERVICE OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

APRIL 16, 1958.

Cities Service Oil Company (Operator), et al. (Cities Service) on March 17, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ 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, dated March 12, 1958.

Purchaser: El Paso Natural Gas Company. Rate schedule designation: Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 51.

Effective date: April 17, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Cities Service merely cites the periodic escalation provision in the contract.

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. 11 to Cities Service's FPC Gas Rate Schedule No. 51 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. 11 to Cities Service's FPC Gas Rate Schedule No. 51.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 18, 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

¹Present rate previously suspended and is in effect subject to refund in Docket No. G-12983.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2966; Filed, Apr. 21, 1958; 8:48 a. m.]

[Docket No. G-14705]

DEEP SOUTH OIL COMPANY OF TEXAS

ORDER POSTPONING HEARING

APRIL 16, 1958.

By order issued March 21, 1958, the Commission fixed April 22, 1958, as the date for commencement of a public hearing in the above-entitled proceedings in which Deep South Oil Company of Texas is required to show cause, if any there be, why it should not be required to comply with all of the provisions of the Natural Gas Act, including particularly sections 4 and 7 thereof, and to continue deliveries of natural gas to Texas Gas Corporation.

Since that order was issued Deep South has filed with the Commission an application for a certificate of public convenience and necessity authorizing the sale of gas to Texas Gas (Docket G-14764), and has filed an answer purportedly in compliance with the terms of the order issued March 21, 1958.

The Commission finds: It is necessary and appropriate in the public interest that the hearing in these proceedings be postponed as hereinafter ordered.

The Commission orders: The hearing ordered heretofore in these proceedings is hereby postponed to commence May 20, 1958, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2967; Filed, Apr. 21, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AMENDMENT

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 2) to License CX-2 authorizing General Electric Co. to operate its Vallecitos Boiling Water Reactor located near Pleasanton, California and described in Docket No. 50-18, as a critical experiment facility under the conditions and in accordance with the procedures set out in Amendments Nos. 22 and 23 to its license application. The license amendment authorizes operation of the facility for the performance of critical experiments, including determinations regarding tem-

perature coefficients and calibration of control rods. General Electric Company proposes to conduct these experiments with a fuel loading and with control rods which differ from those utilized previously under Licenses CX-2 and DPR-1. The fuel loading will differ from that previously utilized in that it will consist of a maximum of 108 fuel elements instead of 101. Instead of using 7 boron carbide-filled, flat-plate control rods, General Electric Company will use 3 control rods of stainless steel containing 1 percent boron enriched to 90 percent in boron-10 and 4 rods made of boron carbide-filled tubes. The experiments will be performed to build up the core from its present subcritical condition to a condition similar to that used for power operation.

The Atomic Energy Commission has found upon review of the application for amendment that prior public notice of proposed issuance of this amendment is not required in the public interest inasmuch as the proposed changes in operation of the facility do not materially affect the Commission's evaluation of hazards to the health and safety of the public which was made in connection with the licensee's application for the original license. In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see the application for license amendment at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 11th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[License No. CX-2; Amdt. 2]

On April 8, 1958, General Electric Company submitted Amendment No. 22 to its application for license requesting authorization to operate its Valleitos Boiling Water Reactor as a critical facility with control rods of the design described in Amendment No. 19 to its license application, and with a core loading the same as that described in Amendment No. 12 plus seven additional fuel elements. On April 10, 1958, General Electric Company submitted Amendment No. 23 to its application to provide operating conditions different from those set forth in Amendment No. 22.

The Atomic Energy Commission has found that operation of the facility as proposed in license application amendments Nos. 22 and 23 will not be inimical to the common defense and security or to the health and safety of the public.

The first sentence of subparagraph a of paragraph I of Appendix "A" of License No. CX-2 issued to General Electric Company on July 29, 1957, is hereby amended to read as follows:

General Electric Company shall operate the facility for the conduct of the critical experiments described in its application and its requests for license amendment submitted on September 3, 1957, April 8, 1958, and April 10, 1958 (designated by GE as Amendments Nos. 10, 11, 22, and 23 to its application for license) and in accordance with the procedures and limitations governing these experiments described in the application for license and amendments thereto numbered 10, 11, 22, and 23.

Date of issuance: April 11, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F. R. Doc. 58-3012; Filed, Apr. 21, 1958;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of April A. D. 1958.

Upon consideration of section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17) and section 3 (a) (1) of the Administrative Procedure Act:

It is ordered, That the description of central and field organization of the Interstate Commerce Commission appearing in the order of September 9, 1946 (11 F. R. 10305), as amended, is hereby superseded by the following:

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act (49 U. S. C. 11, 24).

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington 25, D. C. In the field, there are 13 Regional Offices and 76 detached offices, located in the more important transportation centers throughout the United States. A listing of these offices is included in an appendix set forth below.

(b) *Hours.* Office hours in Washington, D. C. are from 8:30 a. m. to 5:00 p. m. Office hours of field offices are also from 8:30 a. m. to 5:00 p. m., local time of the place where located, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D. C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories (sections 17, 19, and 205; 49 U. S. C. 17, 19, 305).

(d) *Definitions*—(1) *Act.* The words "act" or "the act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the con-

text indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission," the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, private and exempt motor carriers, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Public information*—(a) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating to any matter or proceeding pending before the Commission.

(b) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the Bureau or Office which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The less important cases are summarized in the bound volumes. Reports concerning other than valuation and motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "I. C. C." Reports concerning motor carrier application matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited "MCC." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Valuation Reports," commonly cited "Val Rep."

Copies of reports and orders, including those printed as described above may be examined at the Washington office of the Commission.

(d) *Inspection of records.* (1) The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316 and 417 of the act (49 U. S. C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington, upon reasonable request:

(i) Copies of tariffs, rate schedules, section 22 quotations or tenders, classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 465, and 409 of the act (49 U. S. C. 6, 22, 317, 318, 906, 1005, and 1009).

(ii) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the act (49 U. S. C. 20, 320, 913, and 1012).

(iii) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(iv) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding.

(v) File of instruments or documents recorded pursuant to section 20c and index thereto.

(vi) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and the duties of the Commission.

(2) *Requests to inspect records.* Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, and reports filed by motor carriers are available for inspection at field offices where personnel of the Bureau of Motor Carriers are located.

(3) *Certified copies of records, etc.* Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization—*
(a) *Central Organization.* The Commission's staff is organized into 10 bureaus, 3 offices and the Transport Mobilization Staff, the duties of each of which will be hereafter described. Each bureau is headed by a director, and the bureaus are divided into sections headed by section chiefs. Each bureau and office reports to the Commission or an appropriate division thereof through the Chairman of the Commission or a designated Commissioner, except with respect to matters within the jurisdiction of the Managing Director hereafter described.

(b) *Field Organization.* The regional and other field offices are staffed with employees who perform certain investigative and other duties more specifically outlined as part of the functional descriptions of the individual bureaus to which they are attached and to which

they are generally responsible. The Regional Offices are headed by Regional Managers who are responsible to the Managing Director for certain administrative and managerial matters.

(c) *Office of the Managing Director.* The Managing Director is the chief official in charge of the internal management of the Commission's staff organization. Under policies established by the Commission, he administers, plans, manages, directs, and coordinates the administrative activities of all bureaus and offices, and supervises the activities relating to the Commission's budget, personnel, and administrative and central stenographic services.

(1) *Management Staff.* Makes studies and recommendations regarding the efficiency and economy of the Commission's operations.

(2) *Budget and Fiscal Office.* Is responsible for budget preparation and execution, fiscal accounting, auditing, payroll, and leave administration.

(3) *Personnel Office.* Is responsible for planning, organizing, directing, and accomplishing the overall personnel program in the Commission.

(4) *Section of Administrative Services.* Responsible for all property, supply, and maintenance functions within the Commission and the operation of the Commission's Class "A" printing plant.

(5) *Section of Stenography.* Provides central stenographic and typing services.

(d) *Office of the Secretary.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the Rules of Practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings; and he supervises the Sections of Dockets, Reference Services, and Mails and Files. The Secretary's Office is the medium through which information and releases are made available to the press and the public.

(1) *Section of Dockets.* Is responsible for maintaining all docket files in the Commission and files containing designations, under Part II of the act, of agents to receive service of judicial process; serving all reports, orders and notices; scheduling or arranging for the use of hearing rooms in Washington and the field; and recording of documents evidencing the lease, mortgage, etc., of railroad equipment.

(2) *Section of Mails and Files.* Processes all incoming and outgoing mail in the Commission; provides messenger services in the Washington office; and maintains the Commission's central files.

(3) *Section of Reference Services.* For the use of Commission personnel, other government agencies, practitioners and the public, compiles and maintains the following publications and reference looseleaf digest and consolidated tables, for publication to the Commission's bound report volumes; (2) a consolidated

looseleaf digest and consolidated tables, covering reports 1887 to date; and (3) the Interstate Commerce Acts annotated, a 17 volume set. In addition, maintains a special library of transportation materials and provides a coordinated reference service.

(e) *Office of the General Counsel.* This Office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the act and other statutes administered by it and concerning other laws or statutes applicable to or affecting the Commission; and defends, on behalf of the Commission, in all court proceedings to set aside, enjoin, cancel, or annul orders of the Commission. This Office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the act or to exact penalties for violations.

(f) *Transport Mobilization Staff.* Responsible for the performance of mobilization planning functions with respect to domestic transportation, storage, and port facilities, as defined in section 601 (k) of Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), and as delegated to the Commission and re-delegated to the Commissioner who is responsible for the supervision of the Bureau of Safety and Service under the Defense Production Act of 1950, as amended. These functions concern the preparation of plans and programs for the most effective use of the nation's transport, storage and port systems and facilities (excluding air transport, pipelines, coastal, intercoastal, and overseas shipping) in preparation for attack conditions, under attack conditions, and in post-attack rehabilitation. Classified information in the possession of the Commissioner, in connection with the performance of functions as delegated to him, is subject to the Security Regulations which were initially adopted by the Defense Transport Administration.

(g) *Bureau of Accounts, Cost Finding and Valuation.* Performs the accounting, cost finding and valuation functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes participation in the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, and other related regulations for all transportation companies subject to the act; examining the accounts, records and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; development of equitable and reasonable depreciation rates and reserves for carrier property; preparing studies and analyses of the costs and revenues of transportation services of carriers subject to the act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commis-

sion; and the analysis of accounting matters in finance proceedings and cost evidence presented by other parties in rate proceedings.

(1) *Section of Accounting.* Is charged with the development of uniform systems of accounts, regulations governing the destruction of carrier records, and regulations governing forms and recording of passes; the development of equitable and reasonable depreciation rates and reserves for carrier property; and the review of accounting and related matters in finance proceedings before the Commission.

(2) *Section of Cost Finding.* Is engaged in the development of cost formulas and principles followed in making cost studies; the preparation of cost studies and analyses for use in rate-making proceedings and for release to the public; and the analysis of cost evidence presented by other parties in proceedings before the Commission.

(3) *Section of Valuation.* Performs work necessary to ascertain the value of railroad and pipeline properties pursuant to section 19a of the act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land; development of elements of value and other pertinent material for consideration by the Commission in rate and reorganization proceedings and finding final property values.

(4) *Section of Field Service.* Supervises the accounting inspection work performed in the field for all types of carriers and makes accounting reviews of annual reports filed by Class I and II motor carriers of property and Class I motor carriers of passengers.

(5) *Field Staff.* Conducts regular and special examinations of carriers' records for the purpose of ascertaining compliance with the Commission's accounting rules and discovering violations of other regulations of the Commission. Also serves as witnesses in prosecution cases and other proceedings respecting these matters.

(h) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the act, relative to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; approval for motor carriers or water carriers to enter into contracts and agreements for the pooling or diversion of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; authority to hold position of officer or director of more than one railroad; and formal investigations concerning possible violations of the act relating to the foregoing

subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings. Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(1) *Section of Convenience and Necessity.* Handles the proceedings described above relating to rail carriers, water carriers, and freight forwarders, except those arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(2) *Section of Securities and Reorganizations.* Handles the proceedings arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(3) *Section of Motor Carrier Finance.* Handles the proceedings described above relating to motor carriers except those involving transfer of certificates and permits under section 212 (b) of the act which have not involved the taking of testimony at a public hearing, and those involving the issue of securities or assumption of obligation with respect to securities.

(4) *The Transfer Board.* Pursuant to authority delegated under section 17 of the act, makes determination, when the matter at issue is not reserved for action by the Commission, of applications filed under section 212 (b) of the act relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(i) *Bureau of Inquiry and Compliance.* Investigates violations, prosecutes in court and assists the Department of Justice in prosecuting civil and criminal proceedings arising under all parts of the act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety, Bureau of Safety and Service), and related acts such as the Elkins Act, the Clayton Anti-Trust Act and the Transportation of Explosives Act. When specifically authorized by the Commission or a division thereof in any particular case or class of cases, participates in Commission proceedings, for the purpose of developing the facts and issues.

(1) *Section of Motor Carrier Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part II of the act, the Clayton Anti-Trust Act and related acts involving motor vehicle transportation.

(2) *Section of Rail, Water and Forwarder Enforcement.* Supervises and handles the legal activities involved in

the enforcement of Part I, III and IV of the act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety), the Elkins Act, the Clayton Anti-Trust Act and related statutes.

(3) *Field Staff.* Conducts investigations of carriers and shippers to obtain evidence of violations; reviews evidence of violations and makes recommendations with respect to enforcement action to be taken; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings in Federal Courts; and participates in Commission proceedings as witnesses or counsel.

(j) *Bureau of Motor Carriers.* Administers the Commission's programs involving the regulation of motor carriers under Part II of the act insofar as they involve: Initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public; initiating and administering safety regulations concerning qualifications and maximum hours of service of employees and safety of operation and equipment of all for-hire and private carriers in interstate or foreign commerce; investigating and reporting on serious accidents and the transportation of explosives and other dangerous articles; initiating and administering regulations relating to safety and comfort of migratory workers; inspecting the operations of the carriers in the field to inform them of the requirements of the act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, extensions of credit or unsafe operating practices; and issuing informal interpretations of Commission's certificates, permits and regulations affecting motor carrier operation.

(1) *Section of Administration.* Performs duties relating to the internal administration of the Bureau including personnel, employment, procurement of supplies, services, and like matters.

(2) *Section of Insurance.* Performs work in connection with the administration of section 215 of the act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public, including: the preparation of recommendations for submission to the Commission for determination of applications to self-insure, the approval or disapproval of certificates of insurance, and passing upon the qualifications of insurance and bonding companies. In addition, performs work similar to that described above, in connection with the administration of section 403 (c) of the act applicable to freight forwarders.

(3) *Section of Motor Carrier Safety.* Performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees, and standards of equipment; compiles and publishes statistical and other information pertaining to these matters; presents evidence in Commission proceedings where the matter of carriers' safety records is involved; prepares accident reports for Commission approval;

and provides guidance to the field staff respecting the administration of the motor carrier safety regulations and procedures.

(4) *Field Staff.* Conducts inspections and investigations of the activities of motor carriers to ascertain their compliance with the law and regulations under Part II of the act, including: safety of operations and equipment, hours of service, posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports; recommends prosecutions and serves as witnesses in prosecutions and other proceedings respecting these matters.

(k) *Bureau of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the act, relative to operating authority matters and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the act or any requirement established thereunder, with respect to operating practices under the jurisdiction of Division 1; the suspension, change or revocation of certificates, permits, and licenses; and the granting of temporary authorities for motor carrier service.

(1) *Section of Administration.* Performs the Bureau's administrative work relating to the assignment of proceedings for hearing, creation of joint boards and appointment of joint board members; prepares correspondence with parties to cases on certain procedural matters; maintains bureau records and prepares statistics pertaining to cases processed; and performs duties relating to the internal administration of the bureau including personnel, employment, procurement of supplies and services, and like matters.

(2) *Hearing Examiner Staff.* Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(3) *Review Committee.* Reviews drafts of final reports prepared in the Bureau giving particular attention to the consistency of the proposed decisions with established precedents.

(4) *Section of Appeals.* Prepares memorandums analyzing petitions for reconsideration, reargument, rehearing and petitions dealing with procedural matters.

(5) *Section of Examiners.* Prepares and reviews draft-final reports for all cases handled by the Bureau for circulation to the Commission for consideration.

(6) *Section of Captions.* Examines applications for operating rights, prepares correspondence to applicants concerning sufficiency of such applications, prepares summaries of such applications

for publication in the FEDERAL REGISTER as notice to the public, and processes statements of intrastate motor common carriers which propose to operate in interstate and foreign commerce.

(7) *Section of Certificates and Permits.* Prepares certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission or a Division of the Commission, processes orders reissuing such authorities upon approval of transfer in finance proceedings, orders vacating or amending such operating authorities after action by the Commission and processes uncontested revocation proceedings.

(8) *Temporary Authorities Board.* Pursuant to authority delegated under section 17 of the act makes determinations respecting applications for motor carrier temporary authority under section 210a (a) of the act when the matter at issue is not reserved for action by the Commission; and makes determinations in uncontested revocation proceedings under section 212a.

(1) *Bureau of Rates and Practices.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the act, relative to rates, fares, charges and practices and relief from anti-trust laws relative to collective rate-making agreements; and conducts proceedings arising under a number of miscellaneous provisions of the act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations.

(1) *Section of Administration.* Performs the Bureau's administrative work pertaining to cases processed which includes maintaining records, handling procedural matters, preparing notices and orders, and conducting correspondence with parties to the cases.

(2) *Hearing Examiner Staff.* Hearing examiners assigned to this Bureau conduct hearings and prepare initial reports with respect to the proceedings handled by the Bureau and when not so engaged, perform other work not inconsistent with their duties as hearing examiners.

(3) *Sections of Final Reports No. 1 and No. 2.* Prepare draft-final reports for circulation to the Commission for decision and analyze petitions for reconsideration, rehearing, and other relief and prepare memorandums for the consideration of the Commission containing recommendations for action thereon.

(4) *Section of Review.* Reviews all draft final reports prepared in the Bureau prior to their circulation for consideration by the Commission giving particular attention to the consistency of the proposed decisions in relation to established policies and precedents.

(m) *Bureau of Safety and Service.* Administers the Commission's programs respecting: (1) Car service provisions of the act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange and return of locomotives, cars and other

vehicles used in the transportation of property; (2) the Locomotive Inspection Act, to promote safety of employees and travelers on railroads, making the inspections to determine that locomotives are in proper condition, safe to operate and comply with the rules and regulations, and to determine that the required inspections of locomotives are made by the carriers and the defects are repaired before the locomotive is returned to service; (3) the Safety Appliance Acts, the Ashpan Act, the Hours of Service Act, Accident Reports, Block Signal Resolution, etc., relating to investigation of safety appliances or systems intended to promote safety of railway operation; and (4) the transportation of explosives and other dangerous articles by rail, highway and water.

(1) *Section of Car Service.* Performs necessary duties relating to the administration of the car service provisions of the act, pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment, and supervises the field staff engaged in inspecting for compliance with respect to these items.

(2) *Section of Locomotive Inspection.* Performs necessary duties relating to the administration of the Locomotive Inspection Act, 45 U. S. C. 22-34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used; makes inspections to determine if locomotives are equipped and maintained by carriers in accordance with the Commission's regulations and are in safe condition to operate; takes corrective action in connection with locomotives not conforming to requirements; makes investigations of accidents caused by failure of any part of a locomotive; and prepares reports for Commission approval on such investigations when such action is in the public interest. Supervises the field staff of district inspectors engaged in inspection and investigation to assure compliance with respect to these items.

(3) *Section of Railroad Safety.* Performs necessary duties respecting the administration of various Safety Appliance Acts (45 U. S. C. 1-16, 17-21, 36), the Accident Reports Act (15 U. S. C. 38-43), the Hours of Service Act (45 U. S. C. 61-64), the Block Signal Resolution (45 U. S. C. 35), and section 25 of the act (49 U. S. C. 25), as related to railways, other than those pertaining particularly to locomotives; supervises the field staff engaged in making inspections of carrier operations as prescribed and recommends reporting of violations to the proper United States district attorneys for prosecution; investigates applications for approval of material modifications of block signal systems and interlocking devices; and investigates train accidents and makes recommendations as to corrective measures to be taken by the carriers.

(4) *Field Staff.* Conducts investigations and performs other field work in connection with the duties of the sections described above.

(n) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation and protective service contracts, of carriers subject to the act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregate-of-intermediate-rates provisions of the act; confers and corresponds with carriers, shippers and other interested parties, expressing its views, concerning the application of rates and other tariff provisions, as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Board of Suspension.* Analyzes petitions and protests seeking suspension of proposed tariffs or rate schedules, and replies thereto, and pursuant to authority delegated under section 17 of the act (1) makes initial disposition thereof, except when the matter is otherwise reserved for action by, or is certified to, the Commission, (2) institutes investigations into rates, fares, charges and practices of carriers as ancillary to the suspension of tariffs or schedules, and (3) discontinues investigation and suspension proceedings when, prior to hearing, the suspended schedules have been cancelled pursuant to special permission authority; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; processes and makes recommendations to the Commission with respect to requests for appellate action.

(2) *Fourth Section Board.* Receives and considers applications made by carriers subject to section 4 of the act for authority to establish rates and fares without observing the long-and-short-haul or aggregate-of-intermediate-rates provisions thereof, gives consideration to statements of interested parties, and when the matter is not reserved for action by, or is not certified to, the Commission, pursuant to authority delegated under section 17 of the act, makes initial disposition thereof by granting or denying the application, or denying relief pending a formal proceeding; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; and processes and makes recommendations to the Commission with respect to requests for appellate action.

(3) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files

powers of attorney, concurrences, also quotations filed under section 22 of the act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the act, for use of the public.

(4) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commission and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; performs the administrative work in connection with contracts covering protective service filed by railroads and by express companies; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and computes short-line distances and first-class rates for waybill study purposes.

(5) *Released Rates Committee.* Makes recommendations to the Commission as to the action to be taken on carriers' applications to limit their liability for loss or damage to property transported, such limitation being prohibited unless carriers are authorized by the Commission to maintain rates dependent upon and varying with the value declared in writing by the shipper or agreed upon in writing as the released value of the property.

(6) *Bureau of Transport Economics and Statistics.* Performs economic, statistical and related analytical work, concerning transportation, necessary to the Commission in the performance of its functions to foster sound economic conditions consistent with the National Transportation Policy. In performing this work, the Bureau advises the Commission on economic matters and develops data concerning such matters as finances, physical characteristics, operations and traffic consist of the various carriers, as well as statistical and economic evaluations of the effects of the Commission's regulatory policies on carriers, shippers, consumers and the National economy.

(1) *Section of Traffic Statistics.* Provides traffic statistics based primarily on a 1 per cent sample of carload shipments terminated by Class I railroads; compiles and makes studies of these data to determine the effect of Commission decisions on rate structures; prepares data based on the sample for release and provides advice on the use of the published data for exhibits in Commission proceedings.

(2) *Section of Reports.* Examines and verifies reports of carriers to determine their accuracy, conducts correspondence in connection therewith and makes authorized corrections in the reports; compiles and prepares for publication data and statistics based on annual and other reports submitted by carriers covering such matters as finances, operations and railroad accidents.

(3) *Section of Research.* Performs research and provides analyses and reports concerning developments relating to transportation by rail, motor, water and air which directly or indirectly relate to the duties and functions of the Commission.

(p) *Bureau of Water Carriers and Freight Forwarders.* Administers the Commission's programs involving the regulation of water carriers, freight forwarders, and rate bureaus under Parts III and IV, and section 5a of the act. Processes the applications (1) of water carriers for temporary authorities and exemptions, and (2) of common carriers for approval of collective rate-making agreements. Inspects the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the act and Commission regulations, and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit, or procedures for collective rate-making under approved agreements.

(1) *Field Staff.* Conducts the investigations and performs the other field work included in the functional statement for the Bureau.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC regions	Location of offices	Bureaus represented ¹
1	Boston, Mass., Regional Headquarters, 14-17 Court Square.	A, I&C, MC, S&S.
	Lebanon, N. H., 6 Campbell St.	MC.
	Portland, Maine, 305 Post Office and Court House.	MC.
	Providence, R. I., 203 Custom House Bldg.	MC.
	Springfield, Mass., 420 Federal Bldg.	MC.
	2	New York, N. Y.: Regional Headquarters, Room 1111, 346 Broadway.
Albany, N. Y., 311 Federal Bldg.		MC, S&S.
Binghamton, N. Y., 967 Press Bldg.		MC.
Buffalo, N. Y., 324 Post Office Bldg.		MC, S&S.
Hartford, Conn., 223 Federal Bldg.		MC.
Newark, N. J., 1060 Broad St.		MC, S&S.
Syracuse, N. Y., 266 Federal Bldg.		MC, S&S.
3	Trenton, N. J., 410 Post Office Bldg.	MC.
	Philadelphia, Pa.: Regional Headquarters, 800 U. S. Custom House Bldg.	A, I&C, MC, S&S.
	Baltimore, Md., 204 Appraisers' Stores Bldg.	MC, S&S.
	Harrisburg, Pa., 218 Central Industrial Bldg.	MC.
	Norfolk, Va., 203 U. S. Customs House.	S&S.
	Richmond, Va., 608 Parcel Post Bldg.	MC.
	Roanoke, Va., 215 Campbell Ave. SW.	MC, S&S.
	Salisbury, Md., 206-B Post Office Bldg.	MC.
	Seranton, Pa., Select Bldg., 2d Floor, 116 North Washington Ave.	MC.
	Washington, D. C., Interstate Commerce Commission Bldg., 12th and Constitution Ave. NW.	A, I&C, MC, S&S.

¹ A—Accounts, Cost Finding and Valuation.
I&C—Inquiry and Compliance.
MC—Motor Carriers.
S&S—Safety and Service.
WC—Water Carriers and Freight Forwarders.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES—Continued

INTERSTATE COMMERCE COMMISSION FIELD OFFICES—Continued

ICC regions	Location of offices	Bureaus represented ¹
4	Columbus, Ohio; Regional Headquarters, 236 New Post Office Bldg. Charleston, W. Va., Rm. 206, Emberton Bldg. Cincinnati, Ohio, 413 U. S. Post Office and Court House. Cleveland, Ohio, 519 Federal Bldg. Pittsburgh, Pa., 402 Victory Bldg. Toledo, Ohio, 17 Old Federal Bldg. Wheeling, W. Va., 531 Hawley Bldg. Youngstown, Ohio, 616 Schweenwagner Bldg.	I&C, MC, S&S. MC. MC, S&S. A, MC, S&S. MC, S&S. MC, S&S. MC, S&S. S&S.
6	Atlanta, Ga., Regional Headquarters, 680 West Peachtree St., N.E. Birmingham, Ala., 316 U. S. Post Office and Court House. Charleston, S. C., South Carolina State Port Authority Office Bldg., No. 1 Vendue Range St. Charlotte, N. C., 248 Post Office Bldg. Columbia, S. C., 206 Federal Court House Bldg. Jacksonville, Fla., 227 Post Office Bldg. Mobile, Ala., 234 U. S. Court and Custom House. Raleigh, N. C., 315 Post Office Bldg. Tampa, Fla., 2701 Mississippi Ave.	A, I&C, MC, S&S. MC, S&S. S&S. A, MC, S&S. MC. MC, S&S. S&S. MC. S&S.
7	Nashville, Tenn.; Regional Headquarters, Room 706 U. S. Court House. Jackson, Miss., Room 208, 143 East Amalie St. Lexington, Ky., 499 Post Office Bldg. Louisville, Ky., 426 Post Office Bldg. Memphis, Tenn., Rm. 1121 Falls Bldg.	A, I&C, MC, S&S. MC, S&S. MC. MC, S&S. MC, S&S.
8	Chicago, Ill.; Regional Headquarters, 852 U. S. Custom House Bldg. Detroit, Mich., 400 U. S. Custom Bldg. Fort Wayne, Ind., 308 Federal Bldg. Indianapolis, Ind., Rm. 510 Illinois Postal Bldg. Lansing, Mich., 214 Federal Bldg. Springfield, Ill., Rm. 203 Federal Bldg.	A, I&C, MC, S&S, WC. MC, S&S. MC. A, MC, S&S. MC. MC.
9	Minneapolis, Minn.; Regional Headquarters, 628 Metropolitan Bldg. Duluth, Minn., 825 East 13th St. Fargo, N. Dak., 210 U. S. Post Office Bldg. Madison, Wis., Rm. 332 U. S. Post Office Bldg. Milwaukee, Wis., 511 Cawker Bldg. Pierre, S. Dak., 210 Post Office Bldg.	I&C, MC, S&S, A. S&S. MC, S&S. MC. MC, S&S. MC.
10	Kansas City, Mo.; Regional Headquarters, 1160 Federal Office Bldg. Davenport, Iowa, 235 U. S. Post Office Bldg. Des Moines, Iowa, 227 Federal Office Bldg. Lincoln, Nebr., 318 U. S. Post Office and Court House. Omaha, Nebr., 429 Federal Office Bldg. Sioux City, Iowa, 319 Post Office Bldg. St. Louis, Mo., 912 U. S. Court and Custom House. Topeka, Kans., 309 Federal Bldg. Wichita, Kans., 906 Schweiter Bldg.	A, I&C, MC, S&S. MC. MC, S&S. MC. MC, S&S. MC. A, MC, S&S. MC. MC, S&S.

ICC regions	Location of offices	Bureaus represented ¹
12	Fort Worth, Tex.; Regional Headquarters, 816 Texas and Pacific Bldg. Amarillo, Tex., 443 Amarillo Petroleum Bldg. Dallas, Tex., 1112 Fidelity Bldg. El Paso, Tex., Rm. 12, U. S. Court House. Houston, Tex., 614 Federal Office Bldg. Little Rock, Ark., 137 Post Office and Court House Bldg. New Orleans, La., 709 Masonic Temple Bldg. Oklahoma City, Okla., 721 Bankers Service Life Bldg. San Antonio, Tex., 567 U. S. Post Office and Court House. Shreveport, La., 427 Post Office Bldg.	A, I&C, MC, S&S. MC, S&S. A, MC, S&S. S&S. A, MC, S&S. MC, S&S. MC, S&S. MC, S&S. MC, S&S. S&S.
13	Denver, Colo.; Regional Headquarters, 502 Denham Bldg. Albuquerque, N. Mex., 209 U. S. Post Office Bldg. Billings, Mont., 413 Electric Bldg. Butte, Mont., Room 212, Medical Arts Bldg. Great Falls, Mont., 105 Civic Center Bldg. Salt Lake City, Utah, 114 Atlas Bldg.	I&C, MC, S&S. MC, S&S. MC, S&S. S&S. S&S. MC, S&S.
15	Portland, Ore.; Regional Headquarters, 638 Pittock Block. Boise, Idaho, 410 Federal Bldg. Seattle, Wash., 3132 Arcade Bldg. Spokane, Wash., 418 U. S. Post Office Bldg.	A, I&C, MC, S&S, WC. MC. MC, S&S. MC, S&S.
16	San Francisco, Calif.; Regional Headquarters, 602 Sheldon Bldg. Carson City, Nev., 11 West Telegraph St. Los Angeles, Calif., 333 Western Pacific Bldg. Phoenix, Ariz., 347A U. S. Post Office Bldg.	A, I&C, MC, S&S. MC. A, I&C, MC, S&S. MC, S&S.

TERRITORIAL COVERAGE OF THE FIELD OFFICES OF THE BUREAU OF MOTOR CARRIERS

District No.; Headquarters Office; and States

- 1: Boston, Mass.; Massachusetts, Maine, New Hampshire, Vermont, Rhode Island.
- 2: New York, N. Y.; New York, New Jersey, Connecticut.
- 3: Philadelphia, Pa.; Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.
- 4: Columbus, Ohio; Ohio, Western Pennsylvania, West Virginia.
- 5: Atlanta, Ga.; Georgia, Florida, Alabama, North Carolina, South Carolina.
- 6: Nashville, Tenn.; Tennessee, Kentucky, Mississippi.
- 7: Chicago, Ill.; Illinois, Indiana, Michigan.
- 8: Minneapolis, Minn.; Minnesota, Wisconsin, North Dakota, South Dakota.
- 9: Kansas City, Mo.; Missouri, Iowa, Nebraska, Kansas.
- 10: Fort Worth, Tex.; Texas, Oklahoma, Arkansas, Louisiana.
- 11: Denver, Colo.; Colorado, Wyoming, New Mexico, Utah, Montana.
- 12: Portland, Ore.; Oregon, Washington, Idaho.
- 13: San Francisco, Calif.; California, Arizona, Nevada.

[F. R. Doc. 58-2921; Filed, Apr. 21, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4042]

FRANKLIN ATLAS CORP.

ORDER POSTPONING DATE OF HEARING

APRIL 14, 1958.

The Commission by order dated December 13, 1957, having ordered a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder and said hearing being now scheduled to commence on April 17, 1958, at 10:00 a. m., e. s. t., at the Commission's offices in New York, New York, and

Counsel for Franklin Atlas Corporation having requested that such hearing be postponed; and counsel for the Division of Corporation Finance not objecting thereto;

It is ordered, That the hearing scheduled to commence on April 17, 1958, be and hereby is postponed to commence July 14, 1958, at 10:00 a. m., e. d. t., at the New York Regional Office of the Commission, 225 Broadway, New York, New York, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 58-2969; Filed, Apr. 21, 1958; 8:48 a. m.]

[File No. 70-3686]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED BANK BORROWINGS BY PARENT, ISSUANCE AND SALE BY SUBSIDIARIES OF NOTES AND ACQUISITION THEREOF BY PARENT

APRIL 14, 1958.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, United Natural Gas Company; File No. 70-3686.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and three of its gas utility subsidiaries, Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Pennsylvania"), and United Natural Gas Company ("United"), have filed with this Commission a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9 (a), 10, 12 (b) and 12 (f) thereof, and Rules 43 and 45 thereunder, as applicable to proposals involved in the system's financing program for 1958 which are summarized as follows:

National proposes to borrow, from time to time during the period July 1, 1958 through December 31, 1958, not in excess of \$12,600,000 from Chase Manhattan Bank ("Chase Bank") pursuant to a Credit Agreement dated January 8, 1958. Each borrowing is to be evidenced by unsecured promissory notes which are to

¹ A—Accounts, Cost Finding and Valuation.
I&C—Inquiry and Compliance.
MC—Motor Carriers.
S&S—Safety and Service.
WC—Water Carriers and Freight Forwarders.

be dated as of the date of their issue, are to mature on July 1, 1960 and are to bear interest at the prime commercial rate of Chase Bank currently in force on the date of issue of each note. The notes may be prepaid in whole or in part without penalty, unless any such prepayment results directly or indirectly from the proceeds of, or in anticipation of, any bank borrowing other than from Chase Bank, in which case National will pay a premium of $\frac{1}{2}$ of 1 percent on the principal sum so prepaid.

National further proposes to make loans in amounts not exceeding \$9,100,000 to Iroquois, \$1,500,000 to Pennsylvania and \$2,000,000 to United. These loans are to be made from time to time during the period July 1, 1958, through December 31, 1958, and are to be evidenced by unsecured promissory notes of the subsidiaries which are to mature on July 1, 1960. Each note will bear interest at a rate equivalent to the prime commercial rate of Chase Bank currently in force on the date of issue of each note and may be prepaid at any time, in whole or in part, without premium.

The net proceeds derived by Iroquois, Pennsylvania and United from the sale of their notes, together with funds available from current operations, are to be used to make additions to their utility plants during 1958 and to purchase additional gas for underground storage. Iroquois also proposes to use a portion of the proceeds from the sale of its notes to discharge bank borrowings due in 1958.

Iroquois has petitioned the Public Service Commission of the State of New York for authority to issue and sell its notes. Pennsylvania and United have applied to the Pennsylvania Public Utility Commission for permission to issue and sell their notes. Copies of the orders of these commissions are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses of National, Iroquois, Pennsylvania and United are estimated to aggregate \$9,330, including fees of counsel for each company aggregating \$4,250.

Notice is further given that any interested person may, not later than April 30, 1958 at 5:30 p. m., request 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 said amended application—declaration 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 the amended application—declaration, as filed or as it may be further amended, may be granted and permitted to become effective 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 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-2970; Filed, Apr. 21, 1958;
8:48 a. m.]

[File No. 70-3684]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING SALE OF GAS PROPERTIES

APRIL 15, 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 a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 12 (d) of the act and Rule 44 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Missouri proposes to sell and transfer to The Gas Service Company ("Gas Service") the natural gas transmission and distribution system of Missouri in its Excelsior Springs District pursuant to the terms of an agreement between Missouri and Gas Service. The consideration to be received for such properties will be cash in an amount equal to the original cost thereof, less depreciation, at the closing date, less (i) contributions in aid of construction and customers advances for construction and (ii) \$150,000. The original cost of such properties, less depreciation, as of December 31, 1957, amounted to \$747,079. The assets to be transferred consist of all physical plant, property, equipment and facilities comprising the gas transmission and distribution system of Missouri in Clay and Ray counties, Missouri, including the cities of Excelsior Springs, Mosby, and Prathersville, and franchises, permits, easements, etc., relative to the operation of such system.

Missouri has been unable to secure an adequate supply of natural gas from its supplier, Panhandle Eastern Pipe Line Company to supply the needs of its customers in its Excelsior Springs District. Gas Service, which now serves in an area near Excelsior Springs, has an adequate supply of gas and can overcome the difficulties of supply. Accordingly, Missouri believes that it is in the best interest of the gas consumers of its Excelsior Springs District to sell its Excelsior Springs gas system to Gas Service.

Missouri proposes to reflect the net book loss of \$150,000, which will result from the sale of such property, and the tax reduction applicable thereunder of

\$60,000, in its net income account for the year 1958, and Union proposes not to adjust the carrying value of its investment in the common stock of Missouri in respect of the foregoing transaction.

The declaration as amended states that the transaction must be authorized by the Public Service Commission of Missouri. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

No commissions are to be paid in connection with the proposed transaction, and no expenses, other than nominal expenses, are expected to be incurred in connection therewith.

Notice is further given that any interested person may not later than April 30, 1958, 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 raised by said filing 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, the declaration as amended, or as it may hereafter be further amended, may be permitted to become effective 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. 58-2971; Filed, Apr. 21, 1958;
8:49 a. m.]

[File No. 24FW-915]

APPELL OIL & GAS CORP. ET AL.

ORDER VACATING ORDER OF SUSPENSION

APRIL 16, 1958.

In the matter of Appell Oil & Gas Corporation (issuer), William H. Appell, Minette P. Prinz (offerors); File No. 24FW-915.

Appell Oil & Gas Corporation (Appell Corp.), a Delaware corporation, Appell Building, Alice, Texas, joined with Minette P. Prinz and filed with the Commission on March 10, 1955, a notification on Form 1-A and a Statement pursuant to Rule 219 (b) under Regulation A, and subsequently filed amendments thereto, in which William H. Appell joined, relating to an offering of 4,000 shares of Appell Corp. common stock at \$1.75 per share for an aggregate of \$7,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on July 31, 1957, ordered, pursuant to Rule 223 (a) of the

general rules and regulations under the Securities Act of 1933, as amended, that the conditional exemption under Regulation A sought for the offering be temporarily suspended on the ground that the terms and conditions of Regulation A had not been complied with in that Form 2-A reports of sales, as required by Rule 224, had not been filed.

Subsequent to the Commission's action temporarily suspending the exemption, and through the efforts of the company in obtaining information from the offerors, a Form 2-A report was filed reflecting that all the shares were sold as of December 15, 1955.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-2972; Filed, Apr. 21, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

Mrs. H. A. ARIENS-SNELLENBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. H. A. Ariens-Snellenberg; 84 Prins Hendriklaan, Utrecht, Netherlands; Claim No. 62464; \$113.50 in the Treasury of the United States. Vesting Order No. 18117.

Executed at Washington, D. C., on April 15, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-2978; Filed, Apr. 21, 1958; 8:50 a. m.]

GOTTFRIED HEINRICH MORF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Gottfried Heinrich Morf; Winterthur, Switzerland; Claim No. 63615; \$179.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D. C., on April 15, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-2979; Filed, Apr. 21, 1958; 8:50 a. m.]





