THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 23 NUMBER 91

Washington, Thursday, May 8, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

SELECTION FROM CERTIFICATES

Paragraph (a) of § 2.205 is amended as set out below.

§ 2.205 *Selection from certificates*—(a) *Order of selection.* An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from the highest three (3) eligibles available for appointment on the certificate. For the second vacancy, he shall make selection from the three (3) highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three (3) separate appointments from the same or different certificates for the same position, or (2) to whose certification for the particular position he makes an objection that is sustained by the Commission for any of the reasons stated in § 2.106 or for other reasons considered by the Commission to be disqualifying for the particular position. The Commission may also sustain an objection to certification of an otherwise qualified eligible for an overseas position on the basis of special overseas selection factors.

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

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

[F. R. Doc. 58-3453; Filed, May 7, 1958; 8:49 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

NONPAY STATUS

Effective June 8, 1958, § 30.204 is amended by inserting "(a)" immediately before "Whenever" at the beginning of the section and adding a new paragraph (b) as follows:

§ 30.204 *Nonpay status.* (a) * * *

(b) Any period covered by a refund for the value of unearned advanced leave shall not be considered a nonpay status under this section.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065)

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

[F. R. Doc. 58-3452; Filed, May 7, 1958; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Export Programs

[Announcement CN-EX-6]

PART 482—COTTON

SUBPART—COTTON EXPORT PROGRAM—PAYMENT IN KIND

Sec.
482.101 General statement.
482.102 Definitions.
482.103 General conditions of eligibility.
482.104 Registration.
482.105 Cancellation of sale or failure to export.
482.106 Payment rate.
482.107 Amount due exporters.
482.108 Export conditions.
482.109 Application for cotton export payment and credit to exporter's account.
482.110 Satisfactory evidence of exportation.
482.111 Acquiring CCC cotton for export.
482.112 Records and reports.
482.113 Amendment or termination.
482.114 Good faith.
482.115 Persons not eligible.
Appendix.

AUTHORITY: §§ 482.101 to 482.115 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 203, 70 Stat. 188, 15 U. S. C. 714c, 7 U. S. C. 1853.

§ 482.101 *General statement.* In order to encourage the movement of cotton by the commercial cotton trade into export channels, Commodity Credit Corporation (referred to in this subpart as "CCC") will carry out a cotton export program (referred to in this subpart as

(Continued on p. 3053)

CONTENTS

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

the "program") under which payments, in the form of credits which may be used to acquire cotton from CCC's stocks for export, will be made to exporters in connection with the exportation of upland cotton produced in the continental United States. The program will be administered through the CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans Office"). Additional information pertaining to the operation of the program may be obtained from the New Orleans Office.

§ 482.102 *Definitions*—(a) *Cotton*. "Cotton" means upland cotton grown in the continental United States, of grades within the universal standards for American upland cotton, having a staple length of $^{13}\!/_{16}$ inch or longer and excludes reginned, loose, or pickery cotton or any other such irregular cotton.

(b) *Export*. "Export" means the shipment from the continental United States to an eligible destination as specified in § 482.108. If cotton is exported under this subpart, the date which appears on the applicable on-board ocean bill of lading, or if shipment is by rail, the date the shipment clears United States Customs, will be accepted hereunder as the date of export.

(c) *Exporter*. "Exporter" means any individual, partnership, corporation, association, or other business entity, which is located and maintains a business organization within the continental United States, and which is engaged in the business of exporting cotton.

(d) *Director*. "Director" means the Director of the New Orleans Office.

(e) *Export sale*. "Export sale" means a sale by an exporter to a foreign purchaser.

(f) *Consignment*. "Consignment" means the shipment of cotton from the continental United States by an exporter prior to the sale of such cotton by the exporter.

(g) *Public notice*. "Public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 482.103 *General conditions of eligibility*. If an exporter exports cotton, as defined in § 482.102 (a), from the continental United States to an eligible destination, the exporter will be eligible to receive a payment in the form of a credit, subject to the following terms and conditions and the other terms and conditions set forth in this subpart:

(a) Such cotton must have been exported in fulfillment of an export sale or consignment registered as provided in § 482.104.

(b) Such cotton must have been exported in accordance with § 482.108.

(c) The exporter must have submitted to the New Orleans Office an application for such payment in accordance with § 482.109 and satisfactory evidence of the exportation of such cotton in accordance with § 482.110.

(d) The payment rate shall be determined in accordance with § 482.106.

(e) The amount of the credit, the method of using the credit, and other terms and conditions applicable to the credit will be determined in accordance with §§ 482.107 and 482.111.

(f) Cotton exported pursuant to any program wherein the CCC sales price reflects an export allowance, cotton which is sold by CCC under conditions specifically excluding such cotton from exportation under this program, cotton exported pursuant to a CCC barter contract, cotton exported under an export sale financed under Title I of Public Law 480, 83d Congress (unless the applicable purchase authorization specifically provides that such cotton shall be eligible for a payment hereunder), and cotton shipped as offset cotton in connection with Proclamation 2544 of the President of the United States shall not be eligible for a payment under this subpart.

§ 482.104 *Registration*. CCC will register an export sale or consignment of cotton when, and only in the event that, the following requirements have been met:

(a) *Telegraphic notice of sale or consignment*. The exporter must send a notice of the export sale or consignment to the New Orleans Office by telegram. In the case of an export sale, such telegram shall be filed with the telegraph office not later than midnight (exporter's local time) on the date the sale is made; except that in the case of any sale made before the announcement of the original payment rate, such telegram must be filed with the telegraph office not later than 10 business days after such announcement. A notice of sale filed after the applicable date as determined above may be accepted by the Director if he determines that the delay is due to circumstances beyond the control of the exporter. In the case of a consignment, such telegram should be filed with the telegraph office when it is determined that the consignment will be made and must be filed prior to export of the cotton. In the case of an export sale, the notice must state the date of sale, name and address of the foreign purchaser, country of destination, number of bales sold, and the period of export. In case of a consignment, the notice must state the country of destination, number of bales, and anticipated date of consignment.

(b) *Submission of Form 37*. The exporter must send to the New Orleans Office a Confirmation of Cotton Sale or Consignment, CCC Cotton Form 37 (hereinafter referred to as "Form 37"), properly executed, in triplicate. The number of bales shown on the Form 37 must agree with the number of bales shown in the telegraphic notice. The Form 37 must be mailed in an envelope postmarked not later than five business days after the date of the telegraphic notice of sale or consignment. An extension of such five-day period may be granted by the Director before or after expiration of such period if he determines that additional time in which to submit the Form 37 is required by the exporter. Supplies of Form 37 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans Office.

(c) *Name in which filed.* The telegraphic notice of sale or consignment and the Form 37 must be filed in the name of the exporter who sold or consigned the cotton. If a sale or consignment is made under a trade name, and documents to evidence export, will be submitted under such trade name, the telegraphic notice and the Form 37 must show, in addition to the exporter's name, the trade name under which the cotton is to be shipped.

(d) *Refusal of registration.* CCC reserves the right to refuse to register any sale or consignment if it determines that such sale was made or notice of consignment was filed for the purpose of obtaining a higher rate of payment than otherwise would be applicable. CCC also reserves the right to waive any informality in a notice of sale or consignment or Form 37.

(e) *Registration number.* Upon receipt of an acceptable Form 37, a registration number will be assigned by the New Orleans Office, and a copy of Form 37 showing such number will be returned to the exporter. All correspondence relating to a sale or consignment for which a registration number has been assigned shall refer to the registration number.

§ 482.105 *Cancellation of sale or failure to export.* (a) The exporter shall notify the New Orleans Office promptly in every case where, after filing a telegraphic notice of sale, a sale is canceled in whole or in part by the exporter or by the importer, stating fully the reason for such cancellation. Such notification shall be by telegram, and if the sale is canceled in part, shall be confirmed by submission of a corrected Form 37 submitted in the same manner as provided in § 482.104. The exporter shall also notify the New Orleans Office promptly when for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the period provided for export under this subpart.

(b) If the Director determines that the exporter is prevented from exporting cotton in fulfillment of a registered sale or consignment due to a cause which the Director determines to be beyond the exporter's control, the registration may be canceled in whole or in part and the exporter will be so informed by the Director. If a sale is canceled in whole and CCC agrees to the cancellation of the registration, the exporter will be so informed by the Director, and if a sale is canceled in part and CCC agrees to the cancellation, a copy of the corrected Form 37 will be returned to the exporter.

(c) If an exporter files a telegraphic notice of sale or consignment and fails to file satisfactory evidence of exportation of cotton to eligible destinations, in accordance with this subpart, in fulfillment of the export sale or consignment (except for the tolerance allowed by the sales contract or trade rules under which the sale was made, a two percent tolerance in the case of consignments, or as otherwise approved by CCC), and if the registration has not been canceled by CCC as provided in paragraph (b) of this section, such exporter and its subsidiaries and affiliates may be denied the right to continue participating in this or any other program administered by CCC for such period as CCC may determine or until the exporter has agreed to or complied with such terms and conditions as the Director may prescribe. Such terms and conditions, among other things, may:

(1) Require the payment by the exporter, or cancellation of credits in the exporter's account, of an amount not to exceed forty (40) percent of the payment applicable to the quantity of cotton with respect to which the exporter has failed to fulfill his obligation; or

(2) Require that the rate of payment on future exports of cotton not in excess of such quantity be at a payment rate which is reduced by an amount equal to the difference between the rate which was applicable to the sale or consignment covered by such telegraphic notice and the highest rate between the date the telegraphic notice was filed and the date the exporter gives notice of cancellation of the sale or consignment or the final date for export, whichever is earlier; or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

§ 482.106 *Payment rate.* The rate of payment will be determined by the Executive Vice President, CCC, and announced by public notice. The rate of payment may be changed at any time without prior notice. In the case of an export sale, the applicable rate of payment shall be the rate in effect on the date of sale: *Provided*, That in the case of export sales made before the announcement of the original payment rate, the rate of payment shall be the original payment rate: *And provided further*, That in the case of a notice of sale filed after the applicable date specified in § 482.104 which is accepted by the Director, the rate of payment on the cotton exported under such sale will be the lower of the rate of payment in effect on the date of the export sale and the rate of payment in effect on the date on which the exporter files the notice of such sale. (The date of sale must be stated in the telegraphic notice and on Form 37 and must agree with the date shown on the documents required under § 482.110.) In the case of a consignment, the applicable rate of payment shall be the rate in effect on the date telegraphic notice of the consignment is filed.

§ 482.107 *Amount due exporters.* The amount of the credit due an exporter will be determined by multiplying the applicable payment rate by the actual gross weight of the cotton exported exclusive of any franchised weight and exclusive of patches. Payment will not be made on quantities exported which are in excess of the number of pounds shown on the Form 37 plus, in the case of export sales, any tolerance specified in the sales contract, including any tolerance contained in the trade rules specifically incorporated in the sales contract, or in case of consignments, a tolerance of two percent.

§ 482.108 *Export conditions*—(a) *Eligible destination.* An eligible destination, to which cotton may be exported under this subpart, shall be any destination outside the continental United States other than Alaska, Hawaii, Puerto Rico, or other than a country covered in § 482.109 (b), unless a license, if required, has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce. It is the policy of CCC not to make payments on the export of cotton to countries or areas for which general or specific export licenses will not be issued by the Bureau of Foreign Commerce. Accordingly, in making application for an export payment under this announcement the exporter makes the warranty contained in § 482.109 (b).

(b) *Time for export.* To be eligible for payment under this subpart, cotton must be exported on or after August 1, 1958, and not later than (1) in the case of export sales nine months, and in the case of consignments two months, after the date the telegraphic notice of the export sale or consignment is filed with the telegraph company, or (2) July 31, 1959, whichever is earlier: *Provided*, That cotton may be exported not later than July 31, 1959, against any export sale if the terms of the export sale provide for delivery after the expiration of such nine-month period.

§ 482.109 *Application for cotton export payment and credit to exporter's account*—(a) *Application for payment.* After exporting cotton in fulfillment of a sale or consignment registered under this subpart, the exporter shall submit to the New Orleans Office an original and two copies of Application for Cotton Export Payment, CCC Cotton Form 38 (hereinafter referred to as "Form 38") together with satisfactory evidence of such exportation, as provided in § 482.110, not later than 30 days after the date of the landing certificate (for rail shipments), or on-board ocean bill of lading or on-board endorsement of port or custody bill of lading (for ocean shipments). An extension of the time for submission of the Form 38 may be granted by the Director if he determines that the exporter has been or will be delayed in submitting such form by a cause which the Director determines to be beyond the control of the exporter. The weight on which payment is claimed must agree with the weight in the exporter's affidavit as provided in § 482.110 (f). Supplies of Form 38 and detailed instructions regarding the preparation and submission of the form may be obtained from the New Orleans Office.

(b) *Warranty.* By submitting a Form 38 to the New Orleans Office, the exporter represents and warrants that the cotton covered by such Form 38 was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to:

(1) Any country or area listed in Subgroup A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau;

(2) Macao unless specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce; or

(3) Hong Kong if a specific license for such exportation or transshipment is required by regulations of the U. S. Department of Commerce under the Export Control Act of 1949, unless such specific license for such exportation or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U. S. Department of Commerce.[1]

(c) *Crediting of export payment.* The New Orleans Office will establish an account for each exporter participating in the program. Upon receipt of a Form 38 and satisfactory evidence of exportation, the New Orleans Office will determine (in accordance with the provisions of § 482.107) the amount of payment due and credit the exporter's account with this amount. This credit may be used only in accordance with § 482.111. A copy of the Form 38 reflecting the amount of credit earned will be returned to the exporter.

§ 482.110 *Satisfactory evidence of exportation.* Evidence of exportation, to be satisfactory hereunder, must meet the following requirements unless otherwise approved by the Director:

(a) Separate documents must be submitted to the New Orleans Office for each export shipment, and all documents covering any one shipment must be submitted at the same time. The registration number assigned by the New Orleans Office must be shown on each document. If the export sale is financed under Public Law 480, the Purchase Authorization Number must also be shown on the documents evidencing exportation. Where exportation or transshipment has been made to one or more of the countries or areas described in § 482.109 (b) under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce, evidence of exportation shall identify, in addition to the name and address of the consignee, the license issued by that Bureau. In the case of an exportation or transshipment to Hong Kong not requiring a specific license, the documents evidencing exportation shall contain a statement by the exporter that a specific license was not required.

(b) In the case of sales, there shall be submitted a certified true copy of the sales contract. (The sales contract may be a formal sales contract, sales confirmation, or other documentary evidence of the sale.) If more than one shipment is made under a sale, the documents constituting the contract need be submitted only on the first shipment.

(c) For shipments by ocean carrier, there shall be submitted a nonnegotiable copy of either (1) an on-board ocean bill of lading, or (2) a port or custody bill of lading with on-board endorsement. The bill of lading must be certified by the exporter as being a true copy and must show the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person who exported the cotton and the person to whom it is shipped.

(d) For shipments by rail, there shall be submitted a copy of the railroad bill of lading, certified to by the exporter as being a true copy, under which the cotton is shipped, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the cotton is exported, showing the number of bales, marks, the place and date of entry, and gross landed weight of the cotton, and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped.

(e) There shall be submitted a copy of the tag list showing the bale numbers under which the cotton is exported and containing a certification by the exporter that the cotton was produced in the continental United States, is of grades within the universal standards for American upland cotton, is of staple lengths of $^{13}/_{16}$ inch or longer, and is not reginned, loose or pickery cotton or any other such irregular cotton. Such tag list shall be sworn to by the exporter as true and correct.

(f) There shall be furnished an affidavit of the exporter reflecting, in relation to each bill of lading, the actual gross weight of the cotton shipped, exclusive of any franchised weight and exclusive of patches. The weights shown must agree with the weight claimed on the Form 38.

(g) If the shipper or consignor named in the bill of lading or landing certificate is other than the exporter named in the Form 37, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading or landing certificate submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Form 37 nor the consignee identified with the sale contract, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as seller or purchaser of the cotton shown on the documents submitted to evidence exportation.

(h) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the Director.

(i) If cotton is loaded on board a vessel for shipment to an eligible destination and is destroyed or damaged while on board such vessel and the cotton or the salvage therefrom does not reenter the continental United States or does not enter Alaska, Hawaii, or Puerto Rico, or countries designated in § 482.109 (b), the cotton shall be regarded as having been exported for the purposes of this subpart.

(j) Failure of the exporter to furnish satisfactory evidence of exportation within 30 days after the final date for exportation, determined in accordance with § 482.108 (b), shall constitute prima facie evidence of failure to export.

§ 482.111 *Acquiring CCC cotton for export*—(a) *General provisions.* Payments earned by an exporter hereunder and credited to his account by CCC under § 482.109 shall be used by the exporter in payment for cotton acquired from CCC. The exporter shall acquire such cotton in accordance with the terms and conditions of this subpart and of Announcements CN-EX-5 and NO-C-11, and any amendments or revisions thereof, under which cotton will be sold periodically on a competitive bid basis for export. Any cotton in CCC inventory available for sale may be bid on by the exporter.

(b) *Acquiring CCC cotton prior to export.* In the event the exporter has previously purchased cotton from CCC under Announcements CN-EX-5 and NO-C-11, and any amendments or revisions thereof, CCC will, upon request of the exporter, apply credits earned under this program as payment for cotton previously purchased from CCC under such announcements and will refund to the exporter cash, previously received from the exporter as payment for such cotton, equal to the amount of credits so applied.

(c) *Time of purchase.* The exporter shall (1) use any such credit to acquire cotton not later than 90 days after the date of export of the cotton on which the credit was earned or July 31, 1959, whichever is earlier, or (2) request that such credit be applied not later than the end of such 90 day period or by August 31, 1959, whichever is earlier, in payment for cotton previously purchased from CCC. In the event that the exporter does not, within such 90 day period, use such credit to acquire cotton hereunder or request CCC to apply such credit in payment for cotton previously purchased from CCC, the amount of such credit shall be reduced by one-half of 1 percent for each day after the expiration of such 90 day period until the exporter uses such credit to acquire cotton or requests that such credit be applied as payment for cotton previously purchased: *Provided, however,* That any credit not used to acquire cotton from CCC by July 31, 1959, or applied by August 31, 1959, as payment for cotton purchased prior to July 31, 1959, shall be canceled and the exporter shall not be entitled to any rights with respect to such credit.

(d) *Payments in cash.* Notwithstanding any other provision of this subpart, CCC may satisfy the credits in an exporter's account by payment of the amount thereof in cash, if CCC determines that cotton is not available in CCC inventory in the quantity required to make export payments in kind.

§ 482.112 *Records and reports.* The exporter shall make available to CCC from time to time, upon CCC's request,

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or re-exportation by anyone, including a foreign exporter, of the cotton exported pursuant to the terms of this announcement, to Soviet Bloc countries and other prohibited areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies this announcement.

such information and reports, and such of the exporter's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers, as CCC may deem pertinent to any transaction hereunder. Such records shall be maintained for a period of three years after date of last payment under any sales registration.

§ 482.113 *Amendment or termination.* CCC reserves the right to amend or terminate any and all of the provisions of this subpart at any time by giving public notice thereof: *Provided, however*, That such amendment or termination shall not apply to export sales of cotton or consignments for which the exporter has filed notice of sale or consignment before the effective date of such amendment or termination.

§ 482.114 *Good faith.* If CCC, after affording the exporter an opportunity to present evidence, determines that such exporter has not acted in good faith in connection with any transaction under this program, such exporter may be denied the right to continue participating in the program or the right to receive payments in connection with sales previously registered, or both. Such exporter may also be required to refund to CCC an amount equal to the amount of any credit received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of CCC by way of the premises.

§ 482.115 *Persons not eligible.* No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from the program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

NOTE: The record-keeping and reporting requirements of this announcement have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Reports Act of 1942.

Issued this 2d day of May 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of September 30, 1957)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities to Macao, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under validated license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong unless the commodity is included on the general license GHK list.

These regulations further require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without prior Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction of denial of future U. S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10 (c) (15 CFR 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the Field Offices of the Department of Commerce.

[F. R. Doc. 58-3476; Filed, May 7, 1958; 8:52 a. m.]

TITLE 7—AGRICULTURE

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

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

READY-TO-COOK POULTRY

The regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment will suspend until January 1, 1959 the requirement for the removal of kidneys from young poultry.

It is hereby found that good cause exists for not engaging in public rule making procedures and for making this amendment effective May 1, 1958, for the reasons that: (1) The inspection service under this program is currently in effect and persons subject thereto should have immediate notice of this change; (2) the amendment is in the nature of a relieving restriction; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

Substitute a colon for the period following the word "processing" in the first sentence of the definition of "Ready-to-cook Poultry" in § 70.1 and add the following: "*Provided*, That kidneys shall not be required to be removed from young poultry prior to January 1, 1959: *And provided further*, That the term 'young' as used in the preceding proviso means that class of poultry where the word 'young' is used in defining the particular class as set forth in §§ 70.301 to 70.306, inclusive."

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Issued at Washington, D. C., this 5th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 58-3474; Filed, May 7, 1958; 8:51 a. m.]

Subchapter D—Regulations Under the Poultry Products Inspection Act

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

READY-TO-COOK POULTRY

The regulations governing the inspection of poultry and poultry products (7 CFR Part 81) are amended as hereinafter set forth pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U. S. C. 451 et seq.). The amendment will suspend until January 1, 1959 the requirement for the removal of kidneys from young poultry.

It is hereby found that good cause exists for not engaging in public rule making procedures and for making this amendment effective May 1, 1958, for the reasons that: (1) The inspection service under this program will be inaugurated on May 1, 1958 and persons subject thereto should have immediate notice of this change; (2) the amendment is in the nature of a relieving restriction; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

Substitute a colon for the period following the word "processing" in the first sentence of the definition of *Ready-to-cook Poultry* in § 81.1 and add the following: "*Provided*, That kidneys shall not be required to be removed from young poultry prior to January 1, 1959: *And provided further*, That the term 'young' as used in the preceding proviso means that class of poultry where the word 'young' is used in defining the particular class as set forth in §§ 70.301 to 70.306, inclusive, of this chapter."

(Sec. 14, 71 Stat. 447; 21 U. S. C. 463)

Issued at Washington, D. C., this 5th day of May 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 58-3473; Filed, May 7, 1958; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6916]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIRE SAFETY SERVICES, INC., AND HOWARD GRANT

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1520 *Personnel or staff;* [Misrepresenting oneself and goods]—Goods: § 13.1663 *Individual's special selection or situations;* [*Misrepresenting oneself and goods*]—Prices: § 13.1795 *Coverage or extras;* § 13.1817 *Reductions for prospect referrals.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1895 *Scientific or other relevant facts.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fire Safety Services, Inc., et al., Washington, D. C., Docket 6916, March 19, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors of home fire alarm systems in Washington, D. C., with representing falsely, through salesmen who gave demonstrations in the homes of prospects, that said representatives were not salesmen but demonstrators desiring only to make a fire prevention talk to specially selected prospects, and in such demonstrations exhibiting newspaper clippings and horror pictures to induce sale of the products; misrepresenting the cost of the systems and representing falsely that all or most of it could be earned by submission of names of other prospects which would be held in confidence; inducing purchasers to sign in blank contracts and promissory notes which were later filled in with total costs and carrying charges, contrary to the representations made, and failing to reveal that the contracts and notes would be discounted.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 19, 1958, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Fire Safety Services, Inc., a corporation, and its officers and Howard Grant, individually and as officer of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined by the Federal Trade Commission Act, of fire detection or fire alarm systems do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents' salesmen only desire to make fire prevention talks or demonstrations;

(b) That respondents' representatives are not salesmen but are only demonstrators;

(c) That prospective purchasers or their homes have been specially selected for demonstration purposes;

(d) That the total or monthly cost of respondents' fire alarm system will be reduced in any amount by the submission of names of prospective purchasers under respondents' referral program;

(e) That the identity of those supplying names of prospective purchasers will not be revealed to said prospective purchasers;

(f) That the contract or promissory note for the purchase price of the system will not be discounted or failing to reveal that such will be discounted;

(g) That carrying charges will not be added to the total cost of the system or failing to reveal that carrying charges will be added.

2. Inducing the purchase of respondents' products by employing "scare tactics" by exhibiting newspaper clippings and horror pictures calculated to unduly arouse parents emotionally as to the need to protect themselves and their children from the hazards of fire.

3. Misrepresenting in any manner the amount of money any purchaser or prospective purchaser will probably or may reasonably expect to receive from the submission of names of prospects under respondents' referral program.

4. Using any referral program in inducing the sale of their fire alarm system unless, (1) all of the terms and conditions thereof are fully explained to the purchaser or prospective purchaser prior to consummation of the sale, (2) any person submitting the name of a prospect who cannot be solicited for any reason is given the option of submitting a replacement name, and (3) the promised sum of money is actually paid to the purchaser who submitted the name of a prospect to whom a demonstration or sale of the system is made pursuant to such referral.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-3465; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6924]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NELS IRWIN AND SCREEN-PRINT PRODUCTS COMPANY

Subpart—*Advertising falsely or misleadingly:* § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings and profits;* § 13.110 *Indorsements, approval, or awards;* § 13.143 *Opportunities;* § 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors, etc., or discounted; § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nels Irwin trading as Screen-Print Products Company, Los Angeles, Calif., Docket 6924, March 21, 1958]

In the Matter of Nels Irwin, Individually and Trading and Doing Business as Screen-Print Products Company.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Los Angeles, Calif., engaged in the sale of screen-printing kits together with an instruction course in screen-printing, with making a variety of false representations in advertising to induce sale of his products, including demand, opportunities, profits, special offers, prices, approval, etc.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Nels Irwin, individually and trading and doing business as Screen-Print Products Company, or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of screen-printing kits and courses designed to teach or instruct in the screen-printing process, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication that:

1. Screen-printing is a new or secret process or that it is revolutionizing the printing industry.

2. Screen-printing can be carried on effectively without any special equipment.

3. A demand exists for screen-printers everywhere or that the area, in which the solicited customer lives is critically short of screen-printers unless such is the fact.

4. Earnings that may be made from screen-printing by persons completing respondent's course are greater than the earnings customarily or regularly made by persons not completing respondent's course.

5. No selling is required by a customer on completion of respondent's course in screen-printing to secure screen-printing business or jobs.

6. Respondent's screen-printing kits contain such a complete inventory of equipment and materials that purchasers will be able to start their own screen-printing business, on other than a limited scale, upon completion of respondent's course without additional purchases.

7. That any savings accrue to purchasers of respondent's course and kit, unless based upon the price at which respondent sells such merchandise in the usual and regular course of business.

8. Prospective customers may examine respondent's course and kits at home without any cost to said prospective customers.

9. On the payment of a deposit or down payment the entire course and kit will be sent to the prospective customers.

10. Respondent's screen-printing course and "Trace Art" book have been approved unless they have been officially approved by some reputable independent person or business concern, and the name of such person or concern is so designated.

11. Charges made for respondent's screen-printing equipment and materials are wholesale prices unless such is the fact.

12. That the past or current annual membership charges or fees in the United Screen-Printers International amounted to or now amounts to any figure which is in excess of the actual cost of said past or current charges or fees.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3466; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6804]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIDELITY STORM SASH CO. OF D. C., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.155 *Prices:* Bait; terms and conditions; § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fidelity Storm Sash Co., Inc., of D. C. (Baltimore, Md.) et al., Docket 6804, March 27, 1958]

In the Matter of Fidelity Storm Sash Co., of D. C., Inc., a Corporation, and Marty Burke and Bernard Weissman, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., of Maryland, a Corporation, and Marty Burke, Bernard Weissman, and Ruth Burke, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., a Corporation, Located in State of Pennsylvania, and Marty Burke and Ruth Burke, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated companies located in Baltimore and Philadelphia with using bait advertising to sell storm windows; and with representing falsely that they manufactured the storm windows, and that purchasers who allowed photographs of the windows installed by respondents to be taken and used for "model home" demonstration purposes would receive a price reduction; and that installation of the windows would result in savings of as much as 33 percent in fuel bills.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Fidelity Storm Sash Co. of D. C., Inc., a corporation and its officers, respondents Marty Burke and Bernard Weissman, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., of Md., a corporation, and its officers, respondents Marty Burke, Bernard Weissman and Ruth Burke, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., a corporation, and its officers, respondents Marty Burke and Ruth Burke, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm windows and doors, or any other related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That said products are offered for sale when such offer is not a bona fide offer to sell the products so offered.

2. That they manufacture said products sold by them.

3. That said products are sold at any special or reduced price, unless such is the fact.

4. That any specific percentage or any specific amount of savings in fuel bills will result from the installation of storm windows.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3467; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6917]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LURKIS FURS, INC. AND JACOB LURKIS

Subpart—*Advertising falsely or misleadingly:* § 13.235 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act.* Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Lurkis Furs, Inc., et al., Newark, N. J., Docket 6917, April 1, 1958]

In the Matter of Lurkis Furs, Inc., a Corporation, and Jacob Lurkis, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Newark, N. J., with violating the Fur Products Labeling Act by removing the required labels from fur products prior to delivery to the ultimate consumer; failing to comply with the invoicing and labeling requirements; and advertising fur products falsely as being from the stock of a liquidating business.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and its officers and Jacob Lurkis, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing the removal, or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

2. Misbranding fur products by:

(a) Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artifically colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

(b) Failing to show on labels attached to fur products the item numbers or marks assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a));

(c) Setting forth on labels affixed to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, which is intermingled with non-required information;

(3) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in handwriting;

3. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name of the country of origin of any imported furs contained in a fur product;

(6) The name and address of the person issuing such invoice;

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(a) Represents that any of such fur products are from the stock of a business in the state of liquidation, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and Jacob Lurkis, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3468; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6969]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COYNER-EVANS CO., INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Coyner-Evans Co., Inc., et al., Miami, Fla., Docket 6969, March 26, 1958]

In the Matter of Coyner-Evans Company, Inc., a Corporation; Ed Coyner, Individually and as President-Treasurer of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson; and Clyde B. Coyner, Individually and as Vice President and Assistant General Manager of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a produce jobber in Miami, Fla., with violating section 2 (c) of the Clayton Act by receiving illegal brokerage on purchases of celery and other fresh produce made for its own account through its controlled intermediary which accepted fees as an independent broker although it was acting for said jobber.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Coyner-Evans Company, Inc., a corporation, Ed Coyner, individually and as president-treasurer of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and Clyde B. Coyner, individually and as vice president and assistant general manager of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and each of them and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase by respondents, or any of them, of celery, produce, seeds, farm supplies and equipment, or other products, in commerce, as "commerce" is defined in the Calyton Act, do forthwith cease and desist from:

(a) Receiving or accepting, directly or indirectly, from any sellers, anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, upon the purchase of any of said products made by respondents for their own account.

(b) Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon the purchase of any of said products where said respondent is the agent, representative or intermediary acting for or in behalf of or is subject to the direct or indirect control of the buyer, or of any of the officers of said buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 26, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3469; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6960]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. LIEBES & CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*M i s b r a n d i n g or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, H. Liebes & Co. et al., San Francisco, Calif., Docket 6960, April 2, 1958]

In the Matter of H. Liebes & Company, a Corporation, and Sidney Liebes and Lloyd Liebes, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Francisco with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; and by advertising in newspapers which contained the names of animals other than those producing certain furs, set forth comparative prices without designating the time of the original prices, and represented selling prices as reduced from regular prices without maintaining adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents H. Liebes & Company, a corporation, and its officers, and Sidney Liebes and Lloyd Liebes, as individuals and as officers of said corporation; and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported fur contained in a fur product;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Sets forth the name of an animal other than the name of the animal or animals producing the fur or furs contained in the fur product;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, has been usually and customarily sold by the Respondents;

3. Makes use of comparative prices or savings claims unless such are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in subparagraphs 2 and 3 above, unless there are maintained by Respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents H. Liebes and Company a corporation, and Sidney Liebes and Lloyd Liebes, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3470; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6918]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAURICE COHEN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Maurice Cohen and Eugene Cohen trading as Master Furriers, Duluth, Minn., Docket 6918, April 2, 1958]

In the Matter of Maurice Cohen, and Eugene Cohen, Individuals and Co-Partners Trading as Master Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Duluth, Minn., with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; by newspaper advertising which failed to name the animal producing certain furs, represented prices as reduced from regular prices which were in fact fictitious, and failed to give a designated time of comparative prices; and by failing to maintain adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Maurice Cohen and Eugene Cohen, individually and as co-partners trading as

Master Furriers, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the geographic origin of the animal that produced the fur from which such product was manufactured.

B. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels affixed to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is mingled with non-required information.

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

C. Makes use of comparative prices unless such compared prices are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

D. Makes price claims and representations of the types referred to in paragraphs B and C above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3471; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6851]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RANSOHOFF'S, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ransohoff's, Inc., San Francisco, Calif., Docket 6851, April 3, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco with violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products, represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices and percentage savings claims not based on current market values; and by failing to maintain adequate records as the basis for such purported pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Ransohoff's, Inc., a corporation, and its officers, and its representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "comerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artifically colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form or in handwriting;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, have been usually and customarily sold by the respondent;

3. Makes use of comparative prices or percentage savings claims unless such comparative prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in paragraphs 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Ransohoff's, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-3472; Filed, May 7, 1958; 8:50 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

EXEMPTIONS; AGRICULTURE

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Title 29, Code of Federal Regulations, Part 4, Subpart G, § 4.123 (b), is amended by adding at the end thereof the following: "While it is the position of the Department that a minor who leaves one district where schools are closed and who moves into and lives in another district where schools are in session may not work during the hours that schools are in session in the new district, it will not be asserted that this position prevents the employment of a minor in a district where schools are in session, if the school last attended by the minor has closed for summer vacation. As a reasonable precaution, however, no employer should employ a child under such circumstances before May 15, and after that date he should do so only if he is shown by the minor satisfactory evidence in the form of a written statement signed by a school official stating that the school with which he is connected is the one last attended by the minor and that the school is closed for summer vacation. Such statement should contain the minor's name, the name and address of the school, the date the school closed for the current year, the date the statement was signed, and the title of the school official signing the statement."

(Secs. 3, 11, 52 Stat. 1060, as amended; 1066, as amended; 29 U. S. C. 203, 211)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of May 1958.

JAMES P. MITCHELL, *Secretary of Labor*.

[F. R. Doc. 58-3481; Filed, May 7, 1958; 8:53 a. m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to Section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary by Administrative Order No. 503 (23 F. R. 1676), as amended by Administrative Order No. 504 (23 F. R. 1858), appointed, convened, and gave notice of the hearings of Industry Committee No. 38-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigation and hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 703. The recommendations of the committee provide for amending the definition of the industry by excluding therefrom belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials. Minor editorial changes have been made. In addition, the recommendations provide for new rates for the classifications within the industry.

Accordingly, as authorized and required by section 8 of the act, 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, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective, May 24, 1958, as follows:

1. Part 703 is hereby revoked.

2. Part 615 is hereby added to read as follows:

Sec.
615.1 Definitions.
615.2 Wage rates.
615.3 Notices.

AUTHORITY: §§ 615.1 to 615.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 615.1 *Definitions*. The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however*, That the industry shall not include the manufacture of hand-made straw hats, gloves, hosiery, footwear, belts, (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (Part 610 of this chapter) or in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 609 of this chapter).

§ 615.2 *Wage rates.* (a) Wages at a rate of not less than 72½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the suits, coats, jackets, neckties, hats, and caps classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of men's, youths', and boys' suits, coats, jackets (except denim work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear; neckties and bow ties; and hats and caps.

(b) Wages at a rate of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products in the said industry not included in paragraph (a) of this section.

§ 615.3 *Notices.* Every employer subject to the provisions of § 615.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 615.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3484; Filed, May 7, 1958; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in October 1957. The whaling regulations, as last amended in October 1957, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 22 F. R. 1721, March 16, 1957, are amended and republished to read as hereinafter set forth.

ROSS LEFFLER,
Assistant Secretary of the Interior.

MAY 2, 1958.

AUTHORITY: §§ 351.1 to 351.18 issued under Art. V, 62 Stat. 1718. Interpret or apply secs. 2-14, 64 Stat. 421-425; 16 U. S. C. 916-916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from November 8, 1958, after which it will automatically become operative again on November 8, 1959.)

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years. (This five-year

[1] This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

period comes to an end on November 8, 1959.)

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years. (This five-year period comes to an end on November 8, 1959.)

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th of February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before February 1 in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto:

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season: *Provided*, That in the season 1957–58 the number shall not exceed fourteen thousand five hundred blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1957–58) notification shall be given as aforesaid at the end of each day of data on the number of bluewhale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided*, That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hempishere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[3]

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season: *Provided*, That this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 *Limitations of processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8 or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (1) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (2) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (3) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (1) and (3) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(a) The name and gross tonnage of each factory ship;

(b) The number and aggregate gross tonnage of the whale catchers;

(c) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.*[4] (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

---

[3] This paragraph came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

[4] This section was inserted by the Commission at its first meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* (a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

[F. R. Doc. 58-3416; Filed, May 7, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-2]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

PART 74—COSTS AND CHARGES

REVISION OF STANDARD CHARGES

The purpose of the amendments to the regulation in this document is to increase charges for the preparation of replacement aids to navigation, charges for vessel time involved in the placement of replacement aids to navigation on station, and incidental service charges to coincide with actual operating costs for such service rendered during fiscal year 1957.

By virtue of the Authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 167-3 (18 F. R. 2962) and 167-23 (21 F. R. 5852) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

Section 70.05-50 is amended to read as follows:

§ 70.05-50 *Table of charges.* Charges for preparation of a replacement aid, and charges for vessel time as indicated in § 70.05-45 shall be in accordance with the following table:

TABLE A—STANDARD CHARGES

Type of aid	Preparation of replacement aid	Vessel time per hour
1. Lighted buoy for exposed station, with or without sound	$120	$101
2. Bell, gong or whistle buoys, unlighted	51	101
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	100	101
4. Lighted buoy (7' or less) for sheltered station, with or without sound	76	46
5. Can or nun buoys (1st and 2d class), except river type	16	46
6. Can or nun buoys (3d class), except river type	12	30
7. Wooden spar buoy, any class	14	46
8. River type buoy	7	30
9. Lighting apparatus (only)	49	30
10. Minor structures on submarine sites such as piling, pile clusters, etc	----------	27

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION

Section 74.01-1 is amended to read as follows:

§ 74.01-1 *Table of charges.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 62.10-5 (c), 64.15-1, and 64.15-5 of this subchapter shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound	$134	$62
2. Bell, gong or whistle buoys, unlighted	53	18
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	114	32
4. Lighted buoy (7' or less) for sheltered station, with or without sound	90	33
5. Can or nun buoy (1st and 2d class), except river type	18	7
6. Can or nun buoy (3d class), except river type	14	
7. Wooden spar buoy, any class	16	
8. River type buoy	8	4
9. Lighting apparatus (only)	60	34

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

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

APRIL 30, 1958.

[F. R. Doc. 58-3438; Filed, May 7, 1958; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 4]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

This revision of General Services Administration Regulation 7, which established an open market purchase program for domestic mica, eliminates the time limitation for making application for participation in the program, reflects changes in GSA regional office jurisdiction over the Government depots, combines the previously published Revision 3 of said regulation and amendments thereto, and makes other miscellaneous changes.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C.

App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093. E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to Executive Order 10480 dated August 14, 1953 (18 F. R. 4939, 3 CFR, 1953 Supp.), hand-cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the prices, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(c) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(d) "Block mica" means processed muscovite ruby and nonruby block mica which conforms with the requiremnts of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby and nonruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby and nonruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the requirements of section 5 (b) of this regulation.

(g) "Program A" means the Program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the Program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Commissioner" means the Commissioner of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Address	Government depot over which jurisdiction is exercised
1	Regional Commissioner, General Services Administration, 929 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
3	Regional Commissioner, General Services Administration, Regional Office Building, 7th and D Streets, SW., Washington 25, D. C.	Spruce Pine, N. C.
8	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Custer, S. D.

SEC. 3. *Duration of Programs A and B.* Programs A and B shall terminate and be of no further force or effect and deliveries thereunder will not be accepted after the close of business June 30, 1962, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said Programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

SEC. 4. *Program A*—(a) *Participation in program.* Any person or firm wishing to participate in Program A shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program A is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. All good stained and better nonruby block and film mica purchased under Program A shall in addition conform in every respect to the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748 latest revision as of the date of acceptance of each lot of nonruby block or film mica by the Government. The qualities for all block and film mica which will be accepted are good stained and better, stained and heavy stained.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle	Minimum dimension of 1 side
	Square inches	*Inches*
No. 6	1	¾
No. 5½	2¼	⅞
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

(3) All good stained and better block and film mica must be full-trimmed; stained and heavy stained will be accepted in half-trimmed or full-trimmed form.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) *Price and payment.* (1) Payment for each lot of processed ruby and nonruby block and film mica, containing at least eighteen percent (18%) good stained and better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the following Price Schedule:

[Per pound]

Grades	Ruby				
	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger	$70.00	$31.90	$14.80	$12.00	$8.00
No. 4 and No. 5	40.00	18.25	6.85	5.00	4.00
No. 5½ and No. 6	17.70	7.55	4.00	3.00	2.00
	Nonruby				
No. 3 and larger	$70.00	$25.55	$11.85	$9.60	$6.40
No. 4 and No. 5	40.00	14.60	5.45	4.00	3.20
No. 5½ and No. 6	17.70	6.55	4.00	2.40	1.60

(2) Payment for each lot of processed ruby and nonruby block and film mica containing less than eighteen percent (18%) good stained or better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the Price Schedule appearing in subparagraph (1) of this

paragraph, adjusted to reflect the proportionately lower quantity of good stained or better quality mica contained in each such lot. The price adjustment provided for herein shall be effected in the following manner: The dollar and cents value of each lot shall be determined in accordance with the aforesaid Price Schedule. Such value shall be multiplied by a fraction, the denominator of which shall be eighteen percent (18%), and the numerator of which shall be the percentage expression of the quantity of good stained or better quality mica contained in such lot. The result shall be the final basis for payment.

(3) At the time of the Government's acceptance provided for in paragraph (d) of this section, the Government will make a preliminary payment. When the actual value of such mica has been determined, the amount of such actual value less the preliminary payment shall be paid to the participant. If the actual value is less than the preliminary payment, the excess of the preliminary payment over the actual value shall be repaid by the participant to the Government.

SEC. 5. *Program B*—(a) *Participation in program.* Any person or firm wishing to participate in Program B shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program B is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver hand-cobbed mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) *Requirements.* (1) All hand-cobbed mica under Program B must yield at least forty and five-tenths (40.5) pounds of stained or better quality block or film mica per short ton.

(2) All block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government.

(3) The good stained and better nonruby block and film to be processed from this hand-cobbed mica shall, in addition, conform in every respect with the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748, latest revision as of the date of acceptance of each lot of nonruby hand-cobbed mica by the Government.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as are mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) *Deliveries.* Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject any hand-cobbed mica which has not been so scheduled and prepared.

(e) *Price and payment.* (1) The prices to be paid for each short ton of ruby and nonruby hand-cobbed mica, delivered to and accepted by the Government in accordance with the provisions of this section, shall be at the rate of Six Hundred Dollars ($600) for ruby hand-cobbed mica, and at the rate of Five Hundred and Forty Dollars ($540) for nonruby hand-cobbed mica, containing exactly 16.2 pounds of good stained or better quality and exactly 24.3 pounds of stained quality block or film mica. Payment shall be made on the basis of these prices, increased or decreased proportionately to reflect the actual yield of good stained or better and stained quality block or film mica, as provided in subparagraph (2) of this paragraph.

(2) Payment for each short ton of ruby and nonruby hand-cobbed mica delivered to and accepted by the Government in accordance with the provisions of this section shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate the yield in pounds of good stained or better quality in each lot of hand-cobbed mica delivered hereunder. Such estimated yield shall be divided by 16.2 pounds to determine the estimated number of short tons of hand-cobbed mica that may be paid for at the rate of $600 per short ton in the case of ruby hand-cobbed mica, and at the rate of $540 per short ton in the case of nonruby hand-cobbed mica. Promptly after the Government acceptance referred to hereinabove, the Government will make a preliminary payment based upon the above estimate.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of good stained or better quality, and of stained quality shall be determined by the Government.

(iii) The actual yield of good stained or better quality, as determined in step (ii) above, shall be divided by 16.2 pounds to determine, on the basis of actual yield, the number of short tons of hand-cobbed mica for which payment is allowed at the rate of $600 per short ton, in the case of ruby hand-cobbed mica, and at the rate of $540 per short ton, in the case of nonruby hand-cobbed mica. Multiply such number of short tons of hand-cobbed mica by $600 or $540, whichever is applicable.

(iv) Multiply the number of short tons of hand-cobbed mica, as determined in step (iii) above, by 2,000 pounds and by 4½ percent.

(v) Multiply the number of pounds, as determined in step (iv) above, by 27 percent.

((vi) Deduct the number of pounds, as determined in step (v) above, from the actual number of pounds of stained quality mica, as determined in step (ii) above, to determine the number of pounds of stained quality mica for which payment shall be made.

(vii) Calculate the dollar and cents value of the actual number of pounds of stained quality mica, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation.

(viii) Calculate the net dollar and cents value of the stained quality mica for which payment shall be made by multiplying the dollar and cents value of the actual number of pounds of stained quality mica, as calculated in step (vii) above, by a fraction, the numerator of which is represented by the number of pounds of stained quality mica, as determined in step (vi) above, and the denominator of which is represented by the actual yield of stained quality mica, as determined in step (ii) above, and by deducting from the product the actual cost of rifting and trimming of the number of pounds of stained quality mica, as determined in step (vi) above, for which payment is made.

(ix) Add the dollar and cents figures, as calculated in step (iii) and step (viii) above, to determine the actual value of deliveries under this subparagraph. The Government shall pay not to exceed such actual value for such deliveries. Hence, if the actual value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

Notwithstanding any other provision of this subparagraph, neither the preliminary payment, as determined in step (i) above, nor the aggregate of the payments by the Government under this subparagraph shall exceed the product of $600 times the actual number of short tons of ruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, nor more than the product of $540 times the actual number of short tons of nonruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, whichever is applicable: *Provided, however*, That the provisions of this sentence shall not be applicable with respect to hand-cobbed mica delivered prior to September 16, 1955, by any participant pursuant to supplemental arrangements made between such participant and the Government.

(3) In lieu of the methods of payment provided for under subparagraphs (1) and (2) of this paragraph, payment for each lot of hand-cobbed mica delivered to and accepted by the Government hereunder may be effected, if the participant so elects at the time of such acceptance, in accordance with the method of payment and the prices provided for in section 4 (e) of this regulation for the actual yield of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality derived from such lot, less a deduction of $4.00 per pound of such actual yield to apply against the cost of rifting and trimming. The payments provided for herein shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate (*a*) the yield in pounds each of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality in each such lot, and the grades thereof, and (*b*) whether or not such estimated yield contains at least eighteen percent (18%) good stained or better quality mica, and shall compute the dollar and cents value of such estimated yield by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot is estimated to produce a yield of less than eighteen percent (18%) of good stained or better quality mica. Promptly after such Government acceptance, the Government will make a preliminary payment based on the above estimated dollar and cents value, less a deduction to apply against the cost of rifting and trimming calculated by multiplying the total number of pounds of estimated yield by $4.00.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of block and film mica of good stained or better, stained, and heavy stained quality shall be determined by the Government.

(iii) Calculate the dollar and cents value of the total actual yield in pounds of block and film mica of good stained or better, stained, and heavy stained quality, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot has produced a yield of less than eighteen percent (18%) of good stained or better quality mica.

(iv) Deduct from the dollar and cents value, as calculated in step (iii) above, to apply against the cost of rifting and trimming, an amount calculated by multiplying the total actual yield in pounds, as determined in step (ii) above, by $4.00 to determine the actual net value of deliveries under this subparagraph. The Government shall pay not to exceed such actual net value for such deliveries. Hence, if the actual net value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual net value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

(4) Regardless of which particular method provided herein is used in computing the amount to be paid for any lot of hand-cobbed mica delivered to or accepted by the Government hereunder, such payment is for the entire lot and such entire lot shall become the property of the Government.

SEC. 6. *Access to books and records.* During the duration of the Programs, and for a period of three (3) years thereafter, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any seller involving transactions related to either Program.

Dated: May 2, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-3430; Filed, May 7, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING; EXEMPTIONS

A request has been received from the National Association of State Supervisors of Trade and Industrial Education urging a broadening of the exemptions for student-learners enrolled in cooperative vocational training programs for employment in the occupations declared hazardous under Hazardous Occupations Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55, 4.59, and 4.63 respectively), and the Bureau of Labor Standards has conducted an investigation concerning the advisability of such action. The report of investigation, which has been submitted, recommends revision of the above-cited orders to provide uniform exemptions for student-learners similar to the exemption now included in Order No. 12. The report recommends the amending of Order No. 5 so as to provide uniform exemptions for apprentices under these three orders as well. Further, it recommends the elimination of reference to specific trades or crafts now in the student-learner exemption in Order No. 12 and in the apprenticeship exemption in Order No. 5. It is the purpose of the proposed amendment to adopt these recommendations.

The recommendations regarding the student-learner exemptions are based upon such considerations as the Bureau's very satisfactory experience with the student-learner exemption now provided under Order No. 12, the decided increase in safety activities in the vocational-education field since Orders Nos. 5 and 8 were originally issued, and the fact that few student-learners fall within the 4,000-hour minimum training period exemptions now contained in Orders Nos. 5 and 8. If the uniform student-learner exemptions are adopted, the 4,000-hour minimum training period exemptions will be deleted. The recommendation that reference to specific trades or crafts in the student-learner exemption in Order No. 12 be eliminated is made since experience with this exemption has shown that such a restriction is impracticable. The similar elimination in the apprenticeship exemption of Order No. 5 is made since it appears desirable to have the language of that exemption uniform with that contained in the apprenticeship exemptions of Orders Nos. 8 and 12.

Accordingly, pursuant to authority contained in section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 2 (3 CFR, 1943–1948 Comp. p. 1064), and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D), I propose to amend Hazardous Occupations

Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55 (c), 4.59 (c) (2), and 4.63 (c) (2) respectively), to read as follows:

§ 4.55 *Occupations involved in the operation of power-driven woodworking machines (Order 5).* * * *

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous: *Provided,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship and Training of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.59 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines (Order 8).* * * *

(c) *Exemptions.* * * *

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

§ 4.63 *Occupations involving the operation of paper-products machines (Order 12).* * * *

(c) *Exemptions.* * * *

(2) This section shall not apply to the employment of a student-learner in occupations herein declared particularly hazardous: *Provided, however,* That such a student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school: *Provided, further,* That such student-learner be employed under a written agreement which shall provide: (i) That the work of the student-learner in the occupations herein declared hazardous shall be incidental to his training, shall be intermittent and for short periods of time, and shall be under the direct and close supervision of a qualified and experienced person; (ii) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (iii) that a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Such a written agreement shall carry the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of the agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

Accordingly, notice is hereby given of a public hearing to be held June 17, 1958, commencing at 10 a. m., Room No. 5223, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before a presiding officer to be hereafter designated, at which hearing interested persons may appear and submit data, views, or arguments with respect to said proposed amendments. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file written views, or arguments with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record of the hearing.

Signed at Washington, D. C., this 29th day of April 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3482; Filed, May 7, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

SPECIAL TECHNICAL SERVICES DIVISION

Paragraph 1113.62 of the statement on organization and functions of the Internal Revenue Service which was published in 21 F. R. 10424-5, December 28, 1956, is hereby amended to read as follows:

1113.62 *Special Technical Services Division.* The Special Technical Services Division conducts a program of technical services which includes the preparation and issuance of replies to communications which relate to general technical information. It provides technical research and reference material and services for National Office personnel. It conducts special studies of tax problems for the purpose of reducing areas of controversy, promoting uniformity and establishing policy guidance. It periodically prepares and publishes summaries of technical developments for Service personnel, prepares tax guides for the public, reviews technical material used for training Service personnel, develops technical materials for use in annual training institutes in district offices, and reviews tax guide material prepared outside the Service. The Division conducts a program for the selection and publication of precedent rulings, decisions, procedures, policy announcements, and other statements in the Internal Revenue Bulletin. It provides expert technical advice on engineering and valuation aspects of tax determinations, and grants (or denies, as the case may be) permission to taxpayers to change the method of accounting for depletion, depreciation, and obsolescence. It replies to and makes determinations on inquiries arising from within the Service, taxpayers, and others on engineering and valuation matters which do not involve the establishment of precedents. The Division Director is responsible for and supervises the activities of four branches: Technical Reference Branch, Technical Projects Branch, Bulletin Branch, and Engineering and Valuation Branch.

Dated: April 29, 1958.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 58-3437; Filed, May 7, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MAY 1, 1958.

The notice of proposed withdrawal and reservation of lands serial no. Sacramento 047050, Mendocino National Forest, published in the FEDERAL REGISTER of Friday, September 6, 1957, pages 7156–7157 (F. R. Doc. 57-7292), is corrected as to the land description for Mendocino Pass Road, Forest Highway 7 (3) Roadside Zone to read as follows: NW¼SE¼ section 27, NE¼ section 36, T. 23 N., R. 11 W., M. D. M. Under Administrative Sites, Hull Mountain, NW¼NE¼ section 11, T. 19 N., R. 10 W., M. D. M., is changed to read as NW¼NW¼.

C. K. CARON,
Acting State Supervisor.

[F. R. Doc. 58-3414; Filed, May 7, 1958; 8:45 a. m.]

[Classification 563]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

APRIL 29, 1958.

Effective April 29, 1958, the following described lands listed under paragraph 1 of Federal Register Document 57-4460 appearing on page 3895 of the issue for June 4, 1957, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 4, S½;
Sec. 5, S½;
Secs. 6 to 9, incl., All;
Sec. 17, All;
Sec. 19, All;
Secs. 29 to 33, incl., All.
T. 3 N., R. 2 E.,
Sec. 1, All;
Sec. 2, NE¼, E½SE¼;
Sec. 12, All.
T. 4 N., R. 2 E.,
Sec. 2, W½NW¼NW¼, W½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, NE¼SW¼, NE¼SE¼SW¼, W½SW¼SE¼, S½NW¼NW¼NE¼, SW¼NW¼SW¼NE¼, SE¼SW¼NE¼NW¼, S½NE¼SE¼NW¼, SE¼SE¼SW¼, N½SW¼SE¼SW¼;
Sec. 4, SE¼SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, W½NE¼SE¼, W½SE¼SW¼SE¼, S½SW¼SE¼SE¼, SE¼SE¼SW¼SE¼, N½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, NW¼SE¼NW¼NE¼, SW¼NW¼NE¼, W½NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, SE¼NE¼SE¼NW¼, NE¼SE¼SE¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, NW¼NE¼NW¼SW¼;
Sec. 5, N½NW¼SW¼, NW¼NE¼SW¼, N½NW¼SE¼, W½SE¼NW¼SW¼, E½SW¼NE¼SW¼, E½NE¼SE¼SE¼, E½SE¼NE¼SE¼, SE¼SE¼SE¼, SE¼SW¼SE¼SE¼;
Sec. 6, N½NE¼, N½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, E½NE¼NE¼SE¼, SW¼SW¼NW¼, N½NE¼NW¼SW¼, W½NW¼NE¼SW¼, E½SE¼NE¼SW¼, NE¼NE¼SE¼SW¼, SW¼SW¼NW¼SE¼, NW¼SW¼SE¼, SW¼NE¼SW¼SE¼, NE¼SW¼SW¼SE¼, SE¼SW¼SE¼, SW¼SW¼SE¼SE¼, SE¼NE¼NW¼SW¼, NE¼NW¼NE¼SW¼, SE¼NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½SW¼SE¼NW¼, NW¼SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, SW¼SW¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, NE¼NE¼NW¼SE¼, SE¼SW¼NW¼;
Sec. 10, NW¼NW¼SE¼, W½NE¼NW¼SE¼, E½SW¼SE¼NW¼, W½SE¼SE¼NW¼, NE¼SE¼SE¼NW¼, SW¼NE¼SE¼NW¼;
Sec. 11, S½NW¼SW¼NW¼, SW¼SW¼NW¼, N½NW¼SW¼, W½NW¼NE¼SW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, N½NE¼NW¼, W½SW¼NW¼NE¼, E½NW¼SW¼NE¼, W½NE¼SW¼NE¼, E½SW¼SW¼NE¼, SE¼SW¼NE¼, W½SW¼SE¼NW¼, NE¼NW¼SE¼, N½NE¼SE¼, SE¼NE¼SE¼, NE¼SE¼SE¼, NW¼SE¼NW¼NW¼, W½NE¼NE¼SW¼, NE¼SW¼NE¼SW¼, S½NW¼SE¼SW¼, SW¼NE¼SE¼SW¼, N½SE¼SW¼SW¼, NE¼SW¼SW¼SW¼, SW¼SW¼SW¼SW¼, E½SE¼SE¼SE¼;
Sec. 12, SW¼NW¼NW¼, W½SE¼NW¼NW¼, S½NW¼NW¼SW¼, NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, E½SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, SE¼SW¼SW¼NE¼, S½SE¼SW¼NE¼, NE¼SE¼SW¼NE¼, N½SW¼SE¼NE¼, E½SE¼SE¼NE¼, N½NW¼NW¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, SE¼SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, SE¼NW¼NE¼SW¼, NW¼SW¼NE¼SW¼, N½SE¼NW¼SW¼;
Sec. 13, SE¼SW¼NW¼, W½SW¼SE¼NW¼, N½NW¼NW¼NW¼, NW¼NE¼NW¼NW¼, S½NE¼NW¼NW¼, NW¼SW¼NE¼NW¼, SW¼NW¼SW¼NW¼, NE¼SW¼SW¼NW¼, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NW¼SE¼NE¼NE¼, NE¼SW¼NE¼NE¼, SW¼SW¼NE¼NE¼, N½NE¼SW¼NE¼, NW¼NE¼NW¼SW¼, NW¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, NW¼NW¼SW¼SW¼;
Sec. 14, W½NE¼NE¼SW¼, SE¼NE¼NE¼SE¼, S½NE¼SE¼SE¼, N½SW¼SE¼SE¼, N½SE¼SW¼SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, SE¼SE¼SE¼SW¼;
Sec. 15, SE¼NE¼SE¼, E½SW¼NE¼SE¼, SW¼NW¼NE¼NW¼, SE¼NE¼NW¼NW¼, N½SW¼NW¼NW¼, NW¼SE¼NW¼NW¼, SW¼NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, SW¼NE¼SW¼SW¼, W½SE¼SW¼SW¼;
Sec. 22, SW¼, S½SE¼, S½N½SE¼, S½N½NW¼SE¼;
Sec. 26, All;
Sec. 27, NE¼;
Sec. 28, All;
Sec. 32, NE¼;
Sec. 33, All;
Sec. 34, All.
T. 4 N., R. 3 E.,
Sec. 1, W½W½ of Lot 2 of NW¼, SE¼W½ of Lot 2 of NW¼, W½ of Lot 1 of NW¼, W½E½ of Lot 1 of NW¼, N½N½SW¼;
Sec. 2, Lot 2 of NE¼, E½E½ of Lot 1 of NE¼, NW¼E½ of Lot 1 of NE¼, N½E½ of Lot 2 of NW¼, NE¼W½ of Lot 2 of NW¼;
Sec. 5, NW¼, W½ of Lot 2 of NE¼, W½E½ of Lot 2 of NE¼, N½W½ of Lot 1 of NE¼, S½SW¼, N½NE¼SW¼, NE¼NW¼SW¼;
Sec. 6, N½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, N½SE¼, NE¼SW¼;
Sec. 9, S½NW¼, N½SW¼;
Sec. 15, S½;
Sec. 27, S½, S½N½.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-3415; Filed, May 7, 1958; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Fairbanks 019269, 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 a training maneuver area and a weapons testing and firing area.

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:

Big Delta Area

Beginning at the U. S. C. & G. S. Monument "Big Delta Airport", latitude 63°59'35" N., longitude 145°43'40" W., thence N. 04°55'47.3" E., 11,997.64 feet to Mile Post 270 on the Richardson Highway; thence due West to the mean high water line on the East bank of Delta River, which point is the true point of beginning for this description; thence Southerly along the West boundary of the Big Delta Military Reservation to the Southwest corner thereof; thence due East along the South boundary of the Big Delta Military Reservation to the north ¼ corner monument of Section 28, Township 11 South, Range 10 East, Fairbanks Meridian; thence South along the north-south center lines of Sections 28 and 33, Township 11 South, Range 10 East, Fairbanks Meridian and Sections 4, 9 and 16, Township 12 South, Range 10 East, Fairbanks Meridian to the center section monument of Section 16, thence East to the west ¼ corner monument of Section 15, Township 12 South, Range 10 East; thence S. 0°05'' E. to the West section corner monument common to Sections 15 and 22; thence East to the ¼ corner monument common to Sections 15 and 22; thence South along the north-south center lines of Sections 22, 27 and 34, Township 12 South, Range 10 East, Fairbanks Meridian, to the South ¼ corner of Section 34; thence East 74 feet, more or less, along the South boundary of Section 34 to a point one-half mile West of the center-line of the existing Richardson Highway; thence Southerly, parallel to and one-half mile west of said center-line, to a point one-half mile due West of Donnelly, Alaska; thence N. 75°30' W., 190,740 feet, more or less, to the East bank of the Buchanan Creek; thence Northerly along the East bank of Buchanan Creek and the East bank of the Little Delta River to a point 11,530 feet, Southerly from the point of confluence of the Little Delta River and the Tanana River, which point is also located at latitude 64°15' N., longitude 146°43' W., approximately; thence S. 52°40' E., 160,843 feet, more or less, to a point identical with a point located at latitude 63°59' N., longitude 145°55' W., approximately; thence N. 60°43' E., 31,705 feet, more or less, to the point of beginning.

The land above described contains 572,000 acres more or less, and is subject to the continued public use of the Richardson Highway.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-3480; Filed, May 7, 1958; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHOSHONE LIVESTOCK AUCTION CO. ET AL.

POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

IDAHO

Shoshone Livestock Auction Company, Shoshone, February 26, 1958.

IOWA

McIntosh Livestock Auction Company, Ida Grove, March 14, 1958.

Keosauqua Sales Co., Inc., Keosauqua, March 11, 1958.

Sioux Center Sales Company, Sioux Center, April 2, 1958.

OKLAHOMA

Apache Livestock Sale, Apache, February 7, 1958.

Hobart Stockyards, Hobart, February 5, 1958.

LeFlore County Livestock Auction, Wister, April 3, 1958.

Done at Washington, D. C., this 2d day of May, 1958.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 58-3475; Filed, May 7, 1958; 8:51 a. m.]

Office of the Secretary

HEAD, PROCUREMENT MANAGEMENT SECTION, PROCUREMENT AND PROPERTY MANAGEMENT DIVISION, OFFICE OF PLANT AND OPERATIONS

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of April 18, 1958 (23 F. R. 2772), authority is delegated to the Head, Procurement Management Section, Procurement and Property Management Division, Office of Plant and Operations, to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended), a contract for architectural and engineering services in connection with the construction of a building at the Agricultural Research Center, Beltsville, Maryland, for the Atomic Energy Commission.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled Act, particularly the applicable provisions of Title 3 thereof with respect to negotiated contracts, and with all provisions of law, and the policies, procedures and controls prescribed by the General Services Administration.

The delegation shall not extend beyond July 1, 1958.

Done at Washington, D. C., this 5th day of May 1958.

[SEAL] RALPH S. ROBERTS,
Administrative Assistant Secretary.

[F. R. Doc. 58-3477; Filed, May 7, 1958; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 247]

VAN DOORN & CO. N. V. ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Van Doorn & Co. N. V., Johan Hendrik Wijsman, B. A. van Doorn, Rederijstraat 3, Rotterdam, Netherlands; J. H. Vantol, Ltd., Norfolk House, Laurence Pountney Hill, Cannon Street, London, E. C. 4, England, respondents; Case No. 247.

The respondents, Van Doorn & Co. N. V., Johan Hendrik Wijsman, B. A. van Doorn, and J. H. Vantol, Ltd., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce of the U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they participated in the unauthorized transshipment to Soviet Bloc destinations of cottonseed oils which had been exported from the United States, duly appeared herein, admitted numerous facts, and offered various arguments and facts in mitigation.

In accordance with the practice, this case was referred to the Compliance Commissioner, who held a hearing at which all parties were present, either in person or by counsel. During the course of the hearing, the parties agreed to submit the disposition of this case to the Compliance Commissioner's discretion and waived all rights to appeal from any order entered herein provided that such order was in the form of and according to the recommendation of the Compliance Commissioner. The Compliance Commissioner has now made his recommendation herein, and it appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answers of the respondents, the evidence submitted in support of and in defense of the charges and the recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Van Doorn & Co. N. V. was engaged in the importation and exportation of seed oils in Rotterdam, the Netherlands, and Johan Hendrik Wijsman and B. A. van Doorn were managing directors thereof.

2. At all times hereinafter mentioned, J. H. Vantol, Ltd. was engaged in the importation and exportation of seed oils in London, England; during said times and until the first day of January 1956, Johan Hendrik Wijsman was its managing director.

3. On or about the 27th day of April 1955, by reason of a communication from the United States Embassy in London, Vantol became informed that cottonseed oils which originated in and had been exported from the United States might not be transshipped to Soviet Bloc destinations without prior approval by the Bureau of Foreign Commerce of the United States Department of Commerce.

4. Wijsman became similarly informed on the 4th day of May 1955.

5. During the period involved, Wijsman's business station was in London but he had departed London for Rotterdam on April 26, 1955, returned to London on May 4, at which time he had discussed the communication from the American Embassy with Vantol's attorneys and then he went again to Rotterdam on May 5th.

6. Following Wijsman's return to Rotterdam on May 5th, he discussed the

communication from the American Embassy with Van Doorn, the individual.

7. On May 27, 1955, a representative of the American Consulate General in Rotterdam also informed Van Doorn, the individual, that oils which had been exported from the United States might not be transshipped to Soviet Bloc destinations without prior approval by the Bureau of Foreign Commerce of the United States Department of Commerce.

8. The business in oils conducted by the respondents involved the purchase thereof out of tanks in Rotterdam and all oils involved herein had been exported from the United States and had come to rest in Rotterdam prior to the purchase thereof by respondents.

9. Respondents at all times knew that such oils had been exported from the United States.

10. Prior to the time that respondents are shown to have had knowledge of the restrictions imposed by the United States against such transshipment of American-origin oils, Van Doorn Company had purchased much of the oils involved herein but, thereafter, with the knowledge and approval of Van Doorn, the individual, and Wijsman, it contracted to sell for transshipment to Soviet Russia and acquired for that purpose about 7,000 tons in addition.

11. Subsequent to such knowledge and with knowledge that it was the intention of Van Doorn to transship such oils to Soviet Bloc destinations without first obtaining approval from the Bureau of Foreign Commerce, Vantol sold Van Doorn Company about 6,000 tons of oils.

12. Subsequent to the notification to Van Doorn (to which reference is made in Finding 7 hereof), with Wijsman's and his knowledge and approval and under their direction, Van Doorn Company transshipped to Soviet Russia about 7,000 tons of said oils. And, subsequent to the notification to Wijsman (to which reference is made in Finding 4 hereof), but prior to said notification to Van Doorn, the individual, Van Doorn Company, with Wijsman's knowledge and approval and under his direction, transshipped about 19,000 tons of said oils to Soviet Russia. All said transshipments were made without first obtaining approval therefor from the Bureau of Foreign Commerce.

And, from the foregoing, I have concluded:

A. That respondents, Van Doorn & Co. N. V., B. A. van Doorn, and Johan Hendrik Wijsman, in violation of § 381.4 of the Export Regulations, knowingly bought, sold, and disposed of goods exported from the United States with knowledge that violations of the Export Control Law and regulations were about to and were intended to occur.

B. That respondents Van Doorn & Co. N. V., B. A. van Doorn, and Johan Hendrik Wijsman knowingly transshipped U. S. origin goods to Soviet Bloc destinations, contrary to notification that such transshipments were prohibited and contrary to U. S. Export Control Law and regulations, in violation of §§ 381.2 and 381.6 of the Export Regulations.

C. That respondent Vantol, after having been informed that such transshipments were prohibited by U. S. export control regulations, sold and disposed of goods exported from the United States with knowledge that such goods were to be transshipped to Soviet Bloc destinations without prior approval from the Bureau of Foreign Commerce, and thus committed acts known by it to be intended to be in violation of U. S. export control regulations, all in violation of §§ 381.2, 381.4, and 381.6 of the Export Regulations.

In making his recommendation, the Compliance Commissioner said, in part:

From the answers it became apparent that the Van Doorn company and Wijsman did not contest any of the factual allegations in the charging letters. Except that Van Doorn, the individual, seemed to raise a question as to his personal knowledge of U. S. controls affecting the transshipment of oils to Soviet destinations, he, too, admitted all other basic facts.

* * * * *

Because of the nature of the answers filed from the very beginning of the hearing I endeavored to procure concessions on the record that the facts were not in dispute. [Respondents], with some reservations * * *, readily and on numerous occasions throughout the hearing conceded that the essential facts involved in the case were not in dispute and were admitted. * * *

* * * * *

* * * it is quite clear that these two compliance cases did not present for determination any issues beyond the reservations (Van Doorn's personal knowledge and Vantol's knowledge) adversely disposed of * * *.

* * * * *

Respondents tendered familiar arguments in defense, such as the alleged improper attempt of the United States to exercise extraterritorial control over nonresident nationals not subject to its jurisdiction, legality of the transactions in the countries where the respondents resided, and either approval of or acquiescence by their governments in the transactions. Respondents contended also that they had every right to assume that they could transship these oils to Soviet destinations because of the manner in which the business was transacted. They had become acquainted with U. S. export controls prohibiting the transshipment of oils to Soviet destinations from their experience with contracts containing so-called barter clauses. * * * These barter clauses provide against either the transshipment of the oils involved in the contracts concerned or the utilization of such oils for the purpose of substituting stocks of oils transshipped or to be transshipped. Their argument in this connection was that they had every right to assume that oils which were not subject to this barter clause could be freely transshipped.

The defenses other than that grounded upon the socalled barter clause have been ruled insufficient consistently because it has always been our theory that we are not attempting to exercise extraterritorial jurisdiction over nonresident alien nationals but are simply enforcing a restriction which we have placed on goods exported from the United States, very much in the same manner as a covenant running with the land is enforced against purchasers thereof, even though such purchasers do not subscribe thereto. In essence, as I have expressed myself elsewhere, we are authorized to take whatever action is necessary to achieve effective enforcement of the Export Control Act. If we find that practices such as transshipments by nonresident alien nationals tend to interfere with, obstruct, or defeat effective enforcement of law, we are not only authorized, but we must take steps to stop such practices.

* * * the defense grounded upon the barter clause [is overruled because] all the respondents had actual notice from diplomatic representatives of the United States that the transshipments complained of here would be or were in violation of U. S. export control regulations. * * *

* * * in this case, foreigners were involved, and there was not one piece of false writing or one false representation made to any American official or American exporter. * * * [Also] the materials involved were not strategic * * *

* * * During one of the off-the-record discussions, since it was quite apparent to me that the respondents were all anxious for a prompt disposition upon what appeared to be wholly admitted facts, I suggested the possibility that they might (to borrow an expression from the courts) "throw themselves on the court's mercy." * * *

* * * * *

The ultimate agreement of all the parties, as established on the record in this case in open hearing, is as follows: The parties submit the case to the absolute discretion of the Compliance Commissioner for him to make whatever recommendation he believes is fair for the disposition of this case against all respondents and, in the event that such recommendation is accepted by the Director and an order signed by him in the form submitted by the Compliance Commissioner, the parties agree to be bound thereby and waive all rights to appeal; if, however, the Director should take any action which results in a disposition more onerous to the respondents than that recommended by the Compliance Commissioner, the respondents reserve all rights to appeal from each and every part of the order of the Director and such rights of appeal are not limited to any differential between the action recommended by the Commissioner and the action taken by the Director; such right of appeal is preserved as to the entire case. * * *

It was on this basis that the Compliance Commissioner made his recommendation and submitted this order.

Having concluded that the action recommended by the Compliance Commissioner is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Until one year from the date hereof, the respondents be and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties to or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Upon condition that the respective respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, (a) as to J. H. Vantol, Ltd., only the first sixty days (until July 4, 1958) shall be and become effective forthwith and the remaining ten months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof; and (b) as to Van Doorn & Co., N. V., and B. A. van Doorn, only the first one hundred five days (until August 18, 1958) shall be and become effective forthwith and the remaining eight and one half months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof; and (c) as to Johan Hendrik Wijsman, only the first six months (until November 3, 1958) shall be and become effective forthwith and the remaining six months shall be suspended during a period of good behavior to continue until the expiration of twelve months from the date hereof. During the said remaining period of ten months, as to J. H. Vantol, Ltd., all export privileges otherwise denied to it shall be restored to it, without further action, upon the foregoing condition. During the said remaining period of eight and one half months, as to Van Doorn & Co. N. V. and B. A. van Doorn, all export privileges otherwise denied to them shall be restored to them, without further action, upon the foregoing condition. During the said remaining period of six months, as to Johan Hendrik Wijsman, all export privileges otherwise denied to him shall be restored to him, without further action, upon the foregoing condition.

IV. The privileges conditionally restored to any respondent, under Part III hereof, may be revoked summarily and without notice as to him or it upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent, at any time following the date hereof, has knowingly failed to comply with the condition under which or whereby, by Part III hereof, he or it has been permitted to engage in any phase of the export business otherwise denied to him or it under Part I hereof.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when a respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, on behalf of any such respondent, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, use, dispose of, finance, transport, or forward, any commodity on behalf of or in any association with such respondent. Nor shall any person do any of the foregoing acts with respect to any commodity or exportation in which a respondent may have any interest or benefit of any kind or nature, direct or indirect.

Dated: May 5, 1958.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 58-3427; Filed, May 7, 1958; 8:47 a. m.]

Federal Maritime Board

AMERFORD INTERNATIONAL CORP. ET AL.

NOTICE TO SHOW CAUSE WHY REGISTRATION SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 1st day of May 1958, the Board entered the following order:

Whereas, the registrants named in the Appendix set forth below are registered pursuant to Federal Maritime Board General Order 72 (46 CFR Part 244), and

Whereas, the Board has requested these registrants to furnish information in connection with their forwarding operations pursuant to General Order 72; and

Whereas, registered letters sent to the first thirty-two of these registrants have been returned by the post office as undeliverable, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas, the other named registrants have failed to respond to registered letters in violation of General Order 72:

Now, therefore, it is ordered, That the named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be cancelled for the reasons above stated, and

It is further ordered, That failure of any registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that the Secretary notify the registrant of such cancellation by letter to be sent by registered mail to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the name registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

APPENDIX

Name; Reg. No.; and Date Issued

Amerford International Corporation (N. Y.); 249; June 29, 1950.

Arana Company (N. Y.) (Marciana Arana, dba); 1268; February 27, 1951.

Ashtiany Shipping Co., Inc. (N. Y.); 1506; June 2, 1952.

Calvert & Olson, Inc. (N. Y.); 764; July 24, 1950.

E. I. Burns (N. Y.); 1580; January 23, 1953.

Columbia Shipping Co. (N. Y.) (Nathan Spitzer, dba); 1273; March 12, 1951.

Containerships, Inc. (Miami); 2068; October 31, 1956.

Delmar Shipping & Forwarding Co. (N. Y.) (Consuelo Delanoy, dba); 1872; May 3, 1955.

Downtown Exchange, Inc. (N. Y.); 1706; February 11, 1954.

Expresso Latinoamericano (N. Y.) (Jose A. Hidalgo, dba); 1351; April 20, 1954.

A. M. Fernandez Company (N. Y.); 711; May 20, 1954.

H. Finger Company (N. Y.) (H. Finger, dba); 1072; August 13, 1951.

Fleetwood International Co. (N. Y.); 1035; August 18, 1950.

M. D. Gilbert (Seattle); 402; July 13, 1950.

M. L. Gutierrez (N. Y.); 1407; November 29, 1951.

Hermes Trading Corporation (Hoboken, N. J.); 1294; April 23, 1951.

Inter-Caribbean Corporation (Miami); 1660; September 4, 1953.

New World Forwarding Company (N. Y.); 1288; April 9, 1951.

Pak Forwarding Co. (N. Y.) (Burton J. Lerner, dba); 915; December 21, 1955.

Paktex Forwarding Co. (N. Y.) (Marit Radberg, dba); 1441; February 21, 1952.

Rafael Pelegri (N. Y.); 658; July 20, 1950.

Perez & McFaull (N. Y.); 1329; June 18, 1951.

Jack Rolnick (N. Y.); 1649; August 14, 1953.

Schneider Bros. & Co., Inc. (N. Y.); 281; June 30, 1950.

Seminole Forwarding Company (Miami) (Esculca Suero, dba); 1532; August 27, 1952.

Joseph Gaines Slate (N. Y.); 1193; December 19, 1950.

Transcarloading Corp. (Miami); 2177; July 30, 1957.

Trans-Ibera Express, Inc. (N. Y.); 514; July 13, 1950.

Transpanamerica, Inc. (N. Y.); 1277; March 20, 1951.

Transmar International Co. (N. Y.); 1584; January 30, 1953.

Venezuela Shipping Agency, Inc. (N. Y.); 777; July 25, 1950.

Vicuna Company/Oscar Sandoval & Co. (N. Y.) (Fernando Vicuna, dba); 1032; February 16, 1954.

All America Forwarding & Shipping Co. (N. Y.); 2080; December 20, 1956.

Baltimore Export Services (Baltimore) (T. A. Munroe, dba); 2099; February 7, 1957.

Balogh Forwarding Company (N. Y.); 959; August 2, 1950.

Colonial Shipping Company (N. Y.) (Manuela Perez, dba); 1761; July 19, 1954.

Houston Cargo Expediters (Houston) (Talbert L. Payne, dba); 2027; June 8, 1956.

Dos Americas Export Import (N. Y.) (Jose I. Rosillo, dba); 1211; January 3, 1951.

The Francesco Parisi Forwarding Corp. (N. Y.); 618; July 18, 1950.

Hansen Shipping Co. (N. Y.); 718; July 21, 1950.

Helm International Corporation (N. Y.); 2070; November 1, 1956.

Manque Industries Corporation (N. Y.); 1472; April 14, 1952.

Middle East Shipping Corp. (N. Y.); 1449; March 4, 1952.

River Plate Shipping Corp. (N. Y.); 1503; May 23, 1952.

P. F. Soto Shipping Co. (Los Angeles) (P. F. Soto, dba); 1363; August 21, 1951.

Thomas Freight Forwarders (N. Y.) (Thomas T. Gaffney, dba); 2211; October 16, 1957.

Thomas J. Wynne (N. Y.); 2202; September 25, 1957.

Wilder Shipping Agency (Miami) (James C. Wilder, dba); 2202; September 25, 1957.

Francesco Parisi Forwarding Corp. (N. Y.); 618; July 18, 1950.

Guillermo Correa (N. Y.); 1112; September 21, 1950.

Dated: May 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3450; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 815]

COMMON CARRIERS BY WATER; STATUS OF EXPRESS COMPANIES, TRUCK LINES AND OTHER NON-VESSEL CARRIERS

NOTICE OF SUPPLEMENTAL ORDERS

1. On April 11, 1957, the Federal Maritime Board issued the following First Supplemental Order in this proceeding:

Whereas, pursuant to its order of March 14, 1957, the Board published in the FEDERAL REGISTER on March 19, 1957 (22 F. R. 1788), a notice of investigation and hearing in this proceeding to determine the classification and status of express companies, truck lines and other non-vessel carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

Whereas, Garrison Fast Freight, Inc., one of the respondents in this proceeding, sold its assets, including its operating equipment and terminals in Alaska, to Consolidated Freightways, Inc.; and

Whereas, Garrison Fast Freight, Inc., is no longer operating as a common carrier; and

Whereas, Consolidated Freightways, Inc., is now operating the common carrier service formerly operated by Garrison Fast Freight, Inc., now therefore

It is ordered, That the name of Garrison Fast Freight, Inc., be removed from the list of respondents in Docket No. 815, and that the name of Consolidated Freightways, Inc., be added to the list of respondents in said docket.

2. On April 28, 1958, the Federal Maritime Board issued the following Second Supplemental Order in this proceeding:

It appearing that there is currently pending in this proceeding an investigation of the status of motor truck companies, freight forwarders, and express companies who have filed tariffs as common carriers by water, or tariffs in which the said classes are shown as participating common carriers by water, which tariffs name rates, fares, charges, classifications, rules, practices and regulations from, to or between U. S. ports on the one hand, and U. S. Districts, Territories or Possessions on the other; also from, to, or between U. S. ports on the one hand and foreign countries on the other;

It further appearing that since the institution of this proceeding, new carriers, listed in Appendix B set forth below, have filed with the Board tariff schedules naming rates in the above trades;

It further appearing that said additional carriers listed in Appendix B should made respondents in this proceeding;

It is ordered, That the Board supplement said Order in Docket No. 815 to include a determination of the classification and status of the aforesaid additional carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It is further ordered, That the Board investigate the lawfulness of all agreements, filed under section 15 of the Shipping Act, 1916, as amended, in which any of the aforesaid classes of carriers are parties thereto; and

It is further ordered, That copies of this Supplemental Order shall be forthwith served upon all persons, corporations, agents and companies listed in Appendix B set forth below, and the said parties be, and they are hereby, made respondents in this proceeding; that said parties be duly notified of the time and place of the hearing herein ordered, and that notice of such hearing be published in the FEDERAL REGISTER.

Appendix B

Aero Mayflower Transit Co., Inc., Indianapolis, Ind.

Airline Vans, Dallas, Tex.

American Red Ball Transit Co., Inc., Indianapolis, Ind.

C. F. Van Lines (Division of Consolidated Freightways, Inc.), Menlo Park, Calif.

Mr. Carroll F. Genovese, Agent, Washington, D. C.

DeWitt Transfer & Storage Co., Los Angeles, Calif.

Imperial Van & Storage, Inc., Long Beach, Calif.

King Van Lines, Inc., Wichita, Kans.

Weathers Bros. Transfer, Inc., Atlanta, Ga.

Mollerup Van Lines d/b/a, Mollerup Van Lines and Mollerup Moving & Storage Co., Salt Lake City, Utah.

Neptune Storage, Inc., New Rochelle, N. Y.

Smyth Overseas Van Lines, Inc., Seattle, Wash.

Dated: May 5, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-3451; Filed, May 7, 1958; 8:49 a. m.]

Office of the Secretary

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO SETTLE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to the provisions of section 403 (a) of the Federal Tort Claims Act, 28 U. S. C. 2672, authority to consider, ascertain, adjust, determine, and settle any claim for money damages of $1,000 or less against the United States caused by the negligent or wrongful act or omission of an employee of the Civil Aeronautics Administration is hereby conferred upon (1) each Regional Administrator of the Civil Aeronautics Administration; the Director, Washington National Airport; the Director, Technical Development Center; and the Director, Aeronautical Center, with respect to employees under their respective jurisdictions and (2) the Assistant Administrator for Administration with respect to employees in the Medical Research Laboratory and in the Washington office of the Civil Aeronautics Administration.

Notwithstanding the provisions of § 3.02 of Department Order No. 70, action taken in the settlement of claims under this authority, by the official named herein, shall be deemed to be final insofar as the Department of Commerce is concerned.

Dated: May 1, 1958.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 58-3479; Filed, May 7, 1958; 8:53 a. m.]

HAROLD J. CARR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of May 10, 1956, 21 F. R. 3127; October 27, 1956, 21 F. R. 8245; May 3, 1957, 22 F. R. 3165; October 30, 1957, 22 F. R. 8743:

A. Deletions

December 5, 1957—Allied Chemical & Dye Corp.

December 5, 1957—Marquette Cement Mfg. Co.

December 6, 1957—Rohm & Haas Co.

December 5, 1957—Transamerica Corp.

February 27, 1958—Owens-Corning Fiberglas Corp.

April 17, 1958—Mission Development Co.

B. Additions

December 5, 1957—Continental Insurance Co.

December 5, 1957—Hooker Electrochemical Co.

December 5, 1957—Lone Star Cement Corp.

February 27, 1958—Merck & Co., Inc.

April 17, 1958—U. S. Steel Corp.

This statement is made as of April 20, 1958.

HAROLD J. CARR.

APRIL 22, 1958.

[F. R. Doc. 58-3447; Filed, May 7, 1958; 8:49 a. m.]

ROBERT D. JAMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 7, 1956, 21 F. R. 8545; April 20, 1957, 22 F. R. 2784; October 18, 1957, 22 F. R. 8243:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 10, 1958.

ROBERT D. JAMES.

APRIL 18, 1958.

[F. R. Doc. 58-3448; Filed, May 7, 1958; 8:49 a. m.]

RALPH F. STARZ

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 25, 1956, 21 F. R. 8197; April 26, 1957, 22 F. R. 2956; November 14, 1957, 22 F. R. 9082:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 18, 1958.

RALPH F. STARZ.

APRIL 25, 1958.

[F. R. Doc. 58-3449; Filed, May 7, 1958; 8:49 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

WASHINGTON HEADQUARTERS; FIELD SERVICE

The following amendments are made to the description of organization, functions, and procedures of the Food and Drug Administration published in the FEDERAL REGISTER of September 5, 1956 (21 F. R. 6682) to provide for recent changes in organization and changes in addresses in the field service:

1. Section B is revised to read as follows:

B. *Washington headquarters.* The central organzation of the Food and Drug Administration consists of the Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the following Bureaus:

Bureau of Biological and Physical Sciences.
Bureau of Enforcement.
Bureau of Field Administration.
Bureau of Medicine.
Bureau of Program Planning and Appraisal.

The Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the Bureaus of Enforcement, Field Administration, and Program Planning and Appraisal are in the Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washinigton 25, D. C. The Bureau of Medicine is located at 501 First Street SE., Washington 25, D. C. The Bureau of Biological and Physical Sciences and all the Divisions functioning under that Bureau, with the exception of the Division of Cosmetics, are in the South Agriculture Building, 12th and C Streets SW., Washington 25, D. C. The Division of Cosmetics is located at 501 First Street SE., Washington 25, D. C.

2. Section C *Field Service* is amended as follows:

a. Under Baltimore District, the address of the Norfolk, Va., inspection station is changed to Room 217, Franklin Building, Norfolk 10, Va. (P. O. Box 1222).

b. Under Buffalo District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 317, Post Office Building, Albany, N. Y. Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa. Room 417, Federal Building, Rochester, N. Y.

c. Under Chicago District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 1027, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 305, U. S. Appraisers Stores Building, 628 East Michigan Street, Milwaukee 2, Wis. (P. O. Box 850).

d. The address of the Kansas City District is changed to: Room 330, U. S. Courthouse, Kansas City 6, Mo.

e. Under Los Angeles District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 100A, Ellis Building, Phoenix, Arizona.

f. Under New Orleans District, the paragraph "Inspection stations" is changed to read:

Inspection stations: Room 241, Post Office Building, Fifth Avenue and 19th Street, N., Birmingham 1, Ala. (P. O. Box 1649). * * *

g. Under New York District, the paragraph "Inspection stations" is changed to read:

Inspection station: Room B-93, Post Office Building, Newark 1, N. J. (P. O. Box 204).

h. Under St. Louis District, the address of the Peoria, Ill., inspection station is changed to read: "Room 51, Post Office Building, 100 North Munroe Street, Peoria, Ill. (P. O. Box 217)."

i. Under San Francisco District, a new paragraph is inserted, reading as follows:

Inspection station: Room 304, Post Office Building, Fresno, Calif. (P. O. Box 169).

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: May 1, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-3428; Filed, May 7, 1958; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7596 et al.]

DALLAS TO THE WEST SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 27, 1958, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-3478; Filed, May 7, 1958; 8:52 a. m.]

CIVIL SERVICE COMMISSION

MEDICAL TECHNICIAN (GENERAL) POSITIONS IN RENO, NEV., AREA

NOTICE OF INCREASE IN MINIMUM RATE OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all positions in the Reno, Nevada, area specified by the title Medical Technician (General), GS-645-5, to $4210, the fifth step of the grade.

This increase will be effective on the first day of the second pay period which begins after May 8, 1958.

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

[F. R. Doc. 58-3436; Filed, May 7, 1958; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12067; FCC 58M-450]

WHAS, INC.

ORDER CONTINUING HEARING

In re application of WHAS, Inc., Louisville, Kentucky, Docket No. 12067, File No. BPCT-1950; for construction permit to change transmitter and antenna location.

The Hearing Examiner having under consideration a "Motion for Continuance of Hearing" from May 7, 1958, to either May 28, 1958, or June 2, 1958, said motion having been filed on April 30, 1958, by counsel for the Department of Aeronautics, Commonwealth of Kentucky; and

It appearing, that the parties have agreed to a waiver of § 1.43 of the Commission's rules in order that this motion may be promptly acted upon; and

It further appearing, that the motion recites "good cause" for a reasonable continuance but that the additional time requested in the motion is not justified, *It is ordered*, This 1st day of May 1958, that the motion is granted to the extent that the hearing now scheduled for May 7, 1958, be and it hereby is rescheduled to commence at 10:00 a. m., May 26, 1958, in the Commission's offices in Washington, D. C., and is denied in all other respects.

Released: May 2, 1958.

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

[F. R. Doc. 58-3454; Filed, May 7, 1958; 8:49 a. m.]

[Docket Nos. 12258, 12260; FCC 58M-447]

WABASH VALLEY BROADCASTING CORP. AND ILLIANA TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12258, File No. BPCT-2293; Illiana Telecasting Corporation, Terre Haute, Indiana, Docket No. 12260, File No. BPCT-2392; for construction permits for new television broadcast stations (Channel 2).

The Hearing Examiner having under consideration a joint motion for continuance filed by the two applicants herein on April 30, 1958;

It appearing that counsel for the Chief of the Commission's Broadcast Bureau has consented to the grant of this motion and to its immediate consideration;

It is ordered, This 30th day of April 1958, that the above motion is granted to the extent indicated herein; and the dates designated for various procedural steps herein are postponed as follows:

	From	To
Date for exchange of exhibits	May 1, 1958	July 1, 1958
Date for further prehearing conference	May 9, 1958	July 9, 1958
Hearing date	May 19, 1958	July 21, 1958

Released: May 5, 1958.

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

[F. R. Doc. 58-3455; Filed, May 7, 1958; 8:49 a. m.]

[Docket Nos. 12349-12351; FCC 58M-446]

WJPB-TV, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WJPB-TV, Inc., Weston, West Virginia, Docket No. 12349, File No. BPCT-2318; West Virginia Radio Corporation, Weston, West Virginia, Docket No. 12350, File No. BPCT-2343; Telecasting, Inc., Weston, West Virginia, Docket No. 12351, File No. BPCT-2345; for construction permits for new television broadcast stations (Channel 5).

On the Hearing Examiner's own motion, due to the death of counsel for WJPB-TV, Inc.; *It is ordered*, This 1st day of May 1958, that the pre-hearing conference and the hearing in the above-entitled proceeding, presently scheduled for May 6, 1958, and May 19, 1958, respectively, be, and the same are hereby, continued without date.

Released: May 1, 1958.

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

[F. R. Doc. 58-3456; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12376; FCC 58M-452]

ALASKA TOWING CO.

ORDER SCHEDULING HEARING

In the matter of Alaska Towing Company, P. O. Box 2466, Ketchikan, Alaska; order to show cause why there should not be revoked the License for Radio Station WB-7326 aboard the vessel "Nile".

It is ordered, This 29th day of April 1958, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 8, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3457; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12377; FCC 58M-453]

BELL MARINE SERVICE

ORDER SCHEDULING HEARING

In the matter of Bell Marine Service, P. O. Box 9359, Houston, Texas; order to show cause why there should not be revoked the License for Radio Station WG-7063 aboard the vessel "W. M. Garrett".

It is ordered, This 29th day of April 1958, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3458; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12379; FCC 58M-455]

MICHAEL W. LANASA

ORDER SCHEDULING HEARING

In the matter of Michael W. Lanasa, P. O. Box 728, Key West, Florida; order to show cause why there should not be revoked the License for Radio Stations WC-6826 aboard the vessel "Sea Bee".

It is ordered, This 29th day of April 1958, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3459; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12378; FCC 58M-454]

ANDRE ST. PIERRE

ORDER SCHEDULING HEARING

In the matter of Andre St. Pierre, P. O. Box 273, Cut Off, Louisiana; order to show cause why there should not be revoked the License for Radio Station WH-5543 aboard the vessel "Tony S".

It is ordered, This 29th day of April 1958, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3460; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12380; FCC 58M-456]

PORT ARTHUR TOWING CO.

ORDER SCHEDULING HEARING

In the matter of Port Arthur Towing Company, P. O. Box 1409, Port Arthur, Texas; order to show cause why there should not be revoked the License for Radio Station WH-2718 aboard the vessel "Leo".

It is ordered, This 29th day of April 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3461; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12381; FCC 58M-457]

PETER CONDELLI

ORDER SCHEDULING HEARING

In the matter of Peter Condelli, 25 Hale Street, Boston, Massachusetts; order to show cause why there should not be revoked the License for Radio Station WA-5351 aboard the vessel "Geraldine & Phyllis".

It is ordered, This 29th day of April 1958, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3462; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12382; FCC 58M-458]

JESUS F. TRILLA

ORDER SCHEDULING HEARING

In the matter of Jesus F. Trilla, P. O. Box 1325, San Juan, Puerto Rico; order to show cause why there should not be revoked the License for Radio Station WH-5236 aboard the vessel "Lucky Star".

It is ordered, This 29th day of April 1958, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 7, 1958, in Washington, D. C.

Released: May 2, 1958.

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

[F. R. Doc. 58-3463; Filed, May 7, 1958; 8:49 a. m.]

[Docket No. 12409; FCC 58M-462]

TIMOTHY P. MASON

ORDER SCHEDULING HEARING

In the matter of Timothy P. Mason, c/o Frank Hall, Fernandina Beach, Florida; Order to show cause why there should not be revoked the License for Radio Station WE-5764 aboard the vessel "Wanda."

It is ordered, This 2d day of May 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 8, 1958, in Washington, D. C.

Released: May 5, 1958.

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

[F. R. Doc. 58-3464; Filed, May 7, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 2, 1958.

Public notice is hereby given that Public Utility District No. 1 of Klickitat County, Washington, having its office in Goldendale, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed water-power Project No. 2241, to be known as White Salmon River Hydroelectric Project and located on White Salmon River, Trout Lake Creek, Trout Lake and Nine Foot Creek in Klickitat and Skamania Counties, Washington, and to consist of six developments with a total installed capacity of 177,000 kw, extending over practically the full course of the White Salmon River, and described as follows: (1) Nine Foot Creek, on White Salmon River five and one-half miles above Trout Lake, a rock-fill dam 160 feet high, having a storage capacity of about 10,000 acre-feet; a canal 8,000 feet long to a forebay; and a powerhouse on Trout Lake Creek with 22,000 kw installed capacity; (2) Trout Lake, an earth-fill dam approximately 8,000 feet long and 104 feet high located below Trout Lake across Trout Lake Creek and White Salmon River, creating a reservoir with a capacity of 73,000 acre-feet; a canal about 5.25 miles long to a forebay opposite river mile 21.25; and a powerhouse with 13,000 kw installed capacity; (3) Gilmer, a diversion dam about 40 feet high at river mile 21.25; a canal about 5.75 miles long to a forebay opposite river mile 15.5; and a powerhouse with 48,000 kw installed capacity; (4) Husum, a diversion dam about 40 feet high at river mile 15.5; a canal about 5.5 miles long to a forebay opposite river mile 10; and a powerhouse with 39,000 kw installed capacity; (5) Buck Creek, a diversion dam about 40 feet high at river mile 10.0; a canal about 4 miles long to a forebay opposite river mile 6; and a powerhouse with 15,000 kw installed capacity; and (6) Condit, redevelopment of old Pacific Power & Light Company dam and powerhouse by raising the height of the dam about 10 feet to a total height of about 334 feet at river mile 2.7; a conduit about 8,000 feet long to a surge tank opposite river mile 2; and a new powerhouse on the river with 40,000 kw installed capacity.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 9, 1958. The application is on file with the Commission for public inspection.

[SEAL] MICHAEL J. FARRELL, *Acting Secretary*.

[F. R. Doc. 58-3417; Filed, May 7, 1958; 8:45 a. m.]

[Docket Nos. G-3598, G-9012, G-9115, G-10099]

KANSAS NATURAL GAS, INC.

NOTICE OF SEVERANCE, CONSOLIDATION AND DATE OF HEARING

MAY 2, 1958.

Kansas Natural Gas, Inc. (Applicant), a Kansas corporation with principal place of business at 105 West 13th Street, Box 270, Hays, Kansas, has heretofore filed applications for certificates of public convenience and necessity in the above-captioned dockets, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

The application in Docket No. G-3598 was filed on September 29, 1954 and amended on November 29, 1954. Said application was filed by Applicant for itself and as agent for Ross Beach, Paul Ward, Mildred E. Ward, Ross Beach, Jr., Kenneth Scott Morrison, H. C. Bennett, C. L. Roberts, The Producers Pipe Line and Gas Inc., and Bessie Mae Jacobs nee Morrison for self and as Trustee for Kenneth Scott Morrison and William Howard Morrison. Said application seeks certificates authorizing Applicant and Ross Beach, et al., respectively, to continue the sale of natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc., Kansas Colorado Utilities, Inc., and Cities Service Gas Company for resale. The gas involved is produced from the Hugoton Field, Morton, Finney, Kearny, Stanton, Haskell, Stevens, and Grant Counties, Kansas. Notice of the filing of said application and the date of hearing thereon was issued on March 28, 1955 and published in the FEDERAL REGISTER on April 1, 1955 (20 F. R. 2067). This notice also fixed April 5, 1955 as the last day for filing protests or petitions to intervene. By notices issued on April 8, 1955 and May 4, 1955, respectively, the hearing scheduled on said application was continued to June 3, 1955 and thereafter to a date to be fixed by further notice.

The application in Docket No. G-9012 was filed on June 7, 1955 by Applicant as agent for C. L. Roberts, Grover M. Simpson, Mrs. Ross Beach, Sr., H. C. Bennett, and Bennett & Roberts Drilling Company. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing C. L. Roberts, et al. to sell natural gas in interstate commerce produced from Hugoton Field, Kearny County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. for resale. Notice of the filing of said application and the date of hearing thereon was issued on August 5, 1955 and published in the FEDERAL REGISTER on August 11, 1955 (20 F. R. 5835). This notice also fixed August 29, 1955 as the last day for filing protests or petitions to intervene. By notice issued on August 23, 1955, the hearing scheduled on said application was continued to a date to be fixed by further notice. This notice also denied, without prejudice, a motion by Applicant to consolidate the application in Docket No. G-9012 with those in Docket Nos. G-3598 and G-9115.

The application in Docket No. G-9115 was filed on July 7, 1955 and amended on July 15, 1955. Said application was filed by Applicant as agent for Mrs. Ross Beach, Jr., and Mrs. Paul Ward. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing Mrs. Ross Beach, Jr., et al. to sell natural gas in interstate commerce produced from Hugoton Field, Kearny County, Kansas, to Colorado Interstate Gas Company for resale. Notice of the filing of said application and the date of hearing thereon was issued on December 22, 1955 and published in the FEDERAL REGISTER on December 29, 1955 (20 F. R. 10076). This notice fixed January 9, 1956 as the last day for filing protests or petitions to intervene and scheduled the application for hearing on January 30, 1956. A hearing on said application commenced on January 30, 1956 but was recessed by the Presiding Examiner to a date to be fixed by further notice in view of a notice issued on January 25, 1956 continuing the matter to such a date. Said notice also denied, without prejudice, a motion by Applicant to consolidate the application in Docket No. G-9115 with those in Docket Nos. G-3598 and G-9012.

The application in Docket No. G-10099 was filed on March 13, 1956 by Applicant as agent for Shell Oil Company, Michaelis Drilling Company, William Graham Oil Company, Paul Ward, Ross Beach, Sr., and Ross Beach, Jr. Applicant is a signatory party to the gas sales contract involved but does not own any working interest in the wells, units, leases, or acreage involved. Said application seeks certificates authorizing Shell Oil Company, et al., to sell natural gas in interstate commerce produced from Hugoton Field, Haskell County, Kansas, to Colorado Interstate Gas Company for resale. Notice of the filing of said application and the date of hearing thereon was issued on August 29, 1956 and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-8). This notice also fixed September 17, 1956 as the last day for filing protests or petitions to intervene. Pursuant to said notice, a hearing was held on October 2, 1956 with respect to the application in Docket No. G-10099 among others. Subsequently, by order issued on October 16, 1956 In the Matters of Rycade Oil Corporation, et al., Docket No. G-3244, et al., certificates of public convenience and necessity were issued in Docket No. G-10099, inter alia, authorizing the instant sales. By order issued on December 13, 1956, the proceeding upon the application in Docket No. G-10099 was reopened and continued to a date to be fixed by further notice.

In Docket Nos. G-3598, G-9012, G-9115 and G-10099, respectively, Applicant seeks certificates no "* * * broader in scope that the prayer * * *" contained in its applications which, in turn, respectively request that any certificates issued authorize said sales during the term of the gas sales contracts "* * * including extensions and renewals, and * * * provide for the expiration thereof simultaneously with the expiration of said gas sales contract, and authorize Applicant to cease said sales at said time."

Take notice that the proceeding upon the application in Docket No. G-10099 as heretofore reopened and continued is hereby severed from the proceeding upon the applications In the Matters of Rycade Oil Corporation, et al., Docket No. G-3244, et al., with which it was formerly consolidated for purposes of hearing.

Take notice that the proceedings upon the applications in Docket Nos. G-3598, G-9012, G-9115 and G-10099 are hereby consolidated for purposes of hearing or further hearing.

These related matters 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 21, 1958 at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3418; Filed, May 7, 1958; 8:45 a. m.]

[Docket No. G-5145]

HUMBLE OIL & REFINING CO.

NOTICE OF HEARING

MAY 2, 1958.

Humble Oil & Refining Company (Applicant), a Texas corporation with principal place of business at Houston, Texas, has heretofore filed an application for a certificate of public convenience and necessity in the above-captioned docket, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of the filing of said application and its consolidation for purposes of hearing was issued on August 29, 1956, and published in the FEDERAL REGISTER on September 6, 1956 (21 F. R. 6725-28). Said notice also fixed September 17, 1956, as the last day for filing protests or petitions to intervene. By further notice issued on September 24, 1956, said application was severed at the request of Applicant from the applications with which it had been previously consolidated and the hearing thereon postponed to a date to be fixed by further notice.

Applicant proposes to sell and to continue the sale of natural gas in interstate commerce from production in the Spraberry Trend Area, Midland, Reagan, Upton and Glasscock Counties, Texas, to El Paso Natural Gas Company (El Paso) for resale. Application for such authority was filed on November 19, 1954 and amended on January 21, 1955, March 2, 1956, March 5, 1956, January 7, 1958, and March 14, 1958, respectively. The last two amendments seek to have certain specified lands and leases released and deleted from dedication to the performance of the basic sales contract to which they were heretofore dedicated along with other lands and leases. Applicant states that it has assigned said lands and leases to Hanley Company and J. E. Jones Drilling Company. At the time of the assignment the acreage so assigned was not productive, was not connected in any way to El Paso's gathering system, and no deliveries of gas from said leases has ever been made by Applicant.

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 22, 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) of (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.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3419; Filed, May 7, 1958; 8:45 a. m.]

[Docket No. G-13953]

PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 2, 1958.

Take notice that Pan American Petroleum Corporation (Applicant) filed an application on December 12, 1957, for permission and approval to abandon service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Superior Oil Company from its W. M. Williams Well No. 1, located in Lake Creek Field, Montgomery County, Texas, which sale was previously authorized on May 21, 1956, in Docket No. G-9830.

The application states that W. M. Williams Well No. 1 ceased production on March 10, 1957, due to water encroachment in the producing horizons, that on June 10, 1957, the W. M. Williams Lease expired under its own terms, and that the well had been permanently 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 12, 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 29, 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] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3420; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-14700]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 2, 1958.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application on March 18, 1958, for permission and approval to abandon natural gas facilities and for authorization to take deliveries of natural gas pursuant to section 7 of the Natural Gas Act as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon approximately 2.38 miles of existing 4" lateral pipeline together with a meter station and appurtenant equipment in Acadia Parish, Louisiana. The 4" lateral line extends from the Esterwood Field in Acadia Parish, Louisiana, to Applicant's 18" main line lateral and is being used to receive gas produced in the Esterwood Field by the Atlantic Refining Company (Atlantic) and P. R. Rutherford (Rutherford).

The application states that Applicant has entered into agreements with Atlantic and Rutherford, changing the point of delivery for the gas from the present location in the Estherwood Field to the tailgate of the nearby Acadia Corporation's Egan plant.

The application further states that the producers would build the field lines required to carry the gas from the wells to the Egan plant. Applicant would then receive the gas through its existing West Gueyden Meter Station which is located at the Egan plant. Applicant states that by agreement dated November 25, 1957, as supplemented January 10, 1958, between Applicant and Acadia Corporation, the latter agrees to purchase the said 2.38 miles of 4" lateral for the sum of $31,893 which Applicant represents to be the original cost of said facilities, less depreciation.

Applicant also seeks authorization to take deliveries from Atlantic and Rutherford at its existing West Gueyden Meter Station in lieu of the present delivery point.

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 12, 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 29, 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] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3421; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15008]

GULF OIL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

MAY 2, 1958.

Gulf Oil Corporation (Operator) et al. (Gulf Oil), on April 2, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated March 31, 1958.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77.

Effective date: May 3, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed rate increase, Gulf Oil states that the contract was negotiated at arm's-length and that the pricing provision was the basic consideration for Gulf Oil's committing the gas for the period of the contract. Additionally, Gulf Oil makes reference to its testimony and exhibits in the proceedings in Docket No. G-8516. Gulf Oil also states that all other producers in the Pistol Ridge Field, except Crow Drilling Company, are collecting 20 cents for their gas (under initial rate schedules) and to deny the 20.0-cent rate to Gulf Oil is discriminatory. In further support of the proposed rate increase, Gulf Oil quotes verbatim the third, fourth and fifth paragraphs of the Commission's order issued March 18, 1958, In the Matter of Reef Fields Gasoline Corporation (Operator), et al., Docket No. G-14030, accepting a superseding rate schedule and terminating the proceeding as a basis for Gulf Oil's plea that the subject filing be accepted to prevent discrimination. In addition, Gulf Oil cites the retendered increases of Orange Grove and Associated which the Commission permitted to be filed and suspended. Gulf Oil relates the similarity of such resubmittals to its own.

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.

---

[1] The change in rate filed herein is the same as that previously filed by Gulf Oil and was disallowed by Commission order issued February 6, 1957, in Docket No. G-8516. This disallowance was stayed by Commission order issued April 3, 1957, until May 31, 1957, or if judicial review is sought until the court took action on the request for stay. Gulf Oil's Petition to Review was filed with the United States Court of Appeals for the Fifth Circuit on May 29, 1957, and a decision was handed down by the Court on April 23, 1958, directing the Commission to reopen the proceedings to afford Gulf Oil reasonable opportunity to adduce such evidence as it may be advised is relevant to the inquiry whether the proposed rate of 20 cents per Mcf is just and reasonable. In all other respects the petition was denied.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Gulf Oil's FPC Gas Rate Schedule No. 77.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 3, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3422; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15009]

AMERICAN PETROFINA, INC.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

American Petrofina, Inc., (Petrofina) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: Supplement No. 3 to Petrofina's FPC Gas Rate Schedule No. 9.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Petrofina states that the contract was entered into after good faith arm's-length bargaining; that the sale is an installment sale of the entire volume of gas over the life of the contract, and the proposed price does not exceed the fair market value of the gas where produced. Petrofina further states that its costs are increasing and nonapproval of the increase would be confiscatory.

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. 3 to Petrofina's FPC Gas Rate Schedule No. 9 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. 3 to Petrofina's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3423; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15010]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

Sun Oil Company (Sun) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 11 to Sun's FPC Gas Rate Schedule No. 32.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation notifying Sun that the prices have been redetermined to those proposed on the basis of the contract provision, i. e., the arithmetical average of the three highest prices paid by three different interstate transporters in Texas Railroad Commission District No. 2. In addition, Sun states that the contract provisions were arrived at by good faith arm's-length bargaining; that they constitute an integral part of the consideration, and the proposed prices do not exceed the value of the gas in the area.

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 Sun's FPC Gas Rate Schedule No. 32 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 Sun's FPC Gas Rate Schedule No. 32.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3424; Filed, May 7, 1958; 8:46 a. m.]

[Docket No. G-15011]

SUN OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

Sun Oil Company (Operator) et al., (Sun), on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated April 1, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Sun's FPC Gas Rate Schedule No. 24.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation notifying Sun that the prices have been redetermined to those proposed on the basis of the contract provision, i. e., the arithmetical average of the three highest prices paid by three different interstate transporters in Texas Railroad Commission District No. 2. In addition, Sun states that the contract provisions were arrived at by good faith arm's-length bargaining; that they constitute an integral part of the consideration, and the proposed prices do not exceed the value of the gas in the area.

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. 12 to Sun's FPC Gas Rate Schedule No. 24 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. 12 to Sun's FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 4, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3425; Filed, May 7, 1958; 8:47 a. m.]

[Docket No. G-15016]

SUN OIL CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

MAY 2, 1958.

Sun Oil Company (Sun) on April 3, 1958, tendered for filing a proposed change in its presently effective rate schedule[1] 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 17, 1958.

Purchaser: Standard Oil Company of Texas.

Rate schedule designation: Supplement No. 9 to Sun's FPC Gas Rate Schedule No. 29.

Effective date: May 4, 1958 (effective date is the first day after expiration of the required thirty days' notice, or the date the suspended rate in Docket No. G-13618 is made effective in the manner prescribed by the Natural Gas Act, whichever is later).

In support of the proposed favored-nation rate increase, Sun submits a copy of a letter from Texas Eastern Transmission Corporation to Standard Oil Company of Texas (Standard Oil) notifying Standard Oil that it has entered into a contract for the sale of gas by another seller within the favored-nations area providing for a current rate of 14.4 cents per Mcf and offering to pay the same rate to Standard Oil.[2] In addition, Sun states that its contract with Standard Oil resulted from good faith arm's-length negotiations and the adjusted price does not exceed the present value of the gas in the field where produced.

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. 9 to Sun's FPC Gas Rate Schedule No. 29 be suspended and the use thereof deferred as hereinafter ordered.

[1] A previous increase was suspended in Docket No. G-13618 until April 1, 1958, and until such further time as made effective in the manner prescribed by the Natural Gas Act, but no motion has been filed by Sun to place the suspended rate in effect subject to refund.

[2] Standard Oil in turn resells the gas to Texas Eastern Transmission Corporation.

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. 9 to Sun's FPC Gas Rate Schedule No. 29.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1958, or until such later date as the corresponding rate of the buyer (Standard Oil), suspended in Docket No. G-14072, is placed in effect in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission, 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] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3426; Filed, May 7, 1958; 8:47 a. m.]

FEDERAL RESERVE SYSTEM

BANK SHARES INC.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by Bank Shares Incorporated, Minneapolis, Minnesota, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. Chicago-Lake Agency, Incorporated.
2. Columbia Heights Agency, Incorporated.
3. Marquette Insurance Agency, Incorporated.
4. University National Agency, Incorporated.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing.

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on May 20, 1958, at 10 o'clock a.m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's Rules of Practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however*, That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to the public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before May 15, 1958, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated: May 2, 1958.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary*.

[F. R. Doc. 58-3429; Filed, May 7, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 812-1151, 812-1152]

TRUSTEED FUNDS, INC., AND COMMONWEALTH FUND PLANS

NOTICE OF FILING OF APPLICATION FOR ORDERS PERMITTING OFFER OF EXCHANGE OF SECURITIES PRIOR TO MATURITY OF PLANS AND OFFER OF SALE OF SECURITIES AFTER MATURITY BOTH AT REDUCED SALES LOAD

MAY 1, 1958.

Notice is hereby given that Trusteed Funds, Inc. ("Trusteed"), the sponsor and underwriter for Commonwealth Fund Indenture of Trust Plans A and B ("Commonwealth Plans A and B") and Commonwealth Fund Indenture of Trust Plans C and D ("Commonwealth Plans C and D"), registered open-end investment companies, has filed two applications pursuant to section 11 (a) and section 6 (c) of the Invest Company Act of 1940 ("act") for exemptions from the provisions of section 11 (a) and section 22 (d) of the act, respectively, in respect of proposed transactions desribed below.

Since 1938 Trusteed has sold, as underwriter for the two Commonwealth Funds, four types of securities designated as Plans A and B issued by Commonwealth Plans A and B, and Plans C and D issued by Commonwealth Plan C. The sale of the Plan D security was discontinued in 1949. All of these securities have a maturity date of twenty-one years, and the first plans mature in 1959.

Trusteed proposes to solicit the exchange of these outstanding securities within twelve months of the maturity dates for a new Plan C security.

The exchanges will be effected on the basis of the net liquidating value of the outstanding security as of the time the exchange is made, plus a sales load of 4 percent. With respect to Plans A, B and D, the Plan C security to be offered will not exceed the net liquidating value of the security to be exchanged rounded off to the nearest lower \$100 multiple. Where the security to be exchanged is a Plan C security, the security offered may equal but not exceed, the net liquidating value of the security to be exchanged. The current effective prospectus of Commonwealth Plan C prescribes a sale load for Plan C of 7½ percent for amounts of less than \$25,000 and 4 percent for amounts in excess of \$25,000.

Trusteed also proposes to make the same offer of exchange to holders of matured plans within six months after the date of maturity of such plans.

Section 11 (a) of the Act prohibits the exchanges of securities of open-end companies, including exchanges between various classes or series of securities of the same company, on any basis other than the relative net asset values of the securities to be exchanged, subject to certain exceptions contained in section 11 (b) not pertinent here, unless the terms of the offer of exchange are first approved by the Commission.

Section 22 (d) of the Act prohibits the sale of securities of open-end companies to the public except at a current public offering price described in the prospectus. An exception, applicable here, is provided in section 22 (d) (i) in respect of offers of exchange permitted by section 11.

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

As noted above, Trusteed is proposing in effect two offers of exchange, one within twelve months prior to maturity to holders of plans and an offer of exchange within six months after maturity. On exchanges that are effected at or prior to the date of maturity of the outstanding plans, an order of the Commission under section 11 (a) permitting such exchanges must be obtained before the exchanges may be made at a price which includes a sales load. With respect to offers of exchanges solicited after the maturity date at which time the offeree would no longer be a security holder, the sale of the new Plan C security in exchange at a reduced load would contravene the provisions of section 22 (d) of the act. Trusteed, therefore, seeks an order of exemption from section 22 (d) of the act pursuant to section 6 (c) of the act in respect of such post-maturity exchanges.

Notice is further given that any interested person may, not later than May 15, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

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

[F. R. Doc. 58-3432; Filed, May 7, 1958; 8:47 a. m.]

[File No. 70-3685]

OHIO VALLEY GAS CO. ET AL.

NOTICE OF PROPOSED TRANSFER OF GAS PROPERTIES BY SUBSIDIARY TO ASSOCIATE COMPANY IN FURTHERANCE OF SYSTEM'S REALIGNMENT PROGRAM

MAY 1, 1958.

In the matter of The Ohio Valley Gas Company, United Fuel Gas Company, The Columbia Gas System, Inc.; File No. 70-3685.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, United Fuel Gas Company ("United"), a wholly-owned subsidiary of Columbia, and The Ohio Valley Gas Company ("Valley"), a newly formed Ohio corporation which upon consummation of the proposed transactions will also be a wholly-owned subsidiary of Columbia, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (f) and 12 (g) of the act and Rule 43 promulgated thereunder as applicable to the proposed transactions which are described below.

Columbia and its subsidiaries have evolved a program of corporate realignment designed for corporate simplification and for minimizing the problems of rate regulation by realigning the system's properties in such a manner that (a) all production, storage and transmission facilities used to transport gas in interstate commerce and service wholesale business will, to the extent possible, be owned and operated by one corporation, subject only to the jurisdiction of the Federal Power Commission, and that (b) the retail distribution facilities in each State will be owned by a single company subject only to the jurisdiction of the appropriate State commission. The instant filing covers an intermediate step in this realignment program.

United, a West Virginia corporation, is engaged in the production, purchase, transmission, storage, sale and distribution of natural gas, selling gas at wholesale in interstate and intrastate commerce and distributing gas at retail in the States of West Virginia and Ohio. Valley, an Ohio corporation, will become, upon the consummation of the proposed transactions, a wholly-owned subsidiary of Columbia engaged in the business of purchasing, distributing and selling natural gas at retail within the State of Ohio.

United will transfer to Valley all of its assets and properties in the State of Ohio which it uses in connection with the retail distribution of natural gas, except those used in rendering service to Detroit Steel Company.

Valley will pay to United an amount in cash equal to the excess of (1) the aggregate book value of the assets and properties recorded (at original cost) on the books of United as of said closing date, less the related reserves, over (2) the aggregate amount recorded on the books of United as of said closing date of the liabilities and obligations assumed by Valley. United will retain the cash so received for general corporate purposes.

In order to obtain the cash required to make the above-mentioned payment to United and to obtain cash for current working funds incident to the operation of the properties to be acquired, Valley proposes to issue and sell to Columbia (1) an unsecured installment promissory note bearing interest at an annual rate equal to the nearest 1/10th of 1 percent of the composite rate borne by United's notes held by Columbia as of the closing date and (2) shares of Valley's authorized capital stock, $90 par value. The note and stock will be sold in approximately equal amounts. As of December 31, 1956, the properties and assets involved aggregated $1,318,994.

The Public Utility Commission of Ohio has authorized the sale of the assets and properties by United, the acquisition thereof by Valley and the issuance and sale of the stock and note by Valley. United must obtain from the Federal Power Commission a Certificate of Convenience and Necessity to sell natural gas to Valley for resale and for the construction of certain measuring stations in connection with the proposed sale. United has filed an appropriate application with the Federal Power Commission.

The fees and expenses to be incurred by the companies in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, 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 joint application-declaration, as amended or as it may hereafter be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 promulgated under the act, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-3433; Filed, May 7, 1958; 8:47 a. m.]

[File No. 70-3699]

APPALACHIAN POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE BY SUBSIDIARY AT COMPETITIVE BIDDING OF BONDS AND PROPOSED CAPITAL CONTRIBUTION BY HOLDING COMPANY TO SUBSIDIARY

MAY 2, 1958.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and its public-utility subsidiary, Appalachian Power Company ("Appalachian"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b) and 12 of the Act and Rules 42, 45 and 50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $25,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), -- percent Series, to be dated as of May 1, 1958, and to mature May 1, 1988. The interest rate on the New Bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Appalachian (which will not be less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. American proposes, prior to or concurrently with the sale of the New Bonds by Appalachian, to make a cash capital contribution of $10,000,000 to Appalachian.

The New Bonds are proposed to be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, between Appalachian and Bankers Trust Company, corporate trustee, and to an individual trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by a Supplemental Indenture dated as of May 1, 1958.

The proceeds of the cash capital contribution and the sale of the New Bonds are to be applied, to the extent necessary, to the prepayment, without premium, of Appalachian's Notes Payable to Banks. As of April 15, 1958, such notes were outstanding in the amount of $26,500,000, and it is expected that not more than $5,500,000 additional amount of such notes will be issued. Thus, the amount of these notes to be outstanding at the time the transactions described above are consummated will not exceed $32,000,000. Any remaining proceeds will be added to Appalachian's treasury funds and will be applied to extensions, additions and improvements to its properties.

Appalachian is organized and is doing business in the State of Virginia and is also doing business in the States of West Virginia and Tennessee. The application states that various aspects of the proposed transactions will be expressly authorized by the Virginia State Corporation Commission, the Public Service Commission of West Virginia and the Tennessee Public Service Commission. The application further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Appalachian in connection with the proposed transactions are estimated as follows:

Filing fee for registration statement	$2,587.50
Federal issuance stamp taxes	27,500.00
State taxes and fees:	
State of Virginia	18,500.00
State of West Virginia	1,000.00
State of Tennessee	250.00
Printing registration statement, prospectus, supplemental indenture, bidding papers, etc.	17,000.00
Printing and engraving new bonds	7,750.00
Charges of trustee (including counsel fees)	11,000.00
Certified public accountants' charges	2,700.00
Legal fees of counsel to the company:	
Simpson, Thacher & Bartlett	12,000.00
Hunton, Williams, Gay, Moore & Powell	4,500.00
McClintic, James, Wise & Robinson	2,750.00
Penn, Hunter, Smith & Davis	2,250.00
Miscellaneous expenses	7,500.00
	117,287.50

No other expenses are to be paid or incurred by Appalachian or any associate company in connection with the proposed transactions except that routine services incident to the transactions will be performed by American Gas and Electric Service Corporation, the service corporation for the American Gas and Electric system.

The fee of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers of the New Bonds, is estimated at $7,200 and will be paid by the successful bidders.

Notice is further given that any interested person may, not later than May 19, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, 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 joint application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such 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. 58-3434; Filed, May 7, 1958; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-1 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), dated July 1, 1957 (22 F. R. 8197, 23 F. R. 557, 1768) there is hereby delegated to the Chief, Financial Assistance Division the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

2. To approve disaster loans in an amount not exceeding $50,000.

3. To decline original applications but not reconsiderations of disaster loans.

4. To approve or decline Limited Loan Participation loans.

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for all loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*
By ________________,
Chief, Financial Assistance Division.

7. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To extend the disbursement period on all loan authorizations of undisbursed portions of loans.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

13. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations.

(b) Extend the period of Disbursement of loans of $50,000 or less for a period not to exceed four months.

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant.

(e) Disburse fisheries' loans in the same manner as SBA business loans.

(f) Administer fisheries' loans within the same authority exercised with respect to SBA loans.

14. To take the following actions in all loans except those loans classified as "problem" loans or "in liquidation":

(a) Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

(b) Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

(c) Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

(d) Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

(e) Waive amounts due under net earnings clause.

(f) Approve requests to exceed fixed assets limitations and waive violations of this limitation.

(g) Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

(h) Approve changes in use of loan proceeds in connection with partially disbursed loans.

(i) Waive violations of agreements to maintain working capital of a specified amount.

15. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

(d) Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

(e) Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

(f) Designate proxies to vote at stockholders' meetings on stock held as collateral, and determines how such shares are to be voted.

(g) Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

(h) Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

16. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

17. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

19. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

20. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

21. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

22. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

23. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

24. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

25. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

26. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title, and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

ADMINISTRATIVE

27. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions as specified in the above delegated authorities.

II. The authority delegated herein may not be redelegated with the exception of IB.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: April 11, 1958.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F. R. Doc. 58-3435; Filed, May 7, 1958; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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

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

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

Cameron Dress Co., Inc., 147 North Cameron Street, Harrisburg, Pa.; effective 4-24-58 to 4-23-59 (ladies' dresses).

Carolina Industrial Manufacturing Corp., 364 Ashe Street, Greensboro, N. C.; effective 5-7-58 to 5-6-59 (children's woven dresses).

Mode O'Day Corp., Plant No. 3, 59 South First West, Box 288, Logan, Utah; effective 4-24-58 to 4-23-59 (learners may not be employed at special minimum wage rates in the production of separate skirts) (women's cotton and rayon house and street dresses).

The Newton Co., Newton, Miss.; effective 5-1-58 to 4-30-59 (workers engaged in the production of ladies' slacks) (ladies' slacks).

The Newton Co., Newton Miss.; effective 5-1-58 to 4-30-59 (workers engaged in the production of men's slacks) (men's slacks).

Norris Manufacturing Co., Taylors, S. C.; effective 4-30-58 to 4-29-59 (sport shirts).

Putnam Manufacturing Co., Cookeville, Tenn.; effective 5-1-58 to 4-30-59 (men's cotton work pants).

Boris Smoler & Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind.; effective 5-1-58 to 4-30-59 (dresses).

Spring Hope Manufacturing Co., Inc., Spring Hope, N. C.: effective 4-25-58 to 4-24-59 (children's sport shirts).

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

Brunswick Manufacturing Co., Brunswick, Ga.; effective 4-25-58 to 4-24-59; 10 learners (children's and ladies' jackets).

Devil Dog Manufacturing Co., Inc., Zebulon, N. C.; effective 4-25-58 to 4-24-59; 10 learners (children's boxer shorts and longies).

Dillsburg Dress Co., York Street, Dillsburg, Pa.; effective 4-23-58 to 4-22-59; six learners (ladies' cotton housedresses).

Gasper La Fata & Co., 14-16 Bush Avenue, Mariners Harbor, Staten Island 3, N. Y.; effective 4-28-58 to 10-27-58; five learners (pants).

Lordley, Inc., Wendell, N. C.; effective 4-25-58 to 4-24-59; 10 learners (men's sport shirts).

New Bloomfield Dress Co., 221 West Market Street, Newport, Pa.; effective 4-25-58 to 4-24-59; 10 learners (ladies' dresses).

San-Dar Dress, 618-620 Washington Avenue, Jermyn, Pa.; effective 4-29-58 to 4-28-59; four learners (ladies' dresses).

Schoolhouse Togs, Inc., Route 1, Rockport, Maine; effective 4-25-58 to 4-24-59; five learners (children's blouses).

Boris Smoler & Sons, Inc., 507 Jefferson, La Porte, Ind.; effective 5-1-58 to 4-30-59; 10 learners (cotton and synthetic dresses).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 4-25-58 to 4-24-59; five learners (ladies' pajamas and dusters).

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

Glennville Manufacturing Co., Glennville, Ga.; effective 4-24-58 to 10-23-58; 30 learners (men's sport shirts).

Hank Mann, Inc., 2506 North General Bruce Drive, Temple, Texas; effective 5-1-58 to 10-31-58; 100 learners (boys' single pants and blue jeans).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Waitt & Bond, Inc., 526 Ash Street, Scranton, Pa.; effective 4-26-58 to 4-25-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

North Star Glove Co., Inc., 2317 Pacific Avenue, Tacoma, Wash.; effective 4-25-58 to 4-24-59; 6 learners for normal labor turnover purposes (Canton flannel and leather faced work gloves).

Wells Lamont Corp., 801 East Main, Brownsville, Tenn.; effective 4-24-58 to 4-23-59; 10 percent of the total number of workers engaged in the authorized learner occupations for normal labor turnover purposes (fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Prim Hosiery Mills, Chester, Ill., effective 4-23-58 to 4-22-59; five percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned—seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Lansford Shoe Corp., Lansford, Pa.; effective 4-28-58 to 4-27-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sandal and play shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Camel Manufacturing Co., 329 South Central Street, Knoxville, Tenn.; effective 4-28-58 to 10-27-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 85 cents an hour (tents), tarpaulins, hatch covers, etc.).

Hickey-Freeman Co., 1155 Clinton Avenue North, Rochester, N. Y.; effective 4-29-58 to 10-28-58; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (suits, overcoats, topcoats, sport coats, and slacks).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Northridge Knitting Mills, Inc., P. O. Box 572, San German, P. R.; effective 3-26-58 to 3-25-59; authorizing the employment of 11 learners for normal labor turnover purposes, in the occupations of (1) knitting, topping, and looping each for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; (2) machine stitching (seaming and cardigan sewing); and finishing (pressing), each for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 1st day of May 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-3483; Filed, May 7, 1958; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIDA HUTH-VOGT

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

Frida Huth-Vogt, 45 Clarastrasse, Basle, Switzerland; Claim No. 62519; Vesting Order No. 17829; $827.05 in the Treasury of the United States.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3439; Filed, May 7, 1958; 8:48 a. m.]

H. G. MEYER-BALL

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

H. G. Meyer-Ball, Kaulbachstrasse 25, Munich, Germany; Claim No. 61904; Vesting Order No. 17983; $5,708.84 in the Treasury of the United States.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3440; Filed, May 7, 1958; 8:48 a. m.]

OTTO HEMMINGA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Otto Hemminga, Heemstede, Holland; $70.08 in the Treasury of the United States.

Evert Marinus Leendert Hemminga, Waddinxveen, Holland; $70.08 in the Treasury of the United States.

Maria Magdalena Pauwels, nee Hemminga, Nieuwer-Amstel, Holland; $70.08 in the Treasury of the United States.

Helena Geertruida Jacoba Vlaming, nee Hemminga, Amsterdam, Holland; $26.29 in the Treasury of the United States.

Hajo Klaas Hemminga, Amsterdam, Holland; $26.29 in the Treasury of the United States.

Claim No. 62262.

Vesting Order No. 17840.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3441; Filed, May 7, 1958; 8:48 a. m.]

ANNA KREIHSL AND ELFRIEDA GROEGER

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

Anna Kreihsl, Allerheiligenweg 536, Jettingen, Bavaria, Germany; $61.59 in the Treasury of the United States.

Elfrieda Groeger, Allerheiligenweg 536, Jettingen, Bavaria, Germany; $46.19 in the Treasury of the United States.

Claim No. 45757.

Vesting Order No. 10869.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3442; Filed, May 7, 1958; 8:49 a. m.]

CORNELIS GROENEMEYER

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

Cornelis Groenemeyer, Parkweg 181, Voorburg, The Netherlands; $633.89 in the Treasury of the United States. Claim No. 62005; Vesting Order No. 17838.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3443; Filed, May 7, 1958; 8:49 a. m.]

MARIE M. M. HOPPENOT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No., Property, and Location

Marie M. M. Hoppenot, Chatillon sur Seine, France; $557.42 in the Treasury of the United States.

Marie E. L. H. Hoppenot, Troyes, France; $557.42 in the Treasury of the United States.

Genevieve M. C. Hoppenot; $92.90 in the Treasury of the United States.

Pierre M. H. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Francois M. M. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Jeanne M. L. Bourlon de Rouvre; $92.90 in the Treasury of the United States.

Paris, France.

Jean Leopold Bourlon de Rouvre (Guardian for Jacques M. D. Bourlon de Rouvre and Henri M. V. Bourlon de Rouvre), Paris, France; $185.80 in the Treasury of the United States.

Claim No. 63478.

Vesting Order No. 17906.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3444; Filed, May 7, 1958; 8:49 a. m.]

GERTRUD ARMBRUSTER-BLECHER

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

Gertrud Armbruster-Blecher, Duque de Sevilla 1, Madrid, Spain; $6,467.01 in the Treasury of the United States. Claim No. 61705. Vesting Order No. 17705.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3445; Filed, May 7, 1958; 8:49 a. m.]

ANNETTE KELLERMANN

AMENDED NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on August 7, 1956 (21 F. R. 5876) with respect to the return of the property described below to Karen Kellermann;

Whereas, information was subsequently received to the effect that Karen Kellermann died in Denmark on October 3, 1953, that her sole heir, Asger Kellermann, died in Denmark on January 14, 1954, and that the sole heir after Asger Kellermann is Annette Kellermann;

Whereas, Annette Kellermann has been substituted as claimant in this matter;

Now, therefore, pursuant to section 32 of the Trading with the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Karen Kellermann and substituting therefor the following:

Claimant, Claim No., and Property

Annette Kellermann, 55 rue de Grenelle, Paris 7e, France; Claim No. 39987; $35.55 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue, relating to the compositions entitled In a Nutshell, Green Bushes and Arrival Platform Humlet, by Percy Aldridge Grainger, as listed in Exhibit A of Vesting Order No. 4031 (9 F. R. 13780, November 17, 1944), to the extent owned by Karen Kellermann (now deceased), immediately prior to the vesting thereof by Vesting Order No. 4031.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-3446; Filed, May 7, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34656: *Substituted service, motor and rail, Erie and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 85), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flatcars between Chicago, Ill., or Hammond, Ind., on the one hand, and Springfield, Mass., Hartford, or New Haven, Conn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34657: *Substituted service, rail and motor, Pennsylvania and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 86), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flatcars between Chicago, Ill., Cincinnati, Cleveland, Toledo, Ohio, Detroit, Mich., East St. Louis, Ill., Indianapolis, Ind., or Louisville, Ky., on the one hand, and Springfield, Mass., Hartford, or New Haven, Conn., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34658: *Substituted service, motor and rail, Erie Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 87), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Jersey City, N. J., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34659: *Substituted service, motor and rail, Erie and N. Y., N. H. & H. R. R.'s.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 88), for interested rail and motor carriers. Rates on freight loaded on highway trailers and transported on railroad flat cars between Chicago, Ill., or Hammond, Ind., on the one hand, and Providence, R. I., Boston, or Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Eastern Central Motor Carriers Association, Inc., Agent, tariff MF-I. C. C. A-148.

FSA No. 34660: *Hexamethylene diamine solution from Orange, Tex., to Ampthill, Va.* Filed by Southwestern Freight Bureau, Agent (SWFB No. B-7280), for interested rail carriers. Rates on Hexamethylene diamine solution, tank-car loads from Orange, Texas to Ampthill, Va.

Grounds for relief: Rates constructed on a short line distance formula.

Tariff: Supplement 467 to Southwestern Freight Bureau, Agent, tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-3431; Filed, May 7, 1958; 8:47 a. m.]