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section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 5, 1960, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

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

(2) Tangerine Regulation 214 (§ 933.-999; 24 F.R. 10330) is hereby terminated effective at 12:01 a.m., e.s.t., January 8, 1960.

(3) During the period beginning at 12:01 a.m., e.s.t., January 8, 1960, and ending at 12:01 a.m., e.s.t., July 31, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 2 Russet; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Dated: January 6, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-212; Filed, Jan. 7, 1960; 9:23 a.m.]

[Tangelo Reg. 21]

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

Limitation of Shipments

§ 933.1004 Tangelo Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of such Florida tangelos as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is

declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 5, 1960; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such tangelos exceeds the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of Florida tangelos, as such unrestricted shipments would not be conducive to the orderly marketing of such tangelos as will be in the public interest and would not tend to effectuate the declared policy of the act; compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and this section relieves certain restrictions on the handling of tangelos.

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

(2) Tangelo Regulation 20 (§ 933.-1000; 24 F.R. 10329) is hereby terminated effective at 12:01 a.m., e.s.t., January 8, 1960.

(3) During the period beginning at 12:01 a.m., e.s.t., January 8, 1960, and ending at 12:01 a.m., e.s.t., July 31, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet.

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

Dated: January 6, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-211; Filed, Jan. 7, 1960; 9:23 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55020]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Extension of Limits of Customs Port of Baltimore, Md.

DECEMBER 31, 1959.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Baltimore, Maryland, the headquarters port of Customs Collection District No. 13 (Maryland), comprising the territory within the corporate limits of that city and the territory added by Executive Order 8238, September 6, 1939 (4 F.R. 3835), are hereby extended to include:

All the area within Anne Arundel County and Baltimore County enclosed within a line beginning at a point where the Governor Ritchie Highway crosses the City line at Brooklyn and following the Governor Ritchie Highway to its intersection with Mountain Road, immediately south of Harundale; thence following Mountain Road to its intersection with Bodkin Neck Road, immediately east of Mt. Carmel; thence following Bodkin Neck Road to Bodkin Point; thence crossing the mouth of Patapsco River in a straight line to North Point; thence following the shoreline of Patapsco River Neck along Chesapeake Bay on the southeast and along Back River on the northeast to the head of Back River; thence following a line due west to the Baltimore City limits; and thence following the Baltimore City limits to the point of beginning.

The extension is effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting “*Baltimore, Md. (including Sparrows Point). (E.O. 8238, Sept. 6, 1939; 4 F.R. 3835),” and adding “*Baltimore, Md. (including territory de-

scribed in T.D. 55020)" in the column headed "Ports of Entry" in District No. 13 (Maryland).

(R.S. 161, as amended, 251, sec. 1; 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

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

[F.R. Doc. 60-167; Filed, Jan. 7, 1960;
8:46 a.m.]

[T.D. 55016]

PART 22—DRAWBACK

Delegation of Authority

In furtherance of the Department's policy of delegating appropriate administrative functions to collectors of customs, and to facilitate the prompt and orderly handling of drawback statements and supplemental statements filed by manufacturers and producers under § 22.4 of the Customs Regulations, it has been decided to delegate to collectors of customs authority to establish rates of drawback covering the manufacture or production of articles with the use of imported merchandise under section 313(a), Tariff Act of 1930, and to amend rates of drawback heretofore or hereafter established under section 313(a). Accordingly, § 22.4 of the Customs Regulations is amended as follows:

Paragraph (e) is amended by substituting "appropriate cases" for "cases within the provisions of § 22.6" so that the paragraph will read as follows:

(e) Where it appears to the satisfaction of the Bureau, or of the collector in appropriate cases, that it is impracticable for the manufacturer or producer to keep records of all the information required for the determination of the drawback which may accrue to the products manufactured or produced by him, complementary records covering the information not available to the manufacturer or producer may be kept by the persons in the United States for whose account the products are manufactured or produced, and abstracts of such records shall be filed with the drawback entry.

Paragraph (h) is amended by deleting from the first sentence "except those operating under § 22.6"; by substituting in the first sentence "collector of customs at the port where his drawback entries will be filed a statement in duplicate" for "Commissioner of Customs through the supervising customs agents a statement in triplicate"; by inserting after the first sentence the following: "The statement shall be submitted to the collector through the supervising customs agent who assisted in its preparation. In the case of operations under section 313(b), (d), or (g), Tariff Act of 1930, as amended, the statement in triplicate shall be submitted through the supervising customs agent to the Commissioner of Customs."; and by deleting the final sentence so that the paragraph will read as follows:

(h) Each manufacturer or producer shall submit to the collector of customs

at the port where his drawback entries will be filed a statement in duplicate describing the methods which he will follow and the records which he will keep for the purpose of establishing that the articles upon which drawback will be claimed have been manufactured or produced in the United States with the use of imported duty-paid merchandise within the meaning of section 313(a), Tariff Act of 1930, and that the records of identification, manufacture, or production, and storage prescribed in this section have been maintained. The statement shall be submitted to the collector through the supervising customs agent who assisted in its preparation. In the case of operations under section 313(b), (d), or (g), Tariff Act of 1930, as amended, the statement in triplicate shall be submitted through the supervising customs agent to the Commissioner of Customs. The statement shall contain an agreement to follow the methods and keep the records described therein with respect to all articles manufactured or produced for exportation with benefit of drawback. Provision for the use of duty-paid merchandise or drawback products, the manufacture or production of articles not specified in the application for the rate, or the use of factories not named therein may be included in the statement prepared as a result of such application.

Paragraph (j) is amended by substituting "the collector in a case under section 313(a), Tariff Act of 1930, or the Bureau in a case under section 313(b), (d), or (g), Tariff Act of 1930, as amended," for "the Bureau," and by adding the following sentence: "When the statement in a case under section 313(a), Tariff Act of 1930, shows that entries are to be filed at more than one port, the collector at the port first listed shall issue the rate, if that action is warranted." The paragraph will read as follows:

(j) If the statement shows that the methods and records described therein enable the manufacturer or producer to comply with the law and regulations and if the facts developed by the investigation warrant such action, the collector in a case under section 313(a), Tariff Act of 1930, or the Bureau in a case under section 313(b), (d), or (g), Tariff Act of 1930, as amended, will issue the rate of drawback on the articles described in the statement, except that in cases under § 22.6 the procedure in paragraphs (a) and (b) of that section shall be followed. When the statement is a case under section 313(a), Tariff Act of 1930, shows that entries are to be filed at more than one port, the collector at the port first listed shall issue the rate, if that action is warranted.

Paragraph (o) is amended by inserting "under section 313(a), Tariff Act of 1930," in the first sentence after the word "amended"; by deleting the second sentence; by inserting after the first sentence the following: "The supplemental statement prepared as a result of such application shall be submitted through the supervising customs agent who assisted in its preparation to the collector of customs at the port where drawback entries filed under the existing rate of

drawback are liquidated who shall issue the amendment, if that action is warranted. If entries are liquidated at more than one port, the supplemental statement shall identify all such ports and the collector at the port first listed shall issue the amendment. The foregoing procedure shall also apply to applications for amendments under section 313(b), (d), or (g), Tariff Act of 1930, as amended, but the supplemental statement in such case shall be submitted through the supervising customs agent to the Commissioner of Customs, except as provided in subparagraph (1), of this paragraph." The paragraph will read:

(o) When a manufacturer or producer in whose behalf a rate of drawback has been established desires to have his rate amended under section 313(a), Tariff Act of 1930, or to change his statement filed under § 22.6 to cover additional articles, to include additional factories, to permit the use of other kinds of imported duty-paid merchandise or drawback products, to provide for a different basis for the liquidation of the drawback entries, or to cover different methods of identification, manufacture, or other changes, he shall file an application therefor with the collector or deputy collector of customs. The supplemental statement prepared as a result of such application shall be submitted through the supervising customs agent who assisted in its preparation to the collector of customs at the port where drawback entries filed under the existing rate of drawback are liquidated who shall issue the amendment, if that action is warranted. If entries are liquidated at more than one port, the supplemental statement shall identify all such ports and the collector at the port first listed shall issue the amendment. The foregoing procedure shall also apply to applications for amendments under section 313(b), (d), or (g), Tariff Act of 1930, as amended, but the supplemental statement in such case shall be submitted through the supervising customs agent to the Commissioner of Customs, except as provided in subparagraph (1), of this paragraph. No drawback shall be allowed on articles exported before the date on which the application was received by the collector or deputy collector unless specifically authorized by the Bureau, or by the collector in cases within the provisions of § 22.6 or of this paragraph.

Subparagraph (1) of paragraph (o) is amended by inserting in the first sentence "covering operations under section 313(b), (d), or (g), Tariff Act of 1930, as amended," after the word "statements", and by substituting "shall be processed in the manner provided in this paragraph (o) for supplemental statements covering amendments under section 313(a), Tariff Act of 1930." for the remainder of subparagraph which follows the words "foregoing changes," so that the subparagraph will read as follows:

(1) Supplemental statements covering operations under section 313(b), (d), or (g), Tariff Act of 1930, as amended, which are limited to (i) a change in lo-

cation of the factory of the manufacturer or producer; (ii) an additional factory at which the methods followed and records maintained are the same as those at another factory operating under an existing drawback rate of the manufacturer or producer; (iii) a change in name of the manufacturer or producer; (iv) the succession by a sole proprietorship, partnership, or corporation to the drawback operations of a manufacturer or producer; or (v) any combination of the foregoing changes, shall be processed in the manner provided in this paragraph (c) for supplemental statements covering amendments under section 313(a), Tariff Act of 1930.

This amendment shall be effective as to applicable statements and supplemental statements which have not been transmitted to the Bureau by supervising customs agents prior to the date of publication of this amendment in the weekly Treasury Decisions.

(R.S. 251, secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 66, 1313, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 4, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-163; Filed, Jan. 7, 1960;
8:46 a.m.]

[T.D. 55018]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Authority of Collectors of Customs to Settle Certain Penalty Cases

It is deemed advisable to delegate authority to all collectors of customs to remit or mitigate one of the penalties imposed by section 584 of the Tariff Act of 1930, which only the collector at New York is now authorized to remit or mitigate. Under § 23.25(a)(5) of the Customs Regulations, all collectors have authority (with certain exceptions) to remit or mitigate penalties under \$500 each imposed against the offender under sections 453 and 584 of the Tariff Act of 1930. The collector at New York has authority to remit or mitigate penalties incurred under sections 453 or 584 provided the aggregate of the penalties incurred under either or both of these sections by the offender in the case under consideration does not exceed \$1,000. One of the penalties imposed by section 584 is a penalty of \$500 if any merchandise described in the manifest is not found on board the vessel or vehicle. The collector at the port of New York may remit or mitigate this penalty under his above-mentioned special authority, but other collectors are not authorized to remit or mitigate it because it is \$500 and their authority is limited to penalties under that amount. It has been determined that all collectors should be authorized to remit or mitigate this \$500 penalty.

Therefore, the first sentence of § 23.25(a)(5), Customs Regulations, is

hereby amended to read as follows: "Except as hereinafter provided for, penalties under \$500 each imposed against the offender under section 453 or 584, Tariff Act of 1930, as amended, and the penalty of \$500 each imposed by section 584 if merchandise described in the manifest is not found on board."

(R.S. 161, as amended, secs. 618, 624, 46 Stat. 757, 759; 5 U.S.C. 22, 19 U.S.C. 1618, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 31, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-166; Filed, Jan. 7, 1960;
8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Limitation of Certificates; Order Acting on Objections to Regulation

An order was published in the FEDERAL REGISTER on October 21, 1959 (24 F.R. 8492) amending § 9.7 *Limitations of certificates* by adding thereto a new paragraph (i). Objections were filed by the Pharmaceutical Manufacturers Association, Eli Lilly and Company; Smith, Kline, and French Laboratories; Abbott Laboratories, Hinkle Drug Company, The Certified Color Industry Committee, Dyestuffs and Chemicals, Inc., Ansbacher-Siegle Corporation, The Capital City Products Company, Corn Products Company, C. F. Simonin's Sons, Inc., Tobin Packing Company, Inc., and the Miami Margarine Company. Requests for a public hearing were made in several of the objections.

These objections raise a legal issue that could not be settled by a public hearing. It is the Department's construction of the statute that it has the authority to withdraw its certificate of harmlessness on any batch of coal-tar color that it has certified when facts become known which establish that the color is not harmless and the certificate is no longer factual. The objectors challenge this interpretation. It can only be resolved by the courts. Since the issue raised by the objections is not one on which a hearing would contribute to a solution, the requests for hearing are denied, and the objectors may take the issue promptly to the courts where there is authority to resolve it.

Dyestuffs and Chemicals, Inc., filed objections requesting a hearing on the completeness, adequacy, and accuracy of the factual basis for the Department's action in removing FDC Yellows No. 3 and 4 from the approved list. Since the order decertifying these colors has been reviewed by the Court of Appeals for the Eighth Circuit and the Department's order has been affirmed, such regulations may not be challenged anew in this pro-

ceeding. Such objections are without legal validity and do not call for a public hearing.

In § 9.7 *Limitations of certificates*, paragraph (i)(1) is amended by inserting in the fourth sentence after the word food, wherever it occurs, the following parenthetical phrase: "(including prepared dyes and mixtures intended for use solely in coloring shell eggs)". As amended, the fourth sentence reads as follows: "When a certified color has been used in food (including prepared dyes and mixtures intended for use solely in coloring shell eggs), drugs, or cosmetics, and the status of the color is thereafter changed by amendment or revocation of its listing or specification regulations, such food (including prepared dyes and mixtures intended for use solely in coloring shell eggs), drugs, and cosmetics will not be regarded as adulterated by reason of the use of such color, unless the hazard to health is such that existing stocks of the colored foods (including prepared dyes and mixtures intended for use solely in coloring shell eggs), drugs, or cosmetics cannot be safely used, in which cases findings to that effect will be made and regulations appropriate for such special cases will be issued."

The effective date of the order published on October 21, 1959, is hereby postponed until April 6, 1960, to allow time for filing petitions for judicial review.

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

Dated: December 31, 1959.

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

[F.R. Doc. 60-198; Filed, Jan. 7, 1960;
9:23 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6443]

PART 301—PROCEDURE AND ADMINISTRATION

Bonds

On October 23, 1959, notice of proposed rule making with respect to the regulations under chapter 73 of the Internal Revenue Code of 1954, relating to bonds, was published in the FEDERAL REGISTER (24 F.R. 8609). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below. Such regulations are effective on and after August 17, 1954, and are applicable with respect to taxes imposed by the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954.

PARAGRAPH 1. Section 301.7101-1 is revised as follows:

(A) By striking the words "shall execute" in the first sentence of paragraph (a) and inserting in lieu thereof the

words "shall (except as provided in paragraph (d) of this section) execute".

(B) By amending paragraph (b) (2).

(C) By adding a new paragraph (d).

PAR 2. Section 301.7102-1 is revised.

[SEAL]

WILLIAM H. LOEB,
Acting Commissioner of
Internal Revenue.

Approved: January 4, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The regulations as adopted under chapter 73 of the Internal Revenue Code of 1954, read as follows:

BONDS

Sec.	
301.7101	Statutory provisions; form of bonds.
301.7101-1	Form of bond and surety required.
301.7102	Statutory provisions; single bond in lieu of multiple bonds.
301.7102-1	Single bond in lieu of multiple bonds.
301.7103	Statutory provisions; cross references—other provisions for bonds.

AUTHORITY: §§ 301.7101 to 301.7103 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

BONDS

§ 301.7101 Statutory provisions; form of bonds.

SEC. 7101. *Form of bonds.* Whenever, pursuant to the provisions of this title (other than sections 7485 and 6803(a)(1)), or rules or regulations prescribed under authority of this title, a person is required to furnish a bond or security—

(1) *General rule.* Such bond or security shall be in such form and with such surety or sureties as may be prescribed by regulations issued by the Secretary or his delegate.

(2) *United States bonds and notes in lieu of surety bonds.* The person required to furnish such bond or security may, in lieu thereof, deposit bonds or notes of the United States as provided in 6 U.S.C. 15.

§ 301.7101-1 Form of bond and surety required.

(a) *In general.* Any person required to furnish a bond under the provisions of the Internal Revenue Code of 1954 (other than section 6803(a)(1), relating to bonds required of certain postmasters, and section 7485, relating to bond to stay assessment and collection of a deficiency pending review of a Tax Court decision), or under any rules or regulations prescribed under such Code, shall (except as provided in paragraph (d) of this section) execute such bond:

(1) On the appropriate form prescribed by the Internal Revenue Service (which may be obtained from the district director), and

(2) With satisfactory surety.

For provisions as to what will be considered "satisfactory surety", see paragraph (b) of this section. The bonds referred to in this paragraph shall be drawn in favor of the United States.

(b) *Satisfactory surety*—(1) *Approved surety company or bonds or notes of the United States.* For purposes of paragraph (a) of this section, a bond shall be

considered executed with satisfactory surety if:

(i) It is executed by a surety company holding a certificate of authority from the Secretary as an acceptable surety on Federal bonds; or

(ii) It is secured by bonds or notes of the United States as provided in 6 U.S.C. 15 (see 31 CFR Part 225).

(2) *Other surety acceptable in discretion of district director.* Unless otherwise expressly provided in the Internal Revenue Code of 1954, or the regulations thereunder, a bond may, in the discretion of the district director, be considered executed with satisfactory surety if, in lieu of being executed or secured as provided in subparagraph (1) of this paragraph, it is:

(i) Executed by a corporate surety (other than a surety company) provided such corporate surety establishes that it is within its corporate powers to act as surety for another corporation or an individual;

(ii) Executed by two or more individual sureties, provided such individual sureties meet the conditions contained in subparagraph (3) of this paragraph;

(iii) Secured by a mortgage on real or personal property;

(iv) Secured by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order;

(v) Secured by corporate bonds or stocks, or by bonds issued by a State or political subdivision thereof, of recognized stability; or

(vi) Secured by any other acceptable collateral. Collateral shall be deposited with the district director or, in his discretion, with a responsible financial institution acting as escrow agent.

(3) *Conditions to be met by individual sureties.* If a bond is executed by two or more individual sureties, the following conditions must be met by each such individual surety:

(i) He must reside within the State in which the principal place of business or legal residence of the primary obligor is located;

(ii) He must have property subject to execution of a current market value, above all encumbrances, equal to at least the penalty of the bond;

(iii) All real property which he offers as security must be located in the State in which the principal place of business or legal residence of the primary obligor is located;

(iv) He must agree not to mortgage, or otherwise encumber, any property offered as security while the bond continues in effect without first securing the permission of the district director; and

(v) He must file with the bond, and annually thereafter so long as the bond continues in effect, an affidavit as to the adequacy of his security, executed on the appropriate form furnished by the district director.

Partners may not act as sureties upon bonds of their partnership. Stockholders

of a corporate principal may be accepted as sureties provided their qualifications as such are independent of their holdings of the stock of the corporation.

(4) *Adequacy of surety.* No surety or security shall be accepted if it does not adequately protect the interest of the United States.

(c) *Bonds required by Internal Revenue Code of 1939.* This section shall also apply in the case of bonds required under the Internal Revenue Code of 1939 (other than sections 1423(b) and 1145) or under the regulations under such Code.

(d) *Bonds required under subtitle E and chapter 75 of the Internal Revenue Code of 1954.* Bonds required under subtitle E and chapter 75 of the Internal Revenue Code of 1954 (or under the corresponding provisions of the Internal Revenue Code of 1939) shall be in such form and with such surety or sureties as are prescribed in the regulations in Subchapter E of this chapter.

§ 301.7102 Statutory provisions; single bond in lieu of multiple bonds.

SEC. 7102. *Single bond in lieu of multiple bonds.* In any case in which two or more bonds are required or authorized, the Secretary or his delegate may provide for the acceptance of a single bond complying with the requirements for which the several bonds are required or authorized.

§ 301.7102-1 Single bond in lieu of multiple bonds.

(a) *In general.* Except as provided in paragraph (b) of this section, a person who is required, or authorized, under the Internal Revenue Code of 1954 (other than sections 6803(a)(1) and 7485), or under any rules or regulations under such Code, to execute two or more bonds may, in the discretion of the district director, furnish a single bond in lieu of such two or more bonds but only if such single bond meets all the conditions and requirements prescribed for each of the separate bonds which it replaces. This section shall also apply in the case of bonds required or authorized under the Internal Revenue Code of 1939 (other than sections 1423(b) and 1145) or under the regulations under such Code.

(b) *Bonds required under subtitle E and chapter 75 of the Internal Revenue Code of 1954.* In the case of bonds required under subtitle E and chapter 75 of the Internal Revenue Code of 1954 (or under the corresponding provisions of the Internal Revenue Code of 1939), a single bond will not be accepted in lieu of two or more bonds except as provided in the regulations in Subchapter E of this chapter.

§ 301.7103 Statutory provisions; cross references—other provisions for bonds.

SEC. 7103. *Cross references—other provisions for bonds*—(a) *Extensions of time.* (1) For bond where time to pay tax or deficiency has been extended, see section 6165.

(2) For bond to stay collection of a jeopardy assessment, see section 6863.

(3) For bond to stay assessment and collection prior to review of a Tax Court decision, see section 7485.

(4) For furnishing of bond where taxable year is closed by the Secretary or his delegate, see section 6851(e).

(5) For bond in case of an election to postpone payment of estate tax where the value of a reversionary or remainder interest is included in the gross estate, see section 6165.

(b) *Release of lien or seized property.* (1) For the release of the lien provided for in section 6325 by furnishing the Secretary or his delegate a bond, see section 6325(a)(2).

(2) For bond to obtain release of perishable goods which have been seized under forfeiture proceeding, see section 7324(3).

(3) For bond to release perishable goods under levy, see section 6336.

(4) For bond executed by claimant of seized goods valued at \$1,000 or less, see section 7325(3).

(c) *Miscellaneous.* (1) For bond as a condition precedent to the allowance of the credit for accrued foreign taxes, see section 905(c).

(2) For bonds relating to alcohol and tobacco taxes, see generally subtitle E.

(d) *Bonds required with respect to certain products.* (1) For bond in case of articles taxable under subchapter B of chapter 37 processed for exportation without payment of the tax provided therein, see section 4513(c).

(2) For bond in case of oleomargarine removed from the place of manufacture for exportation to a foreign country, see section 4593(b).

(3) For requirement of bonds with respect to certain industries see—

(A) Section 4596 relating to a manufacturer of oleomargarine;

(B) Section 4814(c) relating to a manufacturer of process or renovated butter or adulterated butter;

(C) Section 4833(c) relating to a manufacturer of filled cheese;

(D) Section 4713(b) relating to a manufacturer of opium suitable for smoking purposes;

(E) Section 4804(c) relating to a manufacturer of white phosphorus matches;

(F) Section 4101 relating to a producer or importer of gasoline or a manufacturer or producer of lubricating oils subject to tax under chapter 32.

(e) *Personnel bonds.* (1) For bonds of internal revenue personnel to insure faithful performance of duties, see section 7803(c).

(2) For jurisdiction of United States district courts, concurrently with the courts of the several States, in an action on the official bond of any internal revenue officer or employee, see section 7402(d).

(3) For bonds of postmasters to whom stamps have been furnished under section 6802(1), see section 6803(a)(1).

(4) For bonds in cases coming within the provisions of section 6802(2) or (3), relating to stamps furnished a designated depository of the United States or State agent, see section 6803(b)(1).

[F.R. Doc. 60-170; Filed, Jan. 7, 1960; 8:47 a.m.]

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6438]

PART 504—BELGIUM

Subpart—Belgian Congo and Rwanda-Urundi

Correction

In F.R. Document 59-11168, appearing in the issue for Thursday, December 31,

1959, at page 11084, the bracket should read as set forth above.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-57]

MISCELLANEOUS AMENDMENTS

The miscellaneous amendments in this document are intended to (1) show more clearly the intent and application of regulations; (2) revise procedural requirements to reflect current practices; (3) remove procedures no longer deemed necessary; (4) bring certain definitions up-to-date and in agreement with latest standards used in the maritime industry; and (5) make necessary editorial corrections.

The changes in 46 CFR 10.02-21, 10.15-21 and 187.05-1(g) provide for a distribution of only appropriate Coast Guard publications to persons desiring to secure licenses. The changes in 46 CFR 10.05-3(a)(8), 10.05-5(a)(9), 10.05-46(c), 10.25-7(e)(3), and 10.25-9(c) and (d) are to show more clearly the intent and application of such regulations, to delete references to administrative reports on examinations, or to control certain ratings no longer used. The changes in 46 CFR 72.05-10 (n) and (q) clarify the application of such regulations. The change in 46 CFR 73.45-1 removes an incorrect reference so that the regulations for passenger vessels will be consistent with the requirements in the International Convention for Safety of Life at Sea, 1948. Changes in 46 CFR Subpart 110.15 regarding definitions used with respect to Electrical Engineering brings them up-to-date, also deletes many number references to the American Standard Association's specification numbers because of changes in such numbers. The changes in 46 CFR 157.30-30 correct references to the "Act of April 25, 1940, as amended."

Because the amendments in this document are editorial in nature, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 7605), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

1. Section 10.02-21 is amended to read as follows:

§ 10.02-21 **Laws, general rules and regulations, and Rules of the Road to be furnished licensed officers.**

(a) Every master, mate, pilot, and engineer of vessels, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Laws Governing Marine Inspection" and a copy of each of the "Rules and Regulations for Vessel Inspection" distributed by the Coast Guard pertinent to the license issued.

(b) Every master, mate, and pilot of vessels and motorboat operator, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Rules of the Road" applicable to the waters for which his license has been issued.

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected vessels)

2. Section 10.05-3(a)(8) is amended to read as follows:

§ 10.05-3 **Master of ocean steam or motor vessels.**

(a) * * *

(8) 2 years' service as licensed master of ocean or coastwise steam or motor vessels, or as licensed ocean operator of inspected, mechanically propelled passenger-carrying vessels operating on limited ocean or coastwise routes, for a license as master of ocean steam or motor passenger vessels not to exceed 300 gross tons.

3. Section 10.05-5(a)(9) is amended to read as follows:

§ 10.05-5 **Master of coastwise steam or motor vessels.**

(a) * * *

(9) 1 year's service as licensed master of ocean or coastwise steam or motor vessels, or as licensed ocean operator of inspected, mechanically propelled passenger-carrying vessels operating on limited ocean or coastwise routes, for a license as master of coastwise steam or motor passenger vessels, not to exceed 300 gross tons and limited to the Atlantic, Gulf of Mexico or Pacific Coast of the United States, according to the documented qualifying experience of the applicant.

4. Section 10.05-46(c) is amended to read as follows:

§ 10.05-46 Radar observer.

(c) An applicant for a license who fails the "radar observer" examination but passes in every other subject will be considered as having failed the license examination, but he may at any time within 6 months of his failure be reexamined in the "radar observer" subject only; and, if he then passes, he may be granted a license.

Subpart 10.15—Licensing of Officers for Uninspected Vessels

5. Section 10.15-21 is amended to read as follows:

§ 10.15-21 Laws, general rules and regulations, and Rules of the Road to be furnished licensed officers.

(a) Every master, mate, or engineer, when receiving an original license, a renewed license, or a raise of grade of license, shall be furnished at his request with a copy of the "Laws Governing Marine Inspection" and a copy of the "Rules and Regulations for Vessel Inspection" distributed by the Coast Guard pertinent to the license issued.

(b) In addition, every master and mate shall be furnished at his request with a copy of the "Rules of the Road" applicable to the waters for which his license has been issued.

Subpart 10.25—Registration of Staff Officers

6. Section 10.25-7(e) (3) is amended to read as follows:

§ 10.25-7 General requirements.

(3) No temporary permit shall be issued in a case where the Commandant's review is pending.

7. Paragraphs (c) and (d) of § 10.25-9 are amended to read as follows:

§ 10.25-9 Experience requirements.

(c) In computing the length of service required of an applicant, service of 1 season on vessels on the Great Lakes shall be counted as service of 1 year.

(d) In the event an applicant presents other special qualifications which, in the opinion of the Officer in Charge, Marine Inspection, fit him for the duties of a staff officer, other than surgeon, the Officer in Charge, Marine Inspection, shall forward full details and description of such qualifications to Coast Guard Headquarters for the decision of the Commandant prior to the registry and issuance of certificate of registry.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438-4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, secs. 2, 3, 68 Stat. 484, 675, sec. 3, 70 Stat. 152; 46 U.S.C.

391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1338, 239b, 50 U.S.C. 198, 46 U.S.C. 390b)

SUBCHAPTER H—PASSENGER VESSELS

PART 72—CONSTRUCTION AND ARRANGEMENT

Subpart 72.05—Structural Fire Protection

Paragraphs (n) and (q) of § 72.05-10 are amended to read as follows:

§ 72.05-10 Type, location, and construction of fire control bulkheads and decks.

(n) Decks within accommodation spaces and inside safety areas may have an overlay for leveling or finishing purposes which need not meet the requirements for an approved deck covering. Such an overlay will not be considered as giving any insulating value and may not in general exceed $\frac{3}{8}$ of an inch in thickness. Greater thicknesses may be specifically approved by the Commandant for specific locations.

(q) Decks in washrooms and toilet spaces, service, cargo, and machinery spaces, open decks, exterior safety areas, and enclosed promenades may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, 4418, 4426, 4488, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 73—WATERTIGHT SUBDIVISION

Subpart 73.45—Openings Above the Bulkhead Deck

Section 73.45-1(a) is amended to read as follows:

§ 73.45-1 General.

(a) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. The bulkhead deck, or superstructure enclosing any portion thereof, shall be effectively weathertight and adequate freeing arrangements shall be provided.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

SUBCHAPTER J—ELECTRICAL ENGINEERING
PART 110—GENERAL PROVISIONS

Subpart 110.15—Definition of Terms Used in This Subchapter

1. Section 110.15-15(a) (1) is amended to read as follows:

§ 110.15-15 Cable terms.

(a) *Cable*. (1) A cable is either a stranded conductor with or without insulation and other coverings (single conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

2. Section 110.15-35 is amended to read as follows:

§ 110.15-35 Control equipment terms.

(a) *Electric controllers*. An electric controller is a device, or group of devices, which serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(b) *Basic functions*. The basic functions of a controller are the functions of those of its elements which govern the application of electric power to the connected apparatus.

(c) *Manual controller*. A manual controller is an electric controller having all of its basic functions performed by devices which are operated by hand.

(d) *Full magnetic controller*. A full magnetic controller is an electric controller having all of its basic functions performed by devices which are operated by electromagnets.

(e) *Contactors*. A contactor is a device for repeatedly establishing and interrupting an electric power circuit.

(f) *Starter*. A starter is an electric controller for accelerating a motor from rest to normal speed, and to stop the motor.

(g) *Automatic starter*. An automatic starter is a starter in which the influence directing its performance is automatic.

(h) *Autotransformer starter*. An autotransformer starter is a starter which includes an autotransformer to furnish reduced voltage for starting of an alternating current motor. It includes the necessary switching mechanism, and it is frequently called a compensator or autostarter.

(i) *Overload protection (overcurrent protection)*. Overload protection is the effect of a device operative on excessive current, but not necessarily on short circuit, to cause and maintain the interruption of current flow to the device governed.

(j) *Overload relay*. An overload relay is an overcurrent relay which functions at a predetermined value of overcurrent to cause disconnection of the load from the power supply.

NOTE: An overload relay is intended to protect the load (for example, motor armature) or its controller, and does not necessarily protect itself.

(k) *Normally open and normally closed*. The terms "Normally Open" and "Normally Closed" when applied to a

magnetically operated switching device, such as a contactor or relay, or to the contacts thereof, signify the position taken when the operating magnet is de-energized. These terms apply only to nonlatching types of devices.

(l) *Temperature compensated overload relay.* A temperature compensated overload relay is an overload relay which functions at any current in excess of a predetermined value essentially independent of ambient temperature.

3. Paragraphs (b) and (c) of § 110.15-50 are amended to read as follows:

§ 110.15-50 Electrochemistry.

(b) *Dry cell.* A dry cell is a cell in which the electrolyte is immobilized.

(c) *Primary cell.* A primary cell is a cell which produces electric current by electrochemical reactions without regard to the reversibility of those reactions. (Some primary cells are reversible to a limited extent.)

4. Paragraphs (a) and (g) of § 110.15-65 are amended to read as follows:

§ 110.15-65 Equipment enclosure terms.

(a) *Enclosed (inclosed).* Enclosed means surrounded by a case which will prevent a person from accidentally contacting live parts.

(g) *Totally enclosed equipment.* Totally enclosed means so enclosed as to prevent circulation of air between the inside and the outside of the case, but not necessarily sufficiently to be termed airtight.

5. Section 110.15-85 is amended to read as follows:

§ 110.15-85 Generation and distribution terms.

(a) *Connected load.* The connected load is the sum of the continuous ratings of the load consuming apparatus connected to the system or any part thereof.

(b) *Load factor.* Load factor is the ratio of the average load over a designated period of time to the connected load.

(c) *Peak load.* Peak load is the maximum load consumed or produced by a unit or group of units in a stated period of time. It may be the maximum instantaneous load or the maximum average load over a designated interval of time.

NOTE: Maximum average load is ordinarily used. In commercial transactions involving peak load (peak power) it is taken as the average load (power) during a time interval of specified duration occurring within a given period of time, that time interval being selected during which the average power is greatest.

(d) *Ground (earth).* A ground is a conducting connection, whether intentional or accidental, by which an electric circuit or equipment is connected to the earth, or to some conducting body, of relatively large extent, which serves in place of the earth. It is used for establishing and maintaining the potential of the earth (or of the conducting body) or approximately that potential, on con-

ductors connected to it, and for conducting ground current to and from the earth (or the conducting body).

NOTE: On shipboard the "ground" or "earth" is the metal hull and all conductive parts connected thereto.

(e) *Grounded (earthed).* Grounded means that the system, circuit, or apparatus referred to is produced with a ground.

(f) *Ground-return circuit (earth-return circuit).* A ground-return circuit in which the earth is utilized to complete the circuit.

(g) *Ground current.* Ground current is current flowing in the earth or in a grounding connection.

(h) *Voltage to ground.* The voltage to ground is the voltage between any live conductor of a circuit and the earth.

NOTE: Where safety considerations are involved, the voltage to ground which may occur in an ungrounded circuit is usually the highest voltage normally existing between the conductors of the circuit, but in special circumstances higher voltages may occur.

(i) *Ground indication.* A ground indication is an indication of the presence of a ground on one or more of the normally ungrounded conductors of a system.

(j) *Circuit.* A circuit is a conducting part or a system of conducting parts through which an electric current is intended to flow.

(k) *Feeder (in interior wiring).* A feeder is a set of conductors originating at a main distribution center, and supplying one or more secondary distribution centers, one or more branch-circuit distribution centers, or any combination of these two types of equipment.

(l) *Lighting feeder.* A lighting feeder is a feeder supplying principally a lighting load.

(m) *Power feeder.* A power feeder is a feeder supplying principally a power or heating load.

(n) *Branch circuit.* A branch circuit is that portion of a wiring system extending beyond the final overcurrent device protecting the circuit.

(o) *Motor branch circuit.* A motor branch circuit is a branch circuit supplying energy only to one or more motors and associated motor controllers.

(p) *Lighting branch circuit.* A lighting branch circuit is a circuit supplying energy to lighting outlets only. (Lighting branch circuits also may supply portable desk or bracket fans, small heating appliances, motors of ¼ hp and less, and other portable apparatus of not over 660 watts each.)

(q) *Appliance branch circuit.* An appliance branch circuit is a circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently-connected lighting fixtures not a part of an appliance.

(r) *Outlet.* An outlet is a point on the wiring system at which current is taken to supply fixtures, lamps, heaters, motors, or current-consuming equipment generally.

NOTE: The use of the term outlet for a point in the wiring system where a switch

is located is deprecated, unless qualified to make the meaning clear.

(s) *Lighting outlet.* A lighting outlet is an outlet intended for the direct connection of a lampholder, a lighting fixture or a pendant cord terminating in a lampholder.

(t) *Receptacle outlet.* A receptacle outlet is an outlet intended to be equipped with one or more receptacles, not of the screw-shell type, or to be provided with one or more points of attachment within one foot intended to receive attachment-plug caps.

(u) *Plug (plug adaptor).* An attachment plug is a device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(v) *Appliance.* An appliance is a current-consuming equipment, fixed or portable, such as heating or motor-operated equipment.

(w) *Portable appliance.* A portable appliance is an appliance, fixed or portable, served by means of a flexible extension cord and/or attachment plug.

(x) *Accessible (as applied to wiring methods).* Accessible means not permanently closed in by the structure or finish of the ship; capable of being removed without disturbing the ship structure or finish.

(y) *Accessible (as applied to equipment).* Accessible means admitting close approach because not guarded by locked doors, elevation or other effective means.

6. Section 110.15-100 is amended to read as follows:

§ 110.15-100 Instrument and meter terms.

(a) *Instrument.* An instrument is a device for measuring the value of the quantity under observation. An instrument may be an indicating instrument or a recording instrument. The term "instrument" is used in two different senses: (1) Instrument proper consisting of the mechanism and the parts built into the case or made a corporate part thereof, and (2) the instrument proper together with any necessary auxiliary devices, such as shunt, shunt leads, resistors, reactors, capacitors or instrument transformers. The term "meter" is also used in a general sense to designate any type of measuring device, including all types of electric measuring instruments. Such use as a suffix or as part of a compound word (e.g., voltmeter, frequency meter) is universally accepted. Meter may be used alone with this wider meaning when the context is such as to prevent confusion with the narrower meaning of electricity meter.

(b) *Indicating instrument.* An indicating instrument is an instrument in which only the present value of the quantity measured is visually indicated.

(c) *Ammeter.* An ammeter is an instrument for measuring the magnitude of an electric current. It is provided with a scale, usually graduated in either amperes, milliamperes, microamperes or kiloamperes. If the scale is graduated in

milliamperes, microamperes or kiloamperes, the instrument is usually designated as a milliammeter, a microammeter or a kilowattmeter.

(d) *Frequency meter.* A frequency meter is an instrument for measuring the frequency of an alternating current.

(e) *Power-factor meter.* A power-factor meter is a direct-reading instrument for measuring power factor. It is provided with a scale graduated in power factor.

(f) *Voltmeter.* A voltmeter is an instrument for measuring the magnitude of electric potential difference. It is provided with a scale, usually graduated in either volts, millivolts, or kilovolts. If the scale is graduated in millivolts or kilovolts the instrument is usually designated as a millivoltmeter or a kilovoltmeter.

(g) *Wattmeter.* A wattmeter is an instrument for measuring the magnitude of the active power in an electric circuit. It is provided with a scale usually graduated in either watts, kilowatts, or megawatts. If the scale is graduated in kilowatts or megawatts, the instrument is usually designated as a kilowattmeter or megawattmeter.

(h) *Instrument shunt.* An instrument shunt is a particular type of resistor designed to be connected in parallel with a circuit of an instrument to extend its current range. The shunt may be internal or external to the instrument proper.

7. Section 110.15-160 is amended to read as follows:

§ 110.15-160 **Qualified person.**

(a) A qualified person is one who by his special knowledge, ability, and experience is able to competently and safely perform the required functions and duties.

8. Paragraphs (a) through (i) of § 110.15-175 are amended to read as follows:

§ 110.15-175 **Rotating machinery; enclosure, ventilation and protection terms.**

(a) *Self-ventilated machine.* A self-ventilated machine is one which has its ventilating air circulated by means integral with the machine.

(b) *Separately ventilated machine.* A separately ventilated machine is one which has its ventilating air supplied by an independent fan or blower external to the machine.

(c) *Enclosed self-ventilated machine.* An enclosed self-ventilated machine is a machine having openings for the admission and discharge of the ventilating air, which is circulated by means integral with the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet ducts or pipes may be connected to them.

NOTE: Such ducts or pipes, if used, must have ample section and be so arranged as to furnish the specified volume of air to the machine, otherwise the ventilation will not be sufficient.

(d) *Enclosed separately ventilated machine.* An enclosed separately ventilated machine is a machine having open-

ings for the admission and discharge of the ventilating air, which is circulated by means external to and not a part of the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet duct pipes may be connected to them.

(e) *Open machine.* An open machine is one having ventilating openings which permit passage of external cooling air over and around the windings.

(f) *Totally enclosed machine.* A totally enclosed machine is one so enclosed as to prevent exchange of air between the inside and the outside of the case, but not sufficiently enclosed to be called airtight.

(g) *Totally enclosed fan-cooled machine.* A totally enclosed fan-cooled machine is a totally enclosed machine equipped for exterior cooling by means of a fan or fans, integral with the machine but external to the enclosing parts.

(h) *Protected machine.* A protected machine is an open machine in which all openings giving direct access to live or rotating parts (except smooth shafts) are limited in size by the design of the structural parts, or by screens, grilles, expanded metal, etc., to prevent accidental contact with such parts. Such openings are of such size as not to permit the passage of a cylindrical rod $\frac{1}{2}$ inch in diameter, except where the distance from the guard to the live or rotating parts is more than 4 inches they are of such size as not to permit the passage of a cylindrical rod $\frac{3}{4}$ inch in diameter.

(i) *Drip-proof machine.* A drip-proof machine is one in which the ventilating openings are so constructed that drops of liquid or solid particles falling on the machine at any angle not greater than 15 degrees from the vertical, cannot enter the machine either directly or by striking and running along a horizontal or inwardly inclined surface.

9. Section 110.15-185 is amended to read as follows:

§ 110.15-185 **Switching equipment.**

(a) *Switches*—(1) *Switch.* A switch is a device for making, breaking or changing the connections in an electric circuit.

(2) *Knife switch.* A knife switch is a form of air switch in which the moving element, usually a hinged blade, enters or embraces the contact clips. In some cases, however, the blade is not hinged and is removable.

(3) *Rated continuous current (of a switch or circuit breaker).* The rated continuous current of a switchgear device, or an assembly, is the maximum direct current, or rms current, in amperes at rated frequency which it will carry continuously without exceeding the limit of observable temperature rise.

(4) *Rated voltage (of a switch or circuit breaker).* The rated voltage of a device, or an assembly, is the voltage to which its operating and performance characteristics are referred.

(5) *General use switch.* A general use switch is a switch intended for use in general distribution and branch circuits. It is rated in amperes and is capable of interrupting the rated current at the rated voltage.

(6) *Isolating switch.* An isolating switch is a switch intended for isolating an electric circuit from the source of power. It has no interrupting rating and is intended to be operated only after the circuit has been opened by some other means.

(7) *Motor-circuit switch.* A motor-circuit switch is a switch intended for use in a motor branch circuit. It is rated in horsepower and is capable of interrupting the maximum operating overload current of a motor of the same rating at the rated voltage.

(8) *"T" rated switch.* A "T" rated switch is a switch intended to control tungsten-filament lamp loads.

(9) *Master switch.* A master switch is a switch which dominates the operation of contactors, relays, or other remotely operated devices.

(b) *Interrupting devices*—(1) *Circuit breaker.* A circuit breaker is a device for closing and interrupting a circuit between separable contacts under both normal and abnormal conditions.

NOTE: Ordinarily circuit breakers are required to operate relatively infrequently, although some classes of breakers are suitable for frequent operation.

NOTE: Normal indicates the interruption of currents not in excess of the rated continuous current of the circuit breaker. Abnormal indicates the interruption of currents in excess of such rated continuous current, such as short circuits.

(2) *Rated interrupting current (rated interrupting capacity).* The rated interrupting current of a circuit breaker is the highest current which the breaker is rated to interrupt at rated voltage and under specified operating duty. (As applied to breakers which allow the current to reach its maximum value, the rated interrupting current is the current at the start of the interrupting process. As applied to breakers which prevent the current from reaching its maximum value, the rated interrupting current is the highest available current of the circuit which the breaker is rated to interrupt).

(3) *Reverse-power tripping.* Reverse-power tripping signifies the tripping of a circuit breaker upon reversal of power in the main circuit.

NOTE: In direct-current practice the terms "reverse power" and "reverse current" are synonymous.

(4) *Undervoltage tripping.* Undervoltage tripping signifies the tripping of a circuit breaker by automatic means when the main circuit voltage decreases to a predetermined value.

(5) *Nonautomatic tripping.* Nonautomatic tripping signifies the tripping of a circuit interrupter only in response to an act of an operator.

(c) *Fuses*—(1) *Fuse.* A fuse is an overcurrent protective device with a circuit opening fusible member which is heated and severed by the passage of overcurrent through it.

(2) *Voltage rating.* The voltage rating of a fuse is the rms alternating or direct voltage for which it is designed.

(3) *Current rating.* The current rating of a fuse is the designated rms alternating, or direct current which it will carry continuously under stated conditions.

(d) *Relays*—(1) *Relay*. A relay is a device that is operative by a variation in the conditions of one electric circuit to effect the operation of other devices in the same or another electric circuit.

NOTE: Where relays operate in response to changes in more than one condition, all functions should be mentioned.

(2) *Current relay*. A current relay is one that functions at a predetermined value of current. It may be an overcurrent relay, an undercurrent relay, a combination of both.

(3) *Overload relay*. An overload relay is an overcurrent relay which functions at a predetermined value of overcurrent to cause disconnection of the load from the power supply.

NOTE: An overload relay is intended to protect the load (for example, motor armature) or its controller, and does not necessarily protect itself.

(4) *Voltage relay*. Voltage relay is one that functions at a predetermined value of voltage. (It may be an overvoltage relay, an undervoltage relay, or a combination of both).

(5) *Instantaneous*. Instantaneous is a qualifying term applied to a relay indicating that no delay is purposely introduced in its action.

(6) *Inverse time*. Inverse time is a qualifying term applied to a relay indicating that its time of operation decreases as the magnitude of the operating quantity increases.

(7) *Overcurrent protection (overload protection)*. Overcurrent protection operates to disconnect the protected equipment on excessive current.

(8) *Undervoltage protection (lowvoltage protection)*. Undervoltage or lowvoltage protection is the effect of a device operative on the reduction or failure of voltage to cause and maintain the interruption of power in the main circuit.

(9) *Undervoltage release (lowvoltage release)*. Undervoltage or lowvoltage release is the effect of a device operative on the reduction or failure of voltage to cause the interruption of power in the main circuit, but not to prevent the reestablishment of the main circuit on return of voltage.

(10) *Overspeed protection*. Overspeed protection operates to disconnect the protected equipment when the speed of rotation is in excess of a predetermined amount.

(e) *Regulators*—(1) *Regulator*. A regulator is a device which functions to maintain a designated characteristic at a predetermined value, or to vary it according to a predetermined plan.

(2) *Generator voltage regulator*. A generator voltage regulator is a regulator which functions to maintain the voltage of a synchronous generator, condenser, motor, or of a direct-current generator, at a predetermined value, or vary it according to a predetermined plan.

(f) *Switchgear assemblies*—(1) *Power switchboard*. A power switchboard is a type of switchboard including main circuit switching and interrupting devices, together with their interconnections.

(2) *Live-front switchboards*. A live-front switchboard is one having exposed live parts on the front.

(3) *Dead-front switchboard*. A dead-front switchboard is one having no exposed live parts on the front, which constitutes a grounded metal barrier between the operator and the apparatus.

(4) *Distribution switchboard*. A distribution switchboard is a power switchboard used for the distribution of electric energy at the voltages common for such distribution within a ship.

NOTE: Knife switches, air circuit breakers, and fuses are generally used for circuit interruption on distribution switchboards, and voltages seldom exceed 600. However, such switchboards often include switchboard equipment for a high tension incoming supply circuit and a stepdown transformer.

(5) *Automatic transfer equipment*. An automatic transfer equipment is one which automatically transfers a load so that a source of power may be selected from two or more incoming lines.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER P—MANNING OF VESSELS

PART 157—MANNING REQUIREMENTS

Subpart 157.30—Special Provisions

§ 157.30-30 [Amendment]

Section 157.30-30 is amended in the headnote by changing the phrase "Motorboat Act of 1940, as amended" to "Act of April 25, 1940, as amended" and in paragraphs (a), (b) and (c) by changing the phrase "Motorboat Act of April 25, 1940" to "Act of April 25, 1940."

(R.S. 4426, as amended, secs. 7, 17, 54 Stat. 165, 168, as amended; 46 U.S.C. 404, 526f, 526p)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 187—LICENSING

Subpart 187.05—General Requirements

Section 187.05-1 is amended by adding a paragraph (g) at the end thereof, reading as follows:

§ 187.05-1 Issuance of licenses.

(g) Every person, when receiving a license as "Operator" or "Ocean Operator" of small passenger-carrying vessels, at his request shall be furnished with a copy of the publication "Rules and Regulations for Small Passenger Vessels," and a copy of the "Rules of the Road" applicable to the waters for which the license is issued.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Amendment of prior document. Coast Guard Federal Register document CGFR 59-27 and Federal Register document 59-5969, dated July 14, 1959, and published in the FEDERAL REGISTER of July 21, 1959 (24 F.R. 5798-5801) is amended by canceling paragraph 1 with respect to an amendment to 46 CFR 70.10-27 (24 F.R. 5800), which section had been canceled previously.

Dated: December 30, 1959.

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

[F.R. Doc. 60-162; Filed, Jan. 7, 1960; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A19]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to

proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on November 5, 1959, pursuant to notice thereof which was issued October 27, 1959 (24 F.R. 8905).

The material issues on the record of the hearing relate to:

1. Need for emergency suspension of a portion of the supply-demand adjustment to the Class I price.
2. Revision of the supply-demand adjustment to the Class I price.

3. Standards for qualifying a supply plant as a pool plant.

With respect to issue number one, an order was issued on November 12, 1959, by the Acting Secretary, suspending one step in the cumulative rate of the supply-demand adjustment (§ 913.51(a)(3)(iii)) for an indefinite period (24 F.R. 9303).

Findings and conclusions. The following findings and conclusions, on material issues number 2 and 3, are based on evidence presented at the hearing and the record thereof:

2. *Supply-demand adjustment.* It is evident from the data of record that considerable changes are taking place in the seasonal pattern of production in the market. These production changes have also resulted in a shift in the seasonality of the utilization percentages. The ratio of supplies to sales has been decreasing in the early months of the year relative to the fall and early winter months.

This continuous shift in the seasonality of production and utilization appears to be one of the most troublesome problems in connection with the present supply-demand adjustment. In order that the supply-demand adjustment to the Class I price reflect as soon as possible the recent seasonal pattern of utilization, the standard utilization percentages should be continuously adjusted to reflect the most recent two years of seasonality in the market rather than being specifically set forth in the order. To do this, the utilization percentages (ratio of supplies to sales) of the 2d and 3d month preceding the pricing month and of the same periods one and two years earlier should be averaged and compared to the utilization percentage of the two-year period beginning with the 26th preceding month and ending with the 3d preceding month. This will provide a comparison of the average two-month utilization at approximately the beginning, center and end of a two-year period with that of the two-year period. The average of the three 2-month utilization percentages divided by the average ratio of producer receipts to Class I sales during the two-year period shall be known as the seasonal ratio.

A further adjustment in the seasonal ratio should be provided whenever the sum of the most recent seasonal ratio and the preceding 11 seasonal ratios departs from 12. The adjusted seasonal ratio thus obtained is multiplied by the annual average ratio of 134.4, and 4 percentage points are then added to and subtracted from the result to achieve approximately the same range of maximum and minimum standard utilization percentages now in the order.

It is believed that continuous adjustment of the seasonal standards to the same annual average of utilization as is in the present order will reflect producer responses to the base rating plan and other factors which influence seasonality of utilization in the market.

The rate of the supply-demand change in the Class I price per point of indicated oversupply or undersupply should not be changed. The present rate of adjustment is one-cent per point in the

first month there is an indication of oversupply or undersupply. It then cumulates for three months to the extent that indication of oversupply or undersupply persists.

In a market like Kansas City where output of milk is comparatively variable, it is appropriate that price action be limited at first but be substantial if a change in utilization persists. Also, it is believed that the incorporation of an automatic correction for changes in seasonality will accomplish at least part of the objective which prompted the proposal to reduce the rate of adjustment.

A third proposed revision of the supply-demand adjustment would include in the current utilization percentages the sales made by partially regulated handlers within the Greater Kansas City marketing area. At present, neither these sales nor the regular supply associated with them are included in either the standard or current utilization percentages. The supply-demand data include only the gross Class I use by pooled handlers and the receipts of producer milk. This comparison reveals the extent to which the receipts from the producers regularly associated with the market by delivery to pool plants are adequate to supply the Class I sales made from such plants.

The Class I sales made in the market by the operators of nonpool plants do not represent a regular demand for producer milk. The unregulated handlers may, in practice, purchase some of their supplementary supplies of producer milk from the Kansas City market. To the extent that such sales are allocated to Class I under the Kansas City order, they would be reflected in the current utilization percentages.

It is concluded that the in-area sales by operators of nonpool plants should not be included in the computation of the current utilization percentages of the supply-demand adjustment. They do not constitute part of the regular demand for producer milk, such quantities of producer milk as are supplied to nonpool handlers and are allocated to Class I are already properly included in the supply-demand computation, and no proposal was made for changing the standard utilization percentages in line with the proposed change in the current utilization percentages.

A change in the time at which the supply-demand adjustment for a given month is announced was considered at the hearing. This, in turn, depends on the months used in computing the current utilization percentage. At present the adjustment for any given month (e.g. December) is based on receipts and sales for the first and second preceding months (October and November). The data for the first preceding month (November), are not available until near the middle of the pricing month, following the submission of reports and computation of a uniform price. More timely announcement of this important variable in the Class I price would enable both producers and handlers to plan their responses. It is concluded that the adjustment for any given month (e.g. December) should be based on supply-sales relationships dur-

ing the second and third preceding months (September and October). Corresponding changes should be made in the computation of the standard utilization percentages.

3. *Pool plants.* A plant which qualifies as a pool plant by being operated as a cooperative association standby facility for the months of August and September 1959 and as a supply plant for the months of October, November, and December 1959 should remain qualified through July 1960 without meeting further performance requirements.

A proposal to accomplish this was submitted on behalf of a Grade A receiving facility at Valley Falls, Kansas, presently operated by the Sunflower-Tip Top Dairies, Inc., a cooperative association of producers. This plant has been associated with the Topeka and Greater Kansas City markets continuously since October 1956. (The orders were merged, effective October 1, 1957.) It was qualified as a supply plant by shipping the specified quantities of milk to distributing plants during the fall months of 1956. From July 1957 through September 1959, the plant was qualified as a cooperative standby plant under § 913.10(c). During this period the plant was operated, under a lease agreement, by a cooperative association representing most of the producers shipping to plants in the Topeka portion of the market.

The lease agreement was terminated effective October 1, 1959. Thereupon, Sunflower-Tip Top has resumed its former status as reporting handler and has qualified the plant as a supply pool plant for the month of October under § 913.10(b).

If the plant had been qualified as a supply pool plant in August and September and continued to qualify in each of the following months through December, it could remain qualified as a pool plant through July 1960 without further shipments to distributing plants. The Grade A dairymen supplying the plant would continue to participate in the market-wide pool.

In view of the long period of continuous association with the market by this plant and this group of producers and the demonstrated ability of the handler to readjust the operation during October, it is concluded that the facility and producers should remain pooled during January through July 1960, if it continues to qualify as a pool plant in November and December 1959.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the

findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 913.10 [Amendment]

1. In § 913.10 redesignate paragraph "(d)" as "(e)." and insert a new paragraph (d) to read as follows:

(d) Which qualified as a pool plant under paragraph (c) of this section for August and September and qualified under paragraph (b) of this section for October, November and December 1959. Such an approved plant shall be a pool plant for each of the following months of January through July 1960.

2. Revise § 913.51 to read as follows:
§ 913.51 Class prices.

Subject to the provisions of § 913.52 and 913.53, and rounded to the nearest one-tenth of a cent, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus \$1.15 during each of the delivery periods of April, May, June and July, and plus \$1.45 during all other delivery

periods plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Calculate as a utilization percentage the percentage that total receipts of milk from producers by all handlers was of the total gross volume of Class I milk at pool plants (excluding inter-handler transfers) in each of the following periods:

(i) The two-year period ending with the third preceding month;

(ii) The two-month period ending with the second preceding month and the same period of each of the two preceding years;

(2) Average the utilization percentages of the three two-month periods, divide by the utilization percentage of the two-year period. The result shall be known as the seasonal ratio.

(3) Add the seasonal ratio computed pursuant to subparagraph (2) of this paragraph together with the seasonal ratios computed for each of the eleven months immediately preceding. Divide 12 by the sum of the seasonal ratios to obtain a factor of adjustment.

(4) Multiply the seasonal ratio for the current month computed pursuant to subparagraph (2) of this paragraph by the adjustment factor computed pursuant to subparagraph (3) of this paragraph and multiply by 134.4.

(5) Add to and subtract from the resultant percentage computed in subparagraph (4) of this paragraph 4 percentage points. The resulting percentages shall be known as the "maximum and minimum standard utilization percentages".

(6) Divide the total receipts of milk from producers in the second and third months preceding by the total gross volume of Class I milk at pool plants (excluding inter-handler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(7) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage nor greater than the maximum standard utilization percentage as computed in subparagraph (5) of this paragraph, the net deviation percentage is zero.

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage is a "plus net deviation percentage".

(8) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of op-

posite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (7) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (7) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (7) of this paragraph for the second preceding month.

Issued at Washington, D.C., this 5th day of January 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-181; Filed, Jan. 7, 1960;
8:48 a.m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO16-A6]

**HANDLING OF ANTI-HOG-CHOLERA
SERUM AND HOG-CHOLERA
VIRUS**

**Notice of Extension of Time for Filing
Briefs, Proposed Findings and Con-
clusions**

Pursuant to the provisions of the Anti-hog-cholera serum and Hog-cholera virus Marketing Agreement Act (7 U.S.C. 851 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (9 CFR Part 132), notice is hereby given that the time for filing briefs, proposed findings and conclusions based upon the evidence received at the hearing on proposed amendments to the Marketing Agreement and Order, as amended, held at Kansas City, Missouri on July 24, 1956 (21 F.R. 4520), Chicago, Illinois on July 21, 1958 (23 F.R. 4432), and December 1, 1958 (23 F.R. 7587), is hereby extended to January 23, 1960.

Done at Washington, D.C., this 5th day of January 1960.

L. C. HEEMSTRA,
*Director, Animal Inspection
and Quarantine Division.*

[F.R. Doc. 60-182; Filed, Jan. 7, 1960;
8:48 a.m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[17 CFR Part 230]

CONVERTIBLE SECURITIES

**Extension of Time for Submitting
Comments**

The Securities and Exchange Commission today announced an extension of

time, from January 15, 1960 to February 15, 1960, within which comments on proposed § 230.155 (Rule 155) under the Securities Act of 1933 may be submitted. The purpose of the proposed rule is to make clear that a public offering of convertible securities which, at the time are immediately convertible into another security of the same issuer, by persons

who purchased the convertible securities from the issuer in a private placement, or a public offering of the securities received by such persons in the conversion, may be subject to the registration provisions of the Securities Act.

The extension was granted at the request of persons who stated that additional time was needed to study the

proposed rule and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

DECEMBER 23, 1959.

[F.R. Doc. 60-156; Filed, Jan. 7, 1960;
8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[83562]

ALABAMA

Notice of Filing of Plats of Survey

JANUARY 4, 1960.

Plats of Survey of the lands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on February 15, 1960.

HUNTSVILLE MERIDIAN

T. 9 S., R. 11 E. (Islands),
Sec. 31, Lot 1, 11.97 acres;
Sec. 32, Lot 1, 1.82 acres.
T. 10 S., R. 8 E.,
Sec. 32, Lot 1, 0.24 acres;
Sec. 33, Lot 1, 1.36 acres.
T. 10 S., R. 9 E.,
Sec. 28, Lot 1, 2.30 acres.
T. 10 S., R. 10 E.,
Sec. 16, Lot 1, 2.32 acres.

The surveys represented by the plats were made to meet certain administrative needs in connection with a proposed withdrawal of the islands for power purposes, BLM 043309.

On May 21, 1908, by Order of the Commissioner, General Land Office (now Director, Bureau of Land Management), at the request of the Secretary of War, all public lands in the subdivisions or fractional tracts of the townships in Alabama bordering upon the Coosa River and all such lands embraced in islands situated in the river in the townships, were temporarily withdrawn from all forms of disposition, until otherwise directed, for the improvement of the navigation of the river.

The island identified as Lot 1, Sec. 28, T. 10 S., R. 9 E., is of clay loam formation and reaches approximately 10 feet above the river water at its highest point; most of the island is from 4 to 6 feet above the water level. The timber growth is maple, willow, birch and boxelder, ranging in size from 4 to 20 inches in diameter. There are no improvements on the island. The island is subject to flooding during the annual spring high waters. This island is considered to be over 50% swamp and overflow, within the interpretation of the Swamp Land Grant Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519). For purposes of Swamp Land Selection by the State of Alabama,

this island is not affected by the withdrawal of May 21, 1908.

Upon the effective date hereof, the lands recited herein, will be subject to the filing of applications based upon prior, valid, existing and maintained settlement rights; preference rights conferred by existing law; and equitable claims subject to allowance and confirmation. Except as to Lot 1, Sec. 28, T. 10 S., R. 9 E., which is subject to selection by the State of Alabama, under the Swamp Land Grant Act of September 28, 1850, the lands will not be subject to application, petition, location, selection, or to any other appropriation under any other public land law, including the mining and mineral leasing laws, unless and until a further order is issued by a duly authorized official of the Bureau of Land Management.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-155; Filed, Jan. 7, 1960;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13334; FCC 60 M-13]

BAKERSFIELD BROADCASTING CO. (KBAK-TV)

Order Scheduling Hearing

In re application of Bakersfield Broadcasting Company (KBAK-TV), Bakersfield, California, Docket No. 13334, File No. BPCT-2699; for construction permit to change existing facilities.

It is ordered, This 4th day of January 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 10, 1960, in Washington, D.C.

Released: January 5, 1960.

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

[F.R. Doc. 60-173; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket Nos. 12955, 12956; FCC 59M-1790]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Continuing Hearing

In re applications of W. K. Ulerich, Milton J. Bergstain and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corporation, State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

The Hearing Examiner having under consideration the petition for continuance of hearing filed in the above-entitled proceeding on December 28, 1959, by Centre Broadcasters, Inc., requesting continuance of the date for commencement of hearing from January 4, 1960 to January 20, 1960;

It appearing that all parties have consented to immediate consideration and grant of the said petition and good cause for a grant thereof is shown in that additional time is required to dispose of certain pending interlocutory pleadings;

It is ordered, This 30th day of December 1959 that the said petition is granted and the hearing presently scheduled to commence on January 4, 1960, is continued to January 20, 1960;

It is further ordered, That the initial session of the hearing shall be restricted to the offering into evidence of the direct testimony previously exchanged among the parties.

Released: December 31, 1959.

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

[F.R. Doc. 60-174; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket No. 13288; FCC 59M-1792]

EVANSTON CAB CO.

Order Continuing Hearing Conference

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

Upon motion filed December 31, 1959, by the Chief, Safety and Special Radio

Services Bureau, and with the concurrence of applicant Evanston Cab Company: *It is ordered*, This 31st day of December 1959, that the prehearing conference heretofore scheduled for January 6, 1960, in the above-captioned proceeding is postponed to a date to be set by subsequent order, pending Commission action on the petition submitted on December 29, 1959, by Radio Flash Corporation and Chicagoland Radio Taxicab Operators Association to designate for hearing in a consolidated proceeding (with the above-captioned application) the application of Evanston Cab Company filed on December 18, 1959 (File No. 2227-LX-60), or to dismiss the last mentioned application.

Released: January 4, 1960.

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

[F.R. Doc. 60-175; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket Nos. 13197, 13198; FCC 60M-3]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Continuing Hearing

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH-2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH-2695; for construction permits.

On the oral request of counsel for applicant International Good Music, Inc., and without objection by counsel for the other parties: *It is ordered*, This 4th day of January 1960, that:

(1) The hearing previously scheduled for January 28, 1960, is further continued to Tuesday, February 23, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

(2) The date for exchanging written cases is further extended from January 7 to January 28, 1960.

(3) The date for notice of the witnesses desired for cross-examination is further extended from January 21 to February 11, 1960.

Released: January 4, 1960.

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

[F.R. Doc. 60-176; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket No. 13297; FCC 60M-4]

HIAWATHALAND BROADCASTING CO. (WSOO)

Order Continuing Hearing Conference

In re application of Hiawathaland Broadcasting Company (WSOO), Sault Ste. Marie, Michigan, Docket No. 13297, File No. BP-12230; for construction permit for standard broadcast station.

On the oral request of counsel for Straits Broadcasting Company, licensee of Station WCBY, Cheboygan, Michigan, the respondent in this proceeding, and with the verbal consent of counsel for the other parties to this proceeding: *It is ordered*, That the prehearing conference scheduled by order of the Hearing Examiner released December 22, 1959, for 2:00 p.m., Thursday, January 7, 1960, is postponed to Wednesday, January 20, 1960, at 2:00 p.m., at the offices of the Commission, Washington, D.C.

Dated: January 4, 1960.

Released: January 4, 1960.

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

[F.R. Doc. 60-177; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket No. 12894; FCC 60M-2]

HIGH FIDELITY STATIONS, INC. (KPAP)

Order Continuing Hearing

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115; for construction permit for standard broadcast station.

The Hearing Examiner having under consideration a petition filed December 24, 1959, on behalf of High Fidelity Stations, Inc., requesting that the hearing now scheduled for January 7, 1960, be continued for 90 days; and

It appearing that no opposition to the petition has been filed and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 4th day of January 1960, that the petition for continuance is granted, and that the hearing now scheduled to be commenced on January 7, 1960, is continued to 10:00 a.m. on Wednesday, April 6, 1960.

Released: January 4, 1960.

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

[F.R. Doc. 60-178; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket Nos. 13298, 13299; FCC 60M-5]

WILLIAM P. LEDBETTER AND E. O. SMITH

Order Continuing Hearing Conference

In re applications of William P. Ledbetter, Tolleson, Arizona, Docket No. 13298, File No. BP-11951; E. O. Smith, Tolleson, Arizona, Docket No. 13299, File No. BP-13137; for construction permits.

On the oral request of counsel for applicant E. O. Smith and with the verbal consent of counsel for the other parties to this proceeding: *It is ordered*,

That the prehearing conference scheduled by order of the Hearing Examiner, release December 22, 1959, for 2:00 p.m., Friday, January 8, 1960, is postponed to 10:00 a.m., Tuesday, January 12, 1960, at the offices of the Commission, Washington, D.C.

Dated: January 4, 1960.

Released: January 4, 1960.

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

[F.R. Doc. 60-179; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket No. 9041, etc.; FCC 59M-1734]

CANNON SYSTEM, LTD. (KIEV) ET AL.

Order Following Pre-Hearing Conference

Correction

In F.R. Document 59-10986, appearing in the issue for Friday, December 25, 1959, at page 10720, the following material should be inserted immediately following the second paragraph:

January 4, 1960: Exchange of Exhibits;
January 25, 1960: Hearing.

CIVIL AERONAUTICS BOARD

[Docket 8960]

PACIFIC NORTHWEST-HAWAII RENEWAL CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding now assigned to be held on January 21, 1960, is postponed to February 10, 1960, 10:00 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 5, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-180; Filed, Jan. 7, 1960;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20579]

COLORADO-WYOMING GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Gas Tariff

DECEMBER 31, 1959.

On September 30, 1959, Colorado-Wyoming Gas Company (Colorado-Wyoming) tendered for filing with the Commission its proposed FPC Gas Tariff, First Revised Volume No. 1. Later, on December 22, 1959, substitute sheets for

[Docket No. G-20578]

COLUMBIAN FUEL CORP.**Order Providing for Hearing and Suspending Proposed Change in Rates**

DECEMBER 31, 1959.

Original Sheet Nos. 4, 5 and 6 to Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, were tendered for filing. The proposed tariff revisions, together with the substitute sheets, entail changes in Colorado-Wyoming's jurisdictional, resale rates to a contract demand form of rate schedule, together with required terms and conditions. These filings are intended to reflect changes in rate form proposed by Colorado-Wyoming's supplier, Colorado Interstate Gas Company, as modified to conform with the settlement agreement in the latter's rate proceeding, Docket No. G-13541, which have approved by separate order issued today. Since Colorado-Wyoming has requested an effective date coincidental with that of Colorado Interstate's related rate form filing, and since, by separate order also issued today, we have suspended Colorado Interstate's related rate proposal until June 1, 1960, we shall do the same with respect to Colorado-Wyoming's proposal in this proceeding.

The changes in rates and charges proposed by Colorado-Wyoming's proposed FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, 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 public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, and that said proposed Gas Tariff and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

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 on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part.

(B) Pending such hearing and decision thereon Colorado-Wyoming's FPC Gas Tariff, First Revised Volume No. 1, as substituted in part, is suspended and the use thereof deferred until June 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) 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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-149; Filed, Jan. 7, 1960; 8:45 a.m.]

On December 4, 1959, Columbian Fuel Corporation (Columbian) tendered for filing a renegotiated contract which proposed the supersession of five presently filed rate schedules for its jurisdictional sales of natural gas to Colorado Interstate Gas Company (Colorado Interstate) from the Hugoton Field, Grant, Haskell and Kearney Counties, Kansas. In the renegotiated contract, dated November 23, 1959 (designated Columbian Fuel Corporation's FPC Gas Rate Schedule No. 34), Columbian proposed an increased rate and charge, effective January 4, 1960, of 12 cents per Mcf at 14.65 psia to supersede its originally contracted rates contained in the following designated filings:

RS No. 5—8.0 cents per Mcf @ 14.65 psia until 8-11-63.

RS No. 11—8.0 cents per Mcf @ 14.65 psia until 7-31-64.

RS No. 12—8.0 cents per Mcf @ 14.65 psia until 3-14-62.

RS No. 13—10.0 cents per Mcf @ 14.65 psia until 2-14-67.

RS No. 14—9.0 cents per Mcf @ 14.65 psia until 12-18-62.

In addition to the specified rates of Columbian's FPC Gas Rate Schedules Nos. 5, 11, 12, 13 and 14, the contracts provided that the price shall not be less than 1 cent above the minimum price set for the Hugoton Field gas by the Kansas Corporation Commission.

The Kansas Corporation Commission, by its order issued December 3, 1953, set a minimum price of 11.0 cents per Mcf to take effect January 1, 1954 for sales of natural gas from the Hugoton Field. In compliance with such order, Colorado Interstate notified Columbian that it would pay the 12.0 cents per Mcf rate (1.0 cent above the 11.0 cents minimum); provided Columbian agreed, that in the event such order is invalidated, to refund the difference between the amounts paid by Colorado Interstate and the amounts that would have been legally payable to Columbian. Columbian accepted that agreement and the rate filed with the Commission as of June 7, 1954 was 12.0 cents per Mcf.

On January 20, 1958, the United States Supreme Court, in *Cities Service Gas Co. v. State Corporation Commission of Kansas*, 355 U.S. 391, vacated a judgment of the Supreme Court of Kansas thereby holding, in effect, that the State of Kansas cannot lawfully fix a minimum price at the wellhead to be charged for, or attributed to, natural gas where such gas is sold in interstate commerce for resale, either at the wellhead or after production and gathering.

In support of its FPC Gas Rate Schedule No. 34, Columbian stated: (1) that the parties desired to replace the old contracts with one consolidated contract

embracing more fully the modern operating procedures applicable to the operation involved and to provide a better working relationship between the parties; (2) that the new contract eliminates the stringent take-or-pay provisions of the old contracts and provides, in lieu thereof, a ratable take provision, and also eliminates the provision for price negotiation; and (3) that the proposed superseding contract was negotiated at arm's length and that the 12.0 cent per Mcf rate is just and reasonable.

In view of the decision of the Supreme Court in the *Cities Service* case, supra, and our rule making procedure concerned therewith in Docket No. R-168, it is considered that Columbian's FPC Gas Rate Schedule No. 34 should be suspended and the use thereof deferred for five months from January 4, 1960, the proposed effective date. Such suspension, however, is without prejudice to any action that we may take concerning the invalidated minimum price order of the Kansas Corporation Commission.

The increased rates and charges so proposed have 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 Columbian's FPC Gas Rate Schedule No. 34 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 rates and charges contained in Columbian's FPC Gas Rate Schedule No. 34.

(B) Pending such hearing and decision thereon, said rate schedule be and it is hereby suspended and the use thereof deferred until June 4, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) The rate schedule hereby suspended shall not 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.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-150; Filed, Jan. 7, 1960; 8:45 a.m.]

[Docket No. G-11024 etc.]

CONTINENTAL OIL CO. ET AL.**Notice Vacating Hearing and Fixing Prehearing Conference**

DECEMBER 30, 1959.

In the matters of Continental Oil Company, Docket No. G-11024; The Atlantic Refining Company, Docket No. G-11034; Tidewater Oil Company, Docket No. G-11049; Cities Service Production Company, Dockets Nos. G-11046, G-15330.

Upon consideration of the request filed December 23, 1959, by Applicants for postponement of the hearing now scheduled for January 12, 1960, and for a prehearing conference;

Notice is hereby given that the hearing now scheduled for January 12, 1960 is hereby vacated and that a prehearing conference is hereby fixed to be held at 10:00 a.m., January 11, 1960, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Said prehearing conference should be before Examiner Ewing G. Simpson, at which time the Presiding Examiner shall fix the above-designated matters for hearing on a date certain, but in no event later than March 15, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-151; Filed, Jan. 7, 1960;
8:45 a.m.]

[Docket Nos. G-20554, G-20559]

GENERAL CRUDE OIL CO. AND LAMAR HUNT TRUST ESTATE**Order for Hearing, Suspending Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Upon Filing of Motions To Assure Refund of Excess Charges¹**

DECEMBER 31, 1959.

On December 3, 1959, and December 7, 1959, General Crude Oil Company and Lamar Hunt Trust Estate, respectively, tendered for filing proposed changes in their presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. The Notices of Change, dated November 27, 1959, by General Crude Oil and undated in the case of Lamar Trust Estate reflect an increase of 1.4918 cents per Mcf from a rate of 5.5 cents to a rate of 6.9918 cents.² The increases are imposed upon the same purchaser in both filings, West Lake Natural Gasoline Company, in the producing area of Nolan County, Texas, and are designated Supplement No. 2 to General Crude Oil Company's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7. The effective date shall be January 22, 1960, as proposed, for both increases.

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so continued.

² In each filing the natural gas is produced at 14.65 psia.

West Lake processes the gas through its gasoline plant and sells the residue to El Paso Natural Gas Company. West Lake's contracts with General Crude Oil and Lamar Hunt Trust Estate provide that they will receive fifty percent of the amount received by West Lake for the residue gas sold. West Lake's proposed increased rate of 13.9836 cents per Mcf is suspended in Docket No. G-19156 until January 22, 1960. Fifty percent of West Lake's proposed rate, or 6.99 cents per Mcf is now sought by General Crude Oil and Lamar Hunt Trust Estate. Both of these producers submit an October 20, 1959 letter wherein West Lake agrees to pay fifty percent of the increased resale rate, subject to FPC approval, and each producer also cites the contract provisions allowing the higher rate.

The proposed changes tendered by Respondents have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the said proposed changes, and that Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed increased rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7.

(B) Pending hearing and decision thereon, Supplement No. 2 to General Crude Oil's FPC Gas Rate Schedule No. 8 and Supplement No. 2 to Lamar Hunt Trust Estate's FPC Gas Rate Schedule No. 7 are hereby suspended and the use thereof deferred until January 23, 1960, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, and classifications set forth in the aforementioned supplements to Respondents' FPC Gas Rate Schedule shall be effective as specified in Paragraph (B) above: *Provided, however,* That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and un-

dertaking described in paragraph (E) below.

(D) Respondents shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portions of the increased rates and charges found by the Commission in these proceedings not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Respondents until refunded, shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath, to the Commission quarterly, or monthly if Respondents so elect, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of _____ To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket Nos. G-20554 and G-20559 _____ hereby agrees and undertakes to comply with the terms and conditions of Paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

By _____

Attest:

Unless Respondents are advised to the contrary within 15 days after the date of filing such agreements and undertakings, their agreements and undertakings shall be deemed to have been accepted.

(F) If Respondents in conformity with the terms and conditions of this order, make such refunds as may be required by order of the Commission, their undertakings shall be discharged; otherwise they shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought

to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-152; Filed, Jan. 7, 1960;
8:45 a.m.]

[Docket No. G-20253]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

DECEMBER 30, 1959:

Take notice that on November 25, 1959, Hope Natural Gas Company (Hope) filed in Docket No. G-20253 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Kenna Compressor Station located in Jackson County, West Virginia.

Hope states that the volume of natural gas now being produced in the area has declined to approximately 300 Mcf per day which small volume can and will be handled by a small portable field compressor operated by the field producer, and that the operation and maintenance of the facilities above referred to as the Kenna Compressor Station is no longer economical. It has not been in operation since February 1959.

Construction of the Kenna Station was authorized by the Commission in Docket No. G-861 on April 16, 1947.

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 February 2, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of a concurrence in omission herein of the

intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-153; Filed, Jan. 7, 1960;
8:45 a.m.]

[Docket No. G-14577]

A. G. OLIPHANT

Order Accepting Superseding Rate Supplement for Filing and Terminating Proceeding

DECEMBER 31, 1959.

On January 29, 1958, A. G. Oliphant (Operator), et al. (Oliphant) tendered for filing a proposed change in rate, which was designated as Supplement No. 1 to Oliphant's FPC Gas Rate Schedule No. 1. The aforesaid change pertains to sales of natural gas to Consolidated Gas Utilities Corporation (Consolidated) and, by order issued herein on February 28, 1958, was suspended and the use thereof deferred until August 26, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. The proposed change has not been made effective subject to refund.

On December 2, 1959, Oliphant tendered for filing a proposed favored-nation increase in rate, which has been designated as Supplement No. 2 to Oliphant's FPC Gas Rate Schedule No. 1. By means of said supplement, Oliphant proposes to supersede the aforementioned Supplement No. 1 and to increase the rate for gas sold to Consolidated from 10.0 cents to 11.0 cents per Mcf, which is the same rate suspended herein.

In support of its proposed favored-nation increase, Oliphant states that the favored-nation provision is part of a written contract entered into between the parties as a result of bona fide, arm's length bargaining and that the price is not unreasonable considering the fact that a great majority of the gas sold in the same area has been sold at the proposed increased rate under identical conditions. Oliphant further states that it would be inequitable, unfair, and confiscatory for the Commission not to approve said increased rate after having permitted identical increases by other producers similarly situated.

Consistent with our action in not suspending comparable rates of other producers under similar circumstances, we are of the opinion that Oliphant's proposed increased rate in its aforesaid Supplement No. 2 should be allowed to become effective after the thirty days' statutory notice requirement has run. No one has intervened in this proceeding.

The Commission finds:

(1) Good cause exists to accept for filing Supplement No. 2 to Oliphant's FPC Gas Rate Schedule No. 1, which supersedes the aforementioned Supplement No. 1, and to permit Supplement No. 2 to become effective as of January 2, 1960.

(2) This proceeding should be terminated.

The Commission orders:

(A) Supplement No. 2 to Oliphant's FPC Gas Rate Schedule No. 1 is hereby accepted for filing and permitted to become effective as of January 2, 1960, superseding the aforementioned Supplement No. 1 to the said rate schedule.

(B) The proceeding in Docket No. G-14577 is hereby terminated.

(C) This order is without prejudice to any findings or orders which have been or may be made by the Commission with respect to this or any other proceedings now pending or hereinafter instituted by or against Oliphant or any other party or parties.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-154; Filed, Jan. 7, 1960;
8:45 a.m.]

[Docket No. G-17389]

EL PASO NATURAL GAS CO.

Notice of Reconvening of Hearing

DECEMBER 29, 1959.

Take notice that pursuant to the authority 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, the hearing previously convened and recessed on March 31, 1959 to a date to be set thereafter, will be reconvened on January 20, 1960, e.s.t., in a hearing room of the Federal Power Commission, 411 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of El Paso Natural Gas Company in the above-entitled proceedings: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding 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. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

Notice of application filed herein was published in the FEDERAL REGISTER on February 27, 1959 (24 F.R. 1489). The date for filing protests and petitions to intervene was March 19, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-171; Filed, Jan. 7, 1960;
8:47 a.m.]

[Docket No. E-6920]

PACIFIC POWER & LIGHT CO.

Notice of Application

JANUARY 4, 1960.

Take notice that on December 22, 1959, an application was filed with the Federal Power Commission pursuant to section

204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana, and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance, by Applicant, of unsecured promissory notes in the aggregate principal amount of not to exceed \$20,000,000 at any one time outstanding. The aforesaid unsecured promissory notes would be issued by Applicant pursuant to a Credit Agreement dated as of December 17, 1959 between Applicant and each of the following Banks:

Morgan Guaranty Trust Company of New York	86,400,000
The Chase Manhattan Bank	4,000,000
The First National City Bank of New York	4,000,000
Mellon National Bank and Trust Company	2,400,000
Continental Illinois National Bank and Trust Company of Chicago	1,600,000
The Hanover Bank	1,600,000
Total	20,000,000

According to the application, the Credit Agreement under which Applicant would have the right to borrow from, repay to and reborrow from the Banks, will be for the period commencing on the date of the Credit Agreement and ending on July 31, 1961, whichever shall be earlier, and bear interest at the rate per annum which shall be equivalent to the prime commercial loan rate of Morgan Guaranty Trust Company of New York prevailing from time to time; the Credit Agreement will further provide for the payment to the Banks of a commitment fee computed at the rate of one-fourth of 1 percent per annum on unborrowed balance. Applicant will have the right to surrender all or any part of the credit at any time. Applicant states that the purpose of the proposed issuance of promissory notes is to pay in part its estimated construction expenditures for 1960 and 1961.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 22d day of January, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-172; Filed, Jan. 7, 1960;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1274]

INCORPORATED INVESTORS

Notice of Filing of Application

DECEMBER 31, 1959.

Notice is hereby given that Incorporated Investors ("Incorporated"), a reg-

istered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of S.E.C. Corporation ("SEC").

Shares of Incorporated, a Massachusetts corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of November 30, 1959, the net assets of Incorporated amounted to \$324,359,462 and 33,082,587 of its shares were outstanding.

SEC, a Delaware corporation, is a personal holding company with nine stockholders which engages in the business of investing and reinvesting its funds. SEC is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Incorporated and SEC, substantially all of the cash and securities owned by SEC, with a total value of approximately \$975,148 as of December 8, 1959, will be transferred to Incorporated in exchange for shares of stock of Incorporated. The application states that the portfolio securities of SEC to be acquired by Incorporated meet its investment objectives, and that, subject to its right to dispose of such securities in the event of unforeseen changes, Incorporated intends to retain these securities as investments.

The shares of Incorporated acquired by SEC are to be distributed immediately to its shareholders, who, with the exception of the holder of about 15 percent of SEC's shares, intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Incorporated to be delivered to SEC will be determined by dividing the net asset value per share of Incorporated in effect at the close of business on the day preceding the closing date into the value of the SEC assets to be exchanged.

The value of the assets of SEC will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Incorporated's shares. No adjustment will be made on the value of the SEC assets on account of differences in unrealized appreciation of the portfolio securities of SEC and Incorporated in view of the substantially greater percentage of unrealized appreciation of the portfolio securities of Incorporated, amounting to 43 percent at November 30, 1959, compared with the percentage of unrealized appreciation of the portfolio securities of SEC, amounting to 17 percent at December 8, 1959.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between officers of Incorporated and SEC. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Incorporated and the Parker Corporation (Incorporated's investment adviser) and the officers and directors of SEC.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Incorporated are to be issued to SEC at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of \$500,000 and over.

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

Notice is further given that any interested person may, not later than January 14, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues 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 should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-157; Filed, Jan. 7, 1960;
8:46 a.m.]

[File No. 70-3841]

KENTUCKY POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

DECEMBER 31, 1959.

Notice is hereby given that Kentucky Power Company ("Kentucky"), a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

By Order dated December 23, 1958 (Holding Company Act Release No. 13896) the Commission authorized Kentucky to issue or to renew its short-term notes to Irving Trust Company and The

[File No. 70-3842]

SOUTHERN CO. ET AL.

Notice of Proposed Issuance and Sale of Notes

DECEMBER 31, 1959.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Electric Generating Company; File No. 70-3842.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company; and its direct public-utility subsidiaries, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi") and its indirect subsidiary, Southern Electric Generating Company ("SEGCO"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 (a)(2) and (a)(3) thereunder as applicable to the proposed transactions which are summarized as follows:

Southern proposes to issue and sell, from time to time during 1960, up to an aggregate of \$22,000,000 of unsecured notes to a group of banks in amounts as follows:

Name of bank and address	Amount
Morgan Guaranty Trust Company of New York, New York, N.Y.	\$7,000,000
Chemical Bank New York Trust Co., New York, N.Y.	4,000,000
Bankers Trust Company, New York, N.Y.	3,000,000
The Citizens & Southern National Bank, Atlanta, Ga.	2,000,000
The First National City Bank of New York, New York, N.Y.	2,000,000
The Chase Manhattan Bank, New York, N.Y.	1,750,000
The First National Bank of Birmingham, Birmingham, Ala.	1,000,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Ill.	750,000
The Fulton National Bank of Atlanta, Atlanta, Ga.	500,000
Total	22,000,000

	Southern	Alabama	Georgia	Gulf	Mississippi	SEGCO
Documentary stamp taxes		\$4,973	\$3,018	\$670	\$737	\$16,000
Legal fees	\$1,500					500
Miscellaneous	500	200	200	200	200	200
Total	2,000	5,173	3,218	870	937	16,700

Notice is further given that any interested person may, not later than January 14, 1960, request in writing that a hearing be held in respect of the joint application-declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any

The notes are to be dated as of the date of each borrowing, are to mature not more than two years after the date of the initial borrowing, are to bear interest at the prime rate (currently 5 percent) in effect at Morgan Guaranty Trust Company of New York on the date of each borrowing and may be prepaid, in whole or in part, without penalty. Southern has agreed to pay a commitment fee from the date of the initial borrowing or February 1, 1960, whichever is earlier until January 1, 1961, at the rate of one-fourth of 1 percent per annum on the daily average of the unused portion of the credit; and estimates that \$9,000,000; \$5,000,000; \$7,000,000 and \$1,000,000, will be borrowed in January, March, May and November 1960, respectively.

Southern proposes to use the proceeds of the notes together with treasury funds of \$6,500,000, to purchase, during 1960, shares of common stock of Alabama, Georgia, Gulf and Mississippi at \$100 per share in the following amounts: 140,000 shares of Alabama for \$14,000,000, 100,000 shares of Georgia for \$10,000,000, 20,000 shares of Gulf for \$2,000,000 and 25,000 shares of Mississippi for \$2,500,000. In turn, Alabama and Georgia each propose to purchase 80,000 shares of common stock of SEGCO for an aggregate of \$16,000,000.

Alabama, Georgia, Gulf, Mississippi and SEGCO propose to use the proceeds from the above sales of their common stocks (except for the proceeds invested by Alabama and Georgia in SEGCO), together with cash on hand in excess of operating requirements, interest and dividends and the proceeds from the sale of securities to the public during 1960 to meet that year's construction requirements estimated to aggregate \$182,895,000.

Alabama, Georgia, Gulf and SEGCO have filed applications with their respective State commissions for authority to issue and sell their shares of common stock and copies of the orders entered in respect thereof are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The estimated fees and expenses to be paid in connection with the proposed transactions are as follows:

Hanover Bank, from time to time, but not later than December 31, 1959, in an aggregate amount of \$5,100,000. Of the total amount authorized, \$4,800,000 had been borrowed to November 30, 1959. It was expected that the remaining \$300,000 would be borrowed before December 31, 1959, to complete the company's 1959 construction program.

Kentucky now seeks authority, during the period ending December 31, 1960, to issue an additional \$1,900,000 of short-term notes and to renew any previously issued short-term notes. The aggregate of all such notes to be outstanding at any time shall not exceed \$7,000,000. All such notes are to be issued in equal amounts to Irving Trust Company and The Hanover Bank. The proceeds from the proposed \$1,900,000 of additional notes, together with cash generated internally, will be used to finance the company's 1960 construction program, the cost of which is estimated at \$3,870,000.

The proposed notes will be dated as of the several dates of the borrowings, will be due not more than 270 days after the dates of issue, and will bear interest at the prime rate effective in New York on the dates of issuance, such rate being presently 5 percent per annum. The proposed notes may be prepaid at any time, without premium. It is stated that no fees or commissions will be paid in connection with the proposed transactions, and that no State commission or Federal commission, other than this Commission, has jurisdiction over such transactions.

The filing states that the company has not formulated its program for long-term financing. The company expects that such financing may become feasible in the latter part of 1960, that it will be the subject of an application or declaration by the company, and will provide for the payment of all the company's then outstanding notes to banks.

Notice is further given that any interested person may, not later than January 18, 1960 at 5:30 p.m., request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the amended declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-158; Filed, Jan. 7, 1960; 8:46 a.m.]

such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, pursuant to the provisions of 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 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-159; Filed, Jan. 7, 1960;
8:46 a.m.]

[File No. 24D-1736]

VICTORY URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 28, 1959.

I. Victory Uranium Corporation, a Nevada Corporation, 425 Fremont Street, Las Vegas, Nevada, filed with the Commission on May 19, 1955 a notification and an offering circular, and filed various amendments thereto, relating to an offering of 14,350,000 shares of its 1 cent par value common stock at 2 cents per share for the aggregate of \$287,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A as required by Rule 224.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to reflect the current status of exploration work on the issuer's unpatented lode mining claims.

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. It is ordered, Pursuant to Rule 223(a), of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time

and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-160; Filed, Jan. 7, 1960;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[471.253]

COTTON FACE CLOTH

Notice of Prospective Classification

JANUARY 4, 1960.

It appears that the cotton face cloth known as "VIC" which is a conventional type face cloth measuring approximately 13 inches by 12 inches, having superimposed by machine on one surface, about 2 inches from each edge and parallel thereto, 4 yellow lines about 1/4 inch in width, producing an ornamental effect and serving no utilitarian purpose as the yellow lines laid out in connected series of loops are attached to the cloth only by a utilitarian white stitch which penetrates the cloth, is properly classifiable as an article in part of trimming under paragraph 1529(a), Tariff Act of 1930, and dutiable at the rate of 42 1/2 percent ad valorem under that paragraph as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying such product as a manufacture of cotton, not specially provided for, under paragraph 923, dutiable at the rate of 20 percent ad valorem, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 60-168; Filed, Jan. 7, 1960;
8:46 a.m.]

Office of the Secretary

[T.D. 55019]

HARDBOARD FROM SWEDEN

Antidumping

DECEMBER 31, 1959.

The Acting Secretary of the Treasury further partially rescinds the finding of dumping with respect to Swedish hardboard.

After due investigation, I find, as of December 31, 1959, that the following exporter of hardboard from Sweden is no longer selling, or likely to sell, hard-

board to the United States at less than its fair value:

Nordmalings Ängsäg A.B. (Per Wikström).

The finding of dumping made August 26, 1954, as modified by T.D. 54168, T.D. 54199, and T.D. 55006, is further modified accordingly.

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

[F.R. Doc. 60-169; Filed, Jan. 7, 1960;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 244]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 5, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62552. By order of December 30, 1959, the Transfer Board approved the transfer to Marvin Kellie Lucas, doing business as Lucas Bus Line, Birmingham, Ala., of the operating rights in Certificate No. MC 112951, issued February 26, 1952, to Robert Gardiner, doing business as Gardiner Bus Lines, Birmingham, Ala., authorizing the transportation, over regular routes, of passengers between Birmingham, Ala., and Powatan, Ala.; and between Fairfield, Ala., and Bayview, Ala. James B. Smiley, 711 Title Building, Birmingham, Ala., for applicants.

No. MC-FC 62618. By order of December 30, 1959, the Transfer Board approved the transfer to Irvie Campbell, doing business as Campbell Trucking, Maquoketa, Iowa; of Certificate in No. MC 93454, issued January 15, 1953, to Homer L. Bowman, Jr., doing business as Bowman Cattle Company, Maquoketa, Iowa; authorizing the transportation of: Livestock, agricultural commodities, general commodities with the usual exceptions including household goods and commodities in bulk, farm machinery and parts, feed, wire, twine, coal, windmills, agricultural implements and parts, household goods, and emigrant movables, between specified points in Iowa, Wisconsin, and Illinois. Kenneth J. Ehlinger, 113 North Main Street, Maquoketa, Iowa, for applicants.

No. MC-FC 62626. By order of December 30, 1959, the Transfer Board ap-

proved the transfer to Patrick W. George, 4016 East 47th Street, Des Moines, Iowa; of Permit in No. MC 116604 Sub 2, issued July 7, 1959, to George C. Wilder and Herman Kerns, a partnership, doing business as Clark County Grain Company, Osceola, Iowa; authorizing the transportation of: Commercial fertilizer in bulk, from the plant site of W. R. Grace & Company, Davison Chemical Division, at or near Joplin, Mo., to Perry, Iowa.

No. MC-FC 62631. By order of December 30, 1959, the Transfer Board approved the transfer to Robert W. Morris, doing business as Morris Towing Systems, Latham, N.Y., of Certificate in No. MC 114618, issued January 4, 1955, to B. F. MULDERRY, Inc., Albany, N.Y., authorizing the transportation of: Wrecked and disabled motor vehicles, from points in Massachusetts, Connecticut, and Vermont, to Albany, N.Y. John J. Brady, Jr., 45 State Street, Albany, N.Y., for applicants.

No. MC-FC 62676. By order of December 30, 1959, the Transfer Board approved the transfer to James Adams, doing business as Adams Moving & Hauling Co., Philadelphia, Pa., of a portion of Certificate in No. MC 94435, issued October 25, 1957, to Joseph Kulb, Philadelphia, Pa., authorizing the transportation of: New office furniture, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Com-

mission, and points in New Jersey, Delaware, Maryland, and the District of Columbia. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

No. MC-FC 62797. By order of December 30, 1959, the Transfer Board approved the transfer to Maria Transportation Company, A Corporation, Hoboken, New Jersey, of a Certificate in No. MC 27960, issued April 16, 1942, to Mary Kunzelman, Hoboken, New Jersey, authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in-charter operations, over irregular routes, from points in Hudson County, N.J., to New York, N.Y., and points in Nassau, Suffolk, Orange, Sullivan, Rockland, Ulster, Greene, and Westchester Counties, N.Y., and return. Harry O'Brien, 68 Hudson Street, Hoboken, N.J., for applicants.

No. MC-FC 62808. By order of December 30, 1959, the Transfer Board approved the transfer to Joseph P. Coyle, Audubon, New Jersey, of a Certificate in No. MC 29658, issued August 8, 1958, to Walter D. Murray, doing business as Downs Bros., Philadelphia, Pennsylvania, authorizing the transportation of metals, paper, and chairs and tables, from, to, and between, Philadelphia, Pa., and specified points in Delaware, New Jersey, and Washington, D.C. Jacob Polin, 314 Old Lancaster Road, Merion, Pa. (P.O. Box 317, Bala-Cynwyd, Pa.)

No. MC-FC 62816. By order of December 30, 1959, the Transfer Board ap-

proved the transfer to Filius X-Press Service, Mt. Holly, New Jersey, of a Certificate in No. MC 1858 issued June 24, 1953, to F. Naomi Anderson and Thomas F. Anderson, a partnership, doing business as Shinn's Express, Riverside, New Jersey, authorizing the transportation over irregular routes, of general commodities, excluding household goods as defined by the Commission, and commodities in bulk, and certain specified commodities, between Philadelphia, Pa., and Bordentown, N.J., with service to and from all intermediate points, and over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in a specified area of New Jersey. Raymond A. Thistle, Jr., Shertz, Barnes & Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa.

No. MC-FC 62828. By order of December 30, 1959, the Transfer Board approved the transfer to William's Chemical Transport, Inc., Wilmington, Delaware, of a portion of Permit in No. MC 46271, issued July 17, 1941, to Wm. G. Devenney, Inc., Wilmington, Delaware, authorizing the transportation of chemicals, over irregular routes, from New Castle, Del., to specified points in New Jersey, Pennsylvania, Maryland, and New York. H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del.

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-164; Filed, Jan. 7, 1960;
8:46 a.m.]

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