



FEDERAL REGISTER

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Washington, Thursday, February 5, 1959

Title 3—THE PRESIDENT

Proclamation 3272

NATIONAL YOUTH FITNESS WEEK,
1959

By the President of the United States
of America

A Proclamation

WHEREAS the ongoing strength of our Nation depends upon the health of our young people; and

WHEREAS we must always strive to improve the fitness of our youth by determined and coordinated efforts; and

WHEREAS, in this challenging world, it is essential that our young people recognize their obligation to themselves, to their families, and to the Nation, to endeavor to keep themselves mentally, emotionally, spiritually, socially, and physically fit; and

WHEREAS the President's Council on Youth Fitness has recommended that a National Youth Fitness Week be designated:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 3, 1959, as National Youth Fitness Week.

I request officials of the Government, and I urge parents, young people, and interested local and national organizations, to use all appropriate means during that week to promote programs and activities demonstrating the importance of youth fitness to the end that we may assure the continuing strength and well-being of our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of January in the year of our Lord nineteen hundred and [SEAL] fifty-nine and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F.R. Doc. 59-1070; Filed, Feb. 3, 1959; 1:09 p.m.]

Proclamation 3273

ENLARGING THE BOUNDARIES OF
THE CABRILLO NATIONAL MONUMENT,
CALIFORNIA

By the President of the United States
of America

A Proclamation

WHEREAS the Cabrillo National Monument in San Diego County, California, was established by Proclamation No. 1255 of October 14, 1913 (38 Stat. 1965), on approximately one-half acre of land that, along with other lands, had been set aside for military purposes by an order approved by the President on February 26, 1852; and

WHEREAS the present area of the monument is not adequate for the proper care and management of the historical landmarks and historical objects situated therein; and

WHEREAS approximately eighty acres of land contiguous to and completely surrounding the present site of the monument and constituting a part of the lands set aside for military purposes by the order of February 26, 1852, are no longer needed for military purposes; and

WHEREAS those lands are essential to the proper care and management of the Cabrillo National Monument and it is in the public interest to redefine the boundaries of, and to add those surrounding lands to, the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of Congress approved June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do hereby proclaim that the following-described tract of land, which comprises the original site of the monument and the additional lands needed for the purposes stated above, shall constitute the Cabrillo National Monument:

Beginning at Navy Monument "E" as that monument is shown on District Public Works Office Drawing No. ND11/N1-1(91), dated December 29, 1947, and on file in the District Public Works Office, Eleventh Naval District, 1220 Pacific Highway; Monument "E" also bears South 81°21'28" West, 1235.48 feet from U.S. Coast and Geodetic Monument "Point Loma Lighthouse (old)"; thence from the Point of Beginning, North 89°31'35" East,

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(As of January 1, 1959)

The following supplements are now available:

Title 3, 1958 Supplement (\$0.35)

Title 46, Parts 146-149, 1958 Supplement 2 (\$1.50)

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908.02 feet; thence South 0°28'25" East, 410.00 feet; thence North 89°31'35" East, 278.27 feet; thence North 64°50'35" East, 314.30 feet; thence North 46°19'37" West, 137.50 feet to the beginning of a tangent curve concave to the East, having a radius of 170.00 feet and a central angle of 64°00'; thence northerly along the arc of that curve a distance of 189.89 feet; thence North 17°40'23" East, 8.47 feet; thence North 89°31'35" East, 630.37 feet; thence North 0°28'25" West, 275.14 feet; thence South 89°31'35" West, 100.00 feet; thence North 0°28'25" West, 275.30 feet; thence North 89°31'35" East, 100.00 feet; thence North 0°28'25" West, 903.36 feet; thence South 89°31'35" West, 2488.57 feet to the ordinary high water mark of the Pacific Ocean; thence Southeasterly along that ordinary high water mark to a point in a line that bears South 89°31'35" West, from Monument "E"; thence North 89°31'35" East, 165.00 feet to the Point of Beginning. Being in the County of San Diego, State of California.

Proclamation No. 1255 establishing the Cabrillo National Monument is amended accordingly.

The withdrawal order of February 26, 1952, is hereby revoked as to the lands described above.

The lands added to the monument by this proclamation are hereby transferred from the jurisdiction of the Department of the Navy to the jurisdiction of the Department of the Interior.

The land described above shall be subject to all laws and regulations applicable to the Cabrillo National Monument and subject also to the right of the Department of Defense to retain, for such length of time as required by it, the use of roads and utilities now being used by it, and the right to require that no activity will be conducted within the monument that would interfere with defense activities being conducted in the vicinity thereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of February in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F.R. Doc. 59-1069; Filed, Feb. 3, 1959; 1:09 p.m.]

Proclamation 3274

RED CROSS MONTH, 1959

By the President of the United States of America

A Proclamation

WHEREAS the American National Red Cross is the organization officially designated by the Congress to carry out certain great humanitarian works, including welfare services to the armed forces of the United States and their families; and WHEREAS under Federal laws and regulations the Red Cross provides emergency relief to our citizens in time of disaster and gives needed assistance in restoring stricken communities to normal living; and

WHEREAS, true to the broad principles on which the Red Cross was founded, the American National Red Cross has worked with eighty-one other Red Cross societies for the alleviation of suffering and distress in our land and overseas; and

WHEREAS through its blood program, home nursing, first aid, water safety, and other voluntary services, the Red Cross helps to safeguard the health of our people and to advance the American traditions of generous and responsible citizenship;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross,

do hereby designate March 1959 as Red Cross Month; and I urge all Americans to honor the Red Cross during that month by fully supporting it as a channel of charitable concern for their neighbors in need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of February in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F.R. Doc. 59-1068; Filed, Feb. 3, 1959; 1:09 p.m.]

Executive Order 10803

PROVIDING FOR THE TERMS OF OFFICE OF THE MEMBERS OF THE INTERNATIONAL DEVELOPMENT ADVISORY BOARD

By virtue of the authority vested in me as President of the United States it is ordered that the second sentence of section 3 of Executive Order No. 10159 of September 8, 1950 (15 F.R. 6103), be, and it is hereby, amended to read as follows:

"Each member of the board (including the chairman) shall be appointed for a term of not more than three years, the terms of office to be fixed in such manner as to minimize the concurrent expiration of tenures of office, and may be reappointed for one or more additional terms of not more than three years each."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 2, 1959.

[F.R. Doc. 59-1100; Filed, Feb. 4, 1959; 8:48 a.m.]

RULES AND REGULATIONS

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans Made Through Associations

The interest rate on new loans closed by the Federal Land Bank of Spokane has been increased from 5 percent per annum to 5½ percent per annum effective

on all applications filed with national farm loan associations on and after January 29, 1959. In order to reflect that change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F.R. 2137, 3029, 6976, 8651), is amended by substituting "5½" for "5" in the line with "Spokane" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 59-965; Filed, Feb. 4, 1959; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency.

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.364 is amended and paragraph (b) is added as set out below.

§ 6.364 Federal Aviation Agency.

- (a) One Congressional Liaison Officer.
(b) One Deputy Congressional Liaison Officer.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-1018; Filed, Feb. 4, 1959; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (c) through (p) of § 6.128, having expired by their own terms, are revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-1019; Filed, Feb. 4, 1959; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6641]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Sun Oil Co.

Subpart—*Combining or conspiring*: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a); § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 45, 13) [Cease and desist order, Sun Oil Company, Philadelphia, Pa., Docket 6641, January 5, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of gasoline

to retailers in Jacksonville, Fla., and adjacent territory with discriminating in price by selling gasoline to a favored dealer at a lower price than it charged his competitors, with entering into agreements with him to fix and maintain the resale price for its gasoline, and with granting discounts or other considerations for that purpose.

After hearings in due course, the hearing examiner made his initial decision including findings of fact, conclusions, and order to cease and desist which, after denial of respondent's appeal therefrom, was on January 5 adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Sun Oil Company, a corporation, its officers, directors, agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its products in commerce, as "commerce" is defined in the Act and the Clayton Act, do forthwith cease and desist from:

A. Discriminating in price by selling such products of like grade and quality to any purchaser at net prices lower than those granted other purchasers who in fact compete with the favored purchaser in the resale or distribution of respondent's products;

B. Entering into, continuing, cooperating in, or carrying out, or attempting so to do, any planned common course of action, understanding, agreement, combination, or conspiracy with any person or persons not parties hereto, to attempt to, or to establish, fix, adopt, maintain, or adhere to, by any means or method, prices at which said product is to be resold;

C. Granting any discounts, rebates, price reductions or other form of consideration for the purpose, or with the effect, of fixing or maintaining the prices at which said product is to be resold.

Provided, however, That nothing herein contained shall be construed to limit or otherwise affect any resale price, maintenance contracts which respondent may enter into in conformity with section 5 of the Act as amended by the McGuire Act (Pub. Law 542, chapter 745, 82d Cong., 2d Sess., approved July 14, 1952).

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent Sun Oil Company shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: January 5, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-988; Filed, Feb. 4, 1959; 8:47 a.m.]

[Docket 7216]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Ladd Knitting Mills, Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.130 *Manufacture or preparation.* Subpart—*Misbranding or mislabeling*: § 13.1255 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ladd Knitting Mills, Inc. (Reading Pa.) et al., Docket 7216, December 24, 1958]

In the Matter of Ladd Knitting Mills, Inc., a Corporation and Talbott Knitting Mills, Inc., a Corporation and Lester C. Laufbahn, Nancy Laufbahn, and Stephen H. Lewis, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two affiliated manufacturers and sellers of women's sweaters, with offices in Reading, Pa., and New York City, with advertising falsely in magazines and trade papers and on attached tags and labels, that their orlon sweaters "will not pill or fuzz" or were "Pill Proofed".

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on December 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Ladd Knitting Mills, Inc., a corporation, and its officers; Talbott, Inc., a corporation, and its officers and Lester C. Laufbahn, Nancy Laufbahn, and Stephen H. Lewis, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of women's orlon sweaters or any other product made of orlon, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that said products are pill proofed, pill proof or that they will not pill.

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

It is ordered, That respondents Ladd Knitting Mills, Inc., a corporation, and its officers; Talbott, Inc., a corporation, and its officers and Lester C. Laufbahn, Nancy Laufbahn, and Stephen H. Lewis, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

¹ Now known as Talbott, Inc.

ner and form in which they have complied with the order to cease and desist.

Issued: December 24, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-989; Filed, Feb. 4, 1959;
8:48 a.m.]

[Docket 7261]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J.H. MANUFACTURING CO.

Subpart—*Misbranding or mislabeling*: § 13.1190 *Composition*: Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*: Wool Products Labeling Act. Subpart—*Using misleading name—Goods*: § 13.2280 *Composition*: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Jehiel Hocherman doing business as J.H. Manufacturing Company, New York, N.Y., Docket 7261, December 24, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of wool products in New York City with violating the Wool Products Labeling Act by tagging as "40-50 percent rep. wool", blankets which contained substantially less woolen fibers than thus represented; by improperly describing a portion of the fiber content of sleeping bags on labels as "Napper"; and by failing to comply with other labeling requirements of the Act.

Following entry of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Jehiel Hocherman, an individual doing business as J.H. Manufacturing Company, or under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of blankets and sleeping bags or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identify-

ing such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool products of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Setting out on labels attached to products information, descriptive of the fiber contents, in abbreviated words or terms.

4. Using a name on labels, when naming the fibers in the required information, that is not the common generic name of the fiber.

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

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

Issued: December 24, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-990; Filed, Feb. 4, 1959;
8:48 a.m.]

[Docket 7193]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kisba Fur Corp. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*. Subpart—*Furnishing false guaranties*: § 13.1053 *Furnishing false guaranties*: Fur Products Labeling Act. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kisba Fur Corporation (New York, N.Y.) et al., Docket 7193, December 30, 1958]

In the Matter of Kisba Fur Corporation, a Corporation, and Harry J. Kushner, Sam Bassen and Sol Kushner, Individually and as Officers of Said Corporation.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in New York City with violating the Fur Products Labeling Act by invoicing fur products with fictitious prices and making pricing and savings claims without keeping adequate records as a basis therefor; by failing to comply with the labeling and invoicing requirements of the Act; and by furnishing a false guaranty that certain of their furs were not misbranded.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 30 the decision of the Commission.

The order to cease and desist is as follows:

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

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

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

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

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

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

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur products for introduction into commerce, introduced it into com-

merce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

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

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

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

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

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

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, or public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such product in the recent regular course of their business;

D. Making pricing claims or representations in advertisements respecting comparative prices, percentage savings claims, or claims that prices are reduced from regular or usual prices, unless respondents maintain full and adequate records disclosing the facts upon which such claims or representations are based;

E. Furnishing false guaranties that certain furs or fur products are not misbranded, falsely invoiced or falsely advertised, when there is reason to believe that said furs or fur products may be introduced, sold, transported or distributed in commerce.

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

It is ordered, That respondents Kisba Fur Corporation, a corporation, and Harry I. Kushner (erroneously named in

the complaint as Harry J. Kushner), Sam Bassin (erroneously named in the complaint as Sam Bassen), and Sol Kushner, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 30, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-991; Filed, Feb. 4, 1959;
8:48 a.m.]

[Docket 7072]

PART 13—DIGEST OF CEASE AND DESIST ORDERS.

William Frehofer Baking Co. et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—Price discrimination under 2(a): § 13.715 Charges and price differentials; (Discriminating in price under section 2, Clayton Act, as amended)—Payment for services or facilities for processing or sale under 2(d): § 13.824 Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, William Frehofer Baking Co. et al., Philadelphia, Pa., Docket 7072, January 7, 1959]

In the Matter of William Frehofer Baking Company, a Corporation, Frehofer Baking Company, a Corporation; and Imperial Foods, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large corporate baker and its subsidiary in Philadelphia with granting certain customers preferential discounts of up to 10 percent from the regular wholesale prices charged their non-favored competitors; and with paying advertising and promotional allowances of up to five percent of purchases without making like payments available to their competitors.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents William Frehofer Baking Co., a corporation, and Imperial Foods, Inc., a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the sale of bread and bread products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like

grade and quality by selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of the respondents' products; and

2. Making or contracting to make, to or for the benefit of any customer, any payment or allowance of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondents, unless such payment or allowance is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing with the favored purchaser in the distribution or resale of such products.

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

It is ordered, That respondents William Frehofer Baking Co., a corporation, and Imperial Foods, Inc., a corporation, their officers, representatives, agents, and employees, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 7, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-992; Filed, Feb. 4, 1959;
8:48 a.m.]

[Docket 7271]

PART 13—DIGEST OF CEASE AND DESIST ORDERS.

Denver Dry Goods Co.

Subpart—*Advertising falsely or misleadingly: § 13.155 Prices: Forced or sacrifice sales; percentage savings. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Denver Dry Goods Co., Denver, Colo., Docket 7271, January 7, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller in Denver, Colo., with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements, and by advertising which represented falsely that it was liquidating a half million dollars' worth of fur inventory

and that purchasers would "Save one-third and more".

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 7 the decision of the Commission.

The order to cease and desist is as follows:

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

1. Misbranding fur products by:
 - A. Failing to affix labels to fur products showing:
 - (1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;
 - (2) That the fur product contains or is composed of used fur, when such is the fact;
 - (3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;
 - (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;
 - (5) The name, or other identification, issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;
 - (6) The name of the country of origin of any imported furs contained in a fur product;
 - (7) The item number or mark assigned to a fur product.
 - B. Setting forth on labels affixed to fur products:
 - (1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information;
 - (2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.
2. Falsely or deceptively invoicing fur products by:
 - A. Failing to furnish invoices to purchasers of fur products showing:
 - (1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth

in the Fur Products Name Guide and as prescribed under the rules and regulations;

- (2) That the fur product contains or is composed of used fur, when such is the fact;
- (3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;
- (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;
- (5) The name and address of the person issuing such invoice;
- (6) The name of the country of origin of any imported furs contained in a fur product.

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

A. Represents, directly or by implication, through percentage savings claims that the regular or usual retail prices charged by respondent for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated, when contrary to fact.

B. Represents, directly or by implication, that respondent's inventory of fur products advertised and offered for sale is in excess of the actual inventory of fur products advertised and offered for sale.

C. Represents, directly or by implication, that any such products are the stock of a business in a state of liquidation, when contrary to fact.

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

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

Issued: January 7, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-993; Filed, Feb. 4, 1959; 8:48 a.m.]

[Docket 7075]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Graystone Portrait Agency

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition*; § 13.1680 *Manufacture or preparation*; § 13.1710 *Qualities or properties*; § 13.1715 *Quality*; § 13.1735 *Sample, offer, or order conformance*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1875 *Non-standard character of product*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Joseph W. Graham trading as Graystone Portrait Agency, Chattanooga, Tenn., Docket 7075, January 5, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of enlarged colored photographs and particularly frames therefor, with headquarters in Chattanooga, Tenn., with representing falsely, through his door-to-door salesmen or otherwise, that the finished enlargement was a hand-painted oil portrait done by an artist and would be as good as the samples exhibited; that frames ordered would be 24 carat gold or made of walnut, would be airtight, dust proof, and waterproof, with unbreakable glass; and with failing to disclose that the finished enlargements would be convex and oddly shaped so that they required specially designed frames obtainable only from him.

After hearings in Chattanooga and New Orleans, the hearing examiner made him initial decision including findings and order to cease and desist which, after denying respondent's appeal therefrom, the Commission on January 5 adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Joseph W. Graham, individually and trading and doing business as Graystone Portrait Agency, or trading under any other name, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tinted or colored enlargements of photographs, photograph frames, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- A. Representing directly or by implication:
 1. That the finished enlargement is a hand-painted portrait or is anything other than an enlarged photograph;
 2. That the finished enlargement is hand painted in oils or is painted by an artist;
 3. That the finished enlargement will be as good as the samples displayed in soliciting the sale, unless such is the fact;
 4. That the frames sold by respondent are 24-carat gold, or that they are made of any material other than that which is actually used;
 5. That the frames sold by respondent are airtight, dustproof or waterproof;
 6. That the glass in the frames sold by respondent is unbreakable.

B. Failing to disclose to customers at the time the enlargements are ordered that the finished enlargements, when delivered, will be so shaped that they can be used only in specially designed odd-styled frames that cannot ordinarily be obtained in stores accessible to the purchasing public, and that it will be difficult, if not impossible, to obtain frames to properly fit the enlargements from any source other than respondent.

By "Final Order", report of compliance was required as follows:

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

Issued: January 5, 1959.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 59-994; Filed, Feb. 4, 1959;
8:49 a.m.]

[Docket 6836]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Federated Department Stores, Inc.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*; Comparative; forced or sacrifice sales; percentage savings. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1785 *Comparative*; § 13.1805 *Exaggerated as regular and customary*; § 13.1813 *Forced or sacrifice sales*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.1865 *Manufacture or preparation*: Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product*; § 13.1900 *Source or origin*: Fur Products Labeling Act: *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Federated Department Stores, Inc., Cincinnati, O., Docket 6836, January 8, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a department store in Cincinnati, Ohio, with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; by newspaper advertising which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or to disclose that some products contained artificially colored or cheap or waste fur, and which represented prices as reduced from regular prices which were in fact fictitious, misrepresented comparative prices and percentage savings claims, and fur products as being from a liquidating business; and by failing to keep adequate records as a basis for said pricing claims.

Following hearings in due course, the hearing examiner made his initial deci-

sion, including findings of fact, conclusions, and order to cease and desist, from which both counsel filed cross-appeals. The Commission, having rendered its decision denying the appeal of respondent and granting the appeal of complaint counsel, directed modification of the initial decision and on January 8 adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist is as follows:

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

A. Misbranding fur products by:

1. Affixing labels thereto which contain fictitious prices or prices in excess of those at which such products are usually and customarily sold, and which misrepresent the value of such fur products:

2. Failing to affix labels to fur products showing:

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

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

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

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

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

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

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

4. Failing to set forth on labels attached to fur product:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, on one side of the label;

(b) Item numbers or marks assigned to fur products under Rule 40(a) of the

rules and regulations promulgated under the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

(f) The name of the country of origin of any imported furs contained in the fur product.

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

1. Fails to disclose:

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

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

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

(d) The name of the country of origin of imported fur contained in fur products.

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

3. Represents fur products as being the stock of a business in a state of liquidation, when such is not a fact.

D. Making price claims and representations of the type referred to in subparagraph C2 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44(e) of the rules and regulations, and section 8(d)(1) of the Fur Products Labeling Act.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, Federated Department Stores, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission

a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: January 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARISH,
Secretary.

[F.R. Doc. 59-995; Filed, Feb. 4, 1959;
8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Correction

In F.R. Doc. 59-855, appearing at page 711 of the issue of Saturday, January 31, 1959, item 4 should be corrected to read as follows:

4. In the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5667), under amendment 27c, the word "Toxicity" should read "Potency".

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form P; Carriers by Pipe Line

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1959.

It appearing, that the matter of annual reports of carriers by pipe line being under further consideration and, the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.61 of the order of December 10, 1957, in the matter of Carriers by Pipe Line—Annual Report Form P, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1958, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.61 be, and it is hereby, modified and amended to read as follows:

§ 120.61 Annual reports of carriers by pipe line.

Commencing with the year ended December 31, 1958, and for subsequent years thereafter, until further order, all carriers by pipe line subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form P (Carriers by Pipe Line), which is attached to and made a part of this section.¹ Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That a copy of this order and of Annual Report Form P shall be served on all carriers by pipe line subject to its provisions, and upon every trustee, receiver, executor, admin-

istrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U.S.C. 12, 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 54 Stat. 944, 49 U.S.C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1002; Filed, Feb. 4, 1959;
8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

2'-HYDROXY-5,9-DIMETHYL-2-(2-PHENYLETHYL)-6,7-BENZOMORPHAN AND ETHYL 4-PHENYL-1-[3-(PHENYLAMINO)-PROPYL]-4-PIPERIDINECARBOXYLATE

Notice of Proposed Determination With Respect to Addiction-Forming or Addiction-Sustaining Liability

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U.S.C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F.R. 1480), that a determination is proposed to be made that each of the following named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

(1) 2'-Hydroxy-5,9-dimethyl-2-(2-phenylethyl)-6,7-benzomorphan.

(2) Ethyl 4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidinecarboxylate.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drugs, which are received by the Commissioner of Narcotics prior to March 9, 1959. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., March 9, 1959: *Provided*, That such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of

this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946.

(60 Stat. 38; 26 U.S.C. 4731)

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F.R. Doc. 59-1003; Filed, Feb. 4, 1959;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U.S. Standards for Beet Greens¹

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Beet Greens (7 CFR 51.2860 to 51.2872), as hereinafter set forth, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than March 1, 1959.

It is proposed that § 51.2861(b) be amended to increase the length of leaf blades from 5½ inches to 6½ inches and that paragraph (c)(2) pertaining to tolerances be reworded to reflect this change, and that (c)(3) be changed to

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

¹Filed as part of the original document.

PROPOSED RULE MAKING

increase from 3 percent to 10 percent the amount of loose leaves allowed in a lot consisting of plants.

It is also proposed that the term "well trimmed" (§ 51.2869) be redefined to incorporate a limitation of 11 inches for the maximum overall length of leaf blade and petiole.

The proposed standards, as amended, are as follows:

	GENERAL
Sec.	
51.2860	General.
	GRADES
51.2861	U.S. No. 1.
	UNCLASSIFIED
51.2862	Unclassified.
	APPLICATION OF TOLERANCES
51.2863	Application of tolerances.
51.2864	Basis for calculating percentages.
	DEFINITIONS
51.2865	Similar varietal characteristics.
51.2866	Fresh.
51.2867	Fairly clean.
51.2868	Fairly tender.
51.2869	Well trimmed.
51.2870	Damage.
51.2871	Diameter.
51.2872	Serious damage.

AUTHORITY: §§ 51.2860 to 51.2872 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GENERAL

§ 51.2860 General.

The standards contained in this subpart are applicable to beet greens consisting of either plants (with or without attached roots) or cut leaves, but they shall not be applicable to a mixture of plants and cut leaves in the same container. The standards apply only to the common red-rooted table varieties of beets (*Beta vulgaris*) but not to mangel wurzel varieties primarily grown for stock feed, or to sugar beets (*Beta vulgaris* var. *saccharifera*).

GRADES

§ 51.2861 U.S. No. 1.

"U.S. No. 1" consists of beet greens of similar varietal characteristics which are fresh, fairly clean, fairly tender, well trimmed and which are free from decay, weeds, grass, other kinds of leaves or other foreign material, and from damage caused by discoloration, freezing, disease, insects or mechanical or other means.

(a) In the case of beet greens with roots attached, the roots shall be free from damage by any cause, and the maximum diameter of the root shall not be larger than five-eighths inch.

(b) The leaf blades of beet greens shall not be longer than 6½ inches.

(c) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted (see §§ 51.2863 and 51.2864):

(1) For over-size roots. 5 percent for beet greens with roots in any lot which are larger than five-eighths inch in diameter;

(2) For over-size leaf blades. 3 percent for beet leaves in any lot which are longer than 6½ inches;

(3) For mixtures of whole plants, clusters and leaves. Not more than 10 percent of the beet greens may consist of cut leaves in a lot consisting of plants, and not more than 3 percent of the beet greens may consist of whole plants and clusters in a lot consisting of cut leaves;

(4) For leaves other than beet leaves, weeds, grass or other foreign material. Not more than 3 pieces in a 1 pound sample; and,

(5) For other defects. Not more than a total of 10 percent, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for decay.

UNCLASSIFIED

§ 51.2862 Unclassified.

"Unclassified" consists of beet greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2863 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerances specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

§ 51.2864 Basis for calculating percentages.

Percentages shall be calculated on the basis of weight or an equivalent basis, except that the amount of leaves other than beet leaves, blades of grass, weeds or parts of weeds or other foreign material shall be calculated on the basis of count, using 1 pound of beet greens as the sample. In inspecting the sample, the unit shall be the plant or leaf exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.2865 Similar varietal characteristics.

"Similar varietal characteristics" means that the beet greens in any container are similar in color and type.

§ 51.2866 Fresh.

"Fresh" means that the beet greens are not more than slightly wilted.

§ 51.2867 Fairly clean.

"Fairly clean" means that the individual leaf or plant is reasonably free from

dirt or other foreign material and that the general appearance of the beet greens in the container is not materially affected.

§ 51.2868 Fairly tender.

"Fairly tender" means that the beet greens are not tough or excessively fibrous.

§ 51.2869 Well trimmed.

"Well trimmed", in the case of cut leaf beet greens, means that the length of leaf stem or petiole is not more than the length of the leaf blade and that the overall length of the leaf including blade and petiole is not more than 11 inches.

§ 51.2870 Damage.

"Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual beet leaf or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when the appearance of the individual leaf or plant is materially affected by yellowing, spotting or any other type of discoloration, except that leaves showing a reddish color, often caused by cold weather, shall not be considered as damaged by discoloration. Plants which have small dried, withered or slightly yellowed leaves at the base of the plant shall not be considered as damaged by discoloration unless the general appearance of the plant or of the plants in the container is materially affected; and,

(b) Mechanical damage when the individual leaf is badly crushed, torn or broken.

§ 51.2871 Diameter.

"Diameter" means the greatest dimension of the root measured at right angles to a line from the center of the crown to the base of the root.

§ 51.2872 Serious damage.

"Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet leaf or plant, or the general appearance of the beet greens in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the individual leaf or plant is badly discolored;

(b) Insects when the individual leaf or plant is noticeably infested or when it is seriously damaged by them; and,

(c) Decay.

Dated: February 2, 1959.

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

[F.R. Doc. 59-1016; Filed, Feb. 4, 1959;
8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1959 Dept. Circular 1022]

4 PERCENT TREASURY NOTES OF SERIES D-1962

Offering of Notes

FEBRUARY 2, 1959.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series D-1962, at 99.993 percent of their face value,¹ in exchange for a like face amount of 2½ percent Treasury Certificates of Indebtedness of Series A-1959, maturing February 14, 1959, and at par in exchange for 1⅞ percent Treasury Notes of Series A-1959, maturing February 15, 1959. In the case of the maturing certificates, a cash adjustment representing the discount from the face value of the new notes will be made in favor of the subscriber as provided in Section IV, Payment, hereof. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on February 2 through February 4 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 3¾ percent Treasury Certificates of Indebtedness of Series A-1960, which offering is set forth in Department Circular No. 1021, issued simultaneously with this circular.

II. Description of notes. 1. The notes will be dated February 15, 1959, and will bear interest from that date at the rate of 4 percent per annum, payable semi-annually on August 15, 1959, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1962, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment for the face amount of notes allotted hereunder must be made on or before February 16, 1959, or on later allotment, and may be made only in a like face amount of Treasury Certificates of Indebtedness of Series A-1959, maturing February 14, 1959, or Treasury Notes of Series A-1959, maturing February 15, 1959, which should accompany the subscription. Coupons dated February 14 and February 15, 1959, should be detached from the maturing securities by holders and cashed when due. The discount of \$0.07 per \$1,000 on notes allotted will be paid to holders of certificates maturing February 14 following acceptance of the certificates.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

ROBERT B. ANDERSON,
Secretary of the Treasury.[F.R. Doc. 59-1004; Filed, Feb. 4, 1959;
8:50 a.m.]

[1959 Dept. Circular 1021]

3¾ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1960

Offering of Certificates

FEBRUARY 2, 1959.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 3¾ percent Treasury Certificates of Indebtedness of Series A-1960, at 99.993 percent of their face value,¹ in exchange for a like face amount of 2½ percent Treasury Certificates of Indebtedness of Series A-1959, maturing February 14, 1959, and at par in exchange for 1⅞ percent Treasury Notes of Series A-1959, maturing February 15, 1959. In the case of the maturing certificates, a cash adjustment representing the discount from the face value of the new certificates will be made in favor of the subscriber as provided in Section IV, Payment, hereof. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on February 2 through February 4 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Notes of Series D-1962, which offering is set forth in Department Circular No. 1022, issued simultaneously with this circular.

II. Description of certificates. 1. The certificates will be dated February 15, 1959, and will bear interest from that date at the rate of 3¾ percent per annum, payable semi-annually on August 15, 1959, and February 15, 1960. They will mature February 15, 1960. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000,

¹The amount of the discount is approximately equivalent to one day's accrued interest on the maturing certificates.

¹The amount of the discount is approximately equivalent to one day's accrued interest on the maturing certificates.

\$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of certificates allotted hereunder must be made on or before February 16, 1959, or on later allotment, and may be made only in a like face amount of Treasury Certificates of Indebtedness of Series A-1959, maturing February 14, 1959, or Treasury Notes of Series A-1959, maturing February 15, 1959, which should accompany the subscription. Coupons dated February 14 and February 15, 1959, should be detached from the maturing securities by holders and cashed when due. The discount of \$0.07 per \$1,000 on certificates allotted will be paid to holders of certificates maturing February 14 following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59-1005; Filed, Feb. 4, 1959;
8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COTTON

Notice of Purchase of 1958-Crop Loan Cotton

Notice is hereby given that Commodity Credit Corporation will purchase at the

close of business on July 31, 1959, all 1958-crop cotton securing outstanding loans under Commodity Credit Corporation's 1958 Cotton Loan Program. Loans under the 1958 Cotton Loan Program mature on July 31, 1959. If the producer or the purchaser of his equity does not repay a loan before the close of business on July 31, 1959, Commodity Credit Corporation will purchase the cotton securing the loan in accordance with the provisions of the loan agreements. Any loan notes which are sent to local banks for collection at the request of producers or purchasers of equities must be paid at the local banks by the close of business on July 31. Any repayments made by mail must be received by CCC or the local bank before the close of business July 31.

Any sum due the producer as a result of the purchase of the cotton shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

If a farm-storage loan is not repaid by the close of business on July 31, 1959, the producer will be required to deliver the cotton in accordance with the provisions of the Cotton Mortgage Supplement, and if the cotton is not so delivered by the producer, Commodity Credit Corporation may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, Commodity Credit Corporation may purchase the cotton in accordance with the provisions of this notice.

Issued this 30th day of January 1959.

[SEAL] CLARENCE D. PALMBY,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 59-1017; Filed, Feb. 4, 1959;
8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 199]

[Classification No. 63]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 440 acres in Maricopa County, Arizona, as suitable for lease and/or sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 2 W.
Sec. 21: S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Containing 440 acres, of which 10 acres are covered by 2 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279-284), as amended.

4. All valid applications filed prior to July 11, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

Dated: January 29, 1959.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 59-996; Filed, Feb. 4, 1959;
8:49 a.m.]

[Classification No. 169]

NEVADA

Small Tract Classification; Amendment

Effective February 1, 1959, paragraph 1 of Federal Register Document 59-406 appearing on page 400 of the issue for January 16, 1959, is hereby amended to read as follows:

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 180 acres in Ormsby County, Nevada, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 19 E.,
Sec. 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 15 N., R. 20 E.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 180 acres of which 155 acres are covered by 31 applications from persons entitled to preference under 43 CFR 257.5(a).

BOYD HAMMOND,
Acting State Supervisor.

JANUARY 30, 1959.

[F.R. Doc. 59-1020; Filed, Feb. 4, 1959;
8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 57-70, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the

has a agreement of that conference (No. 57, as amended) to effect changes therein made necessary because of the closing of the conference office at Seattle and the consolidation of all conference activities at the San Francisco Headquarters.

(2) Agreement No. 7631-3, between Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dampskibsaktieselskabet Idaho, Skipsaksjeselskabet Hilda Knutsen and Skipsaksjeselskabet Samuel Bakke, the carriers comprising the "Concordia Line" joint service, modifies the approved agreement of that joint service (No. 7631, as amended), (1) to extend the scope thereof to include service between Great Lakes ports of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, via islands of the Atlantic, Portugal, Spain, and Atlantic coast of Morocco, on the one hand, and ports in the Mediterranean Sea, Black Sea, Red Sea, Indian Ocean and Bay of Bengal, and seas, gulfs, rivers and waters adjacent thereto or connected therewith, on the other hand; and (2) to record the present day designations of certain countries presently included within the scope of said agreement.

(3) Agreement No. 7820-6, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement of that conference (No. 7820, as amended), to provide that the \$5,000 deposit required of the member lines, to guarantee the faithful performance under the conference agreement, may be made in a bank to be agreed on by the member lines, instead of a United States bank as presently provided by the agreement.

(4) Agreement No. 8351, between Concordia Line A/S and Fred Olsen & Co., provides for the establishment and maintenance of a joint cargo liner service, with limited passenger accommodations, under the trade name "Concordia Line-Great Lakes Service", in the trades between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and ports of the Mediterranean and adjacent seas, on the other hand.

(5) Agreement No. 8450, between Swedish American Line (Aktiebolaget Svenska Amerika Linien) and Transatlantic Steamship Co., Ltd. (Rederiaktiebolaget Transatlantic), (carriers operating under approved joint service Agreement No. 7601, as amended), Thorden Lines A/B and Moore-McCormack Lines, Inc., provides for the creation of a conference to be known as the Scandinavia Baltic/US North Atlantic Westbound Freight Conference, in the trade from Swedish ports (including all cargo originating at, moving through or transhipped at said ports) to U.S. North Atlantic ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Mari-

time Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 2, 1959.

By order of the Federal Maritime Board.

[SEAL]

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-1006; Filed, Feb. 4, 1959; 8:51 a.m.]

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreements Nos. 150-11, 150-12 and 150-13, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that conference (150, as amended), which covers the trade from Japan, Korea and Okinawa to Hawaii and the Pacific Coast of the United States and Canada, to provide (1) for the establishment of a Neutral Body which shall receive and investigate complaints of violations of the conference agreement, make decisions thereon, and assess fines in accordance with the agreement; (2) that until March 15, 1959, voting rights on matters will be suspended for members not operating strictly transpacific services and only members having voting rights on rate matters shall be selected for the Rate Committee; (3) that members may act as chartering brokers, and (4) to change certain provisions and add others dealing with voting procedure under the agreement, duties of conference officials and functions of committees.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 2, 1959.

By order of the Federal Maritime Board.

[SEAL]

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-1007; Filed, Feb. 4, 1959; 8:51 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 84-A]

PERFORMANCE OF CERTAIN FUNCTIONS OF SECRETARY

Rescission of General Order No. 84 and Under Secretary of Labor's Notice of March 21, 1956

By virtue of and pursuant to authority vested in me by R.S. 161 (5 U.S.C. 22), the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR 1050 Supp., p. 165), it is hereby ordered as follows: That General Order No. 84, dated March 11, 1955 (20 F.R. 1681), together with the Under Secretary of Labor's Notice of March 21, 1956, thereunder (21 F.R. 1942), are hereby revoked and rescinded.

Signed at Washington, D.C., this 27th day of January 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-1060; Filed, Feb. 4, 1959; 8:53 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

CONTRACTING PARTIES TO GENERAL AGREEMENT ON TARIFFS AND TRADE

Application of Quantitative Import Restrictions Imposed for Balance of Payments Reasons

Correction

In F.R. Doc. 59-857, appearing at page 684 of the issue for Friday, January 30, 1959, the subordinate caption should read as set forth above.

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 set forth below to License No. R-46 to correct a typographical omission from License No. R-46 issued by the Commission on October 10, 1958.

Dated at Germantown, Md., this 28th day of January 1959.

For the Atomic Energy Commission.

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

[License No. R-46, Amqt. 1]

Paragraph 3 of License No. R-46 is hereby amended to make reference to application amendment dated July 30, 1958. As so amended Paragraph 3 reads as follows:

3. This license applies to the facility which is owned by Industrial Reactor Laboratories, Incorporated and located in Plainsboro Township Middlesex County, New Jersey, and described in Construction Permit No. CPERR-7, as amended, and Industrial Reactor Laboratories, Incorporated, application amendments dated June 9, 1953, July 10, 1953, July 14, 1953, July 16, 1953, July 17, 1953, July 30, 1953, August 11, 1953, August 12, 1953, and September 16, 1953 (all herein "the application"). The facility is a pool type research reactor designed to operate at thermal power levels up to 5,000 kilowatts.

Date of issuance: January 28, 1959.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-964; Filed, Feb. 4, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12619, etc.; FCC 59-62]

GRAVES COUNTY BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Graves County Broadcasting Company, Inc., Providence, Kentucky, Docket No. 12619, File No. BP-11577; Muhlenburg Broadcasting Company (WNES), Central City, Kentucky, Docket No. 12620, File No. BP-11731; Charles W. Stratton, H. D. Bohn, Mose Bohn, Shelby McCallum & Smith Dunn d/b as New Madrid County Broadcasting Company, Portageville, Missouri, Docket No. 12744, File No. BP-11686; The Tri-County Broadcasting Company, Inc. (WHDM) McKenzie, Tennessee, Docket No. 12745, File No. BP-11980; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of January 1959:

The Commission having under consideration the above-captioned applications requesting the following standard broadcast facilities:

NEW, Providence, Ky., Graves County Broadcasting Company, Inc., Req: 1050 kc, 250 w, Day.

WNES, Central City, Ky., Muhlenburg Broadcasting Company, Has: 1600 kc, 500 w, Day, Req: 1050 kc, 500 w, Day.

NEW, Portageville, Mo., Charles W. Stratton, H. D. Bohn, Mose Bohn, Shelby McCallum & Smith Dunn d/b as New Madrid County Broadcasting Co., Req: 1050 kc, 250 w, Day.

WHDM, McKenzie, Tenn., The Tri-County Broadcasting Co., Inc., Has: 1440 kc, 500 w, Day, Req: 1050 kc, 1 kw, Day.

It appearing that the Commission, by Order adopted on October 8, 1958, designated for hearing the mutually exclusive applications of the Graves County Broadcasting Company, Inc., and the Muhlenburg Broadcasting Company; that prior to the date of said Order, on November 6, 1957, and April 29, 1958, the applications of the New Madrid County Broadcasting Company, Inc., and The Tri-County Broadcasting Company, Inc., respectively, were accepted for filing; and

It further appearing that, except as indicated by the issues specified below, the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc., are legally, financially, technically and otherwise qualified to operate the proposed stations but that the proposed operations of the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc. (WHDM) are mutually exclusive; that the operations proposed by the Graves County Broadcasting Company, Inc., and the New Madrid County Broadcasting Company would result in some mutual interference; that the proposed operation of the New Madrid County Broadcasting Company would receive some interference from the proposed operation of Station WNES; that the proposed operation of Station WHDM would be involved in mutual interference with both the proposed operation of the Graves County Broadcasting Company, Inc., and the proposed operation of Station WNES; and that the applications of the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc., were timely filed to be entitled to consolidation for hearing with the applications of the Graves County Broadcasting Company, Inc., and the Muhlenburg Broadcasting Company pursuant to § 1.106(b)(1) of the rules of the Commission; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were notified of the foregoing by letter dated November 18, 1958; and

It further appearing that timely replies to the Commission's letter were filed by the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc.; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a consolidated hearing on the applications herein is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications of the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc., are consolidated in the hearing proceeding on the applications of the Graves County Broadcasting Company, Inc., and the Muhlenburg Broadcasting Company on the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of the Graves County Broadcasting Company,

Inc., and the New Madrid County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations WNES and WHDM as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, because of interference received, the proposed operations of the Graves County Broadcasting Company, Inc., WNES and WHDM would comply with § 3.28(c) of the rules of the Commission; and if compliance with § 3.28(c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposed operations would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's order of October 8, 1958, designating for hearing the applications of the Graves County Broadcasting Company, Inc., and the Muhlenburg Broadcasting Company.

It is further ordered, That, to avail themselves of the opportunity to be heard, the New Madrid County Broadcasting Company and The Tri-County Broadcasting Company, Inc., pursuant to § 1.140 of the rules of the Commission, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 2, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1008; Filed, Feb. 4, 1959;
8:51 a.m.]

[Docket Nos. 12636, 12637; FCC 59M-139]

FRANK JAMES AND SAN MATEO BROADCASTING CO.

Order Continuing Hearing

In re application Frank James, Redwood City, California, Docket No. 12636, File No. BPH-2344; Grant R. Wrathall, tr/as San Mateo Broadcasting Company, San Mateo, California, Docket No. 12637, File No. BPH-2431; for construction permits.

The Hearing Examiner having under consideration a Joint Motion for Continuance of Hearing filed by both applicants on January 23, 1959;

It appearing that a present schedule calls for an exchange of exhibits on January 30, 1959 and for commencement of hearing on February 10, 1959; and

It further appearing that parties request a continuance so that exhibits will be exchanged on February 16, 1959, and the hearing will commence on February 27, 1959; and

It further appearing that counsel for the Chief, Broadcast Bureau has no objection to a grant of the motion;

It is ordered, This 30th day of January 1959 that the Joint Motion for Continuance is granted and the date for commencement of hearing is continued from February 10 to February 27, 1959.

Released: February 2, 1959.

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

[F.R. Doc. 59-1009; Filed, Feb. 4, 1959; 8:51 a.m.]

[Docket No. 12685; FCC 59M-134]

EUGENE K. STEINER

Order Continuing Hearing

In the matter of Eugene K. Steiner, 1502 Hilby, Seaside, California, Docket No. 12685; order to show cause why there should not be revoked the license for Radio Station WB-5626 aboard the vessel "Azalea."

The Hearing Examiner having under consideration a motion by the Commission's Safety and Special Radio Services Bureau, filed January 29, 1959, that hearing in the above-entitled proceeding, which is presently scheduled to commence February 4, 1959, be continued to March 4, 1959;

It appearing that the grounds stated in support of the motion are sufficient to warrant the continuance herein sought, and that public interest requires a waiver of § 1.43 of the rules to permit immediate consideration of the matter;

It is ordered, This 30th day of January 1959, that the motion is granted and that hearing in the above-entitled proceeding is continued from February 4, 1959, to March 4, 1959, and will be held

in the Offices of the Commission, Washington, D.C.

Released: January 30, 1959.

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

[F.R. Doc. 59-1010; Filed, Feb. 4, 1959; 8:51 a.m.]

[Docket No. 12688; FCC 59M-138]

SOUTHERN GENERAL BROADCASTING CO., INC. (WTRO)

Order Continuing Hearing

In re application of Southern General Broadcasting Company, Inc. (WTRO), Dyersburg, Tennessee, Docket No. 12688, File No. BP-11422; for construction permit.

It is ordered, This 30th day of January 1959, that, pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding, presently scheduled to commence on February 9, 1959, is continued to March 30, 1959, at 10 o'clock a.m., in Washington, D.C.

Released: February 2, 1959.

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

[F.R. Doc. 59-1011; Filed, Feb. 4, 1959; 8:51 a.m.]

[Docket No. 12740; FCC 59-56]

MANSFIELD BROADCASTING CO. AND MANSFIELD JOURNAL CO.

Order Designating Application for Hearing on Stated Issues

In the matter of Frederick Eckardt, tr/as Mansfield Broadcasting Company, (assignor) and Mansfield Journal Company (assignee), Docket No. 12740, File No. BAL-3126; for consent to the assignment of license of Station WCLW, Mansfield, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of January 1959;

The Commission having under consideration (1) the above-entitled application; (2) the pleadings filed by Richland, Inc., licensee of standard broadcast Station WMAN, Mansfield, Ohio, requesting that said application be designated for hearing; the pleadings filed by the Mansfield Journal Company in opposition to said request; (3) the Commission's letter of November 25, 1958, sent to the applicants herein pursuant to section 309(b) of the Communications Act of 1934, as amended; and (4) the replies submitted by said applicants; and

It appearing that, in its letter of November 25, 1958, the Commission notified the applicants of the reasons why it was unable to find that a grant of the above-entitled application would serve the public interest; that, therefore, a hearing on the application was required; and that the applicants were being afforded 30 days in which to file replies; and

It further appearing that, upon due and careful consideration of the replies submitted by the applicants to the Commission's letter of November 25, 1958, the Commission finds that it is unable to determine at this time that a grant of the above-entitled application would serve the public interest; that the proposed assignee is legally, financially and technically qualified, except with respect to the matters raised by the issues below; and that a hearing is required on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the Mansfield Journal Company, its officers, directors, stockholders and representatives have sought to suppress competition in the dissemination of news and information.

2. To determine whether the Mansfield Journal Company, its officers, directors, stockholders and representatives have sought to achieve an advertising monopoly.

3. To determine whether the proposed operation of a broadcast station by the Mansfield Journal Company would be consistent with the Commission's policy concerning the treatment by broadcast licensees of controversial issues of public importance.

4. To determine whether the Mansfield Journal Company is qualified to be a licensee of a broadcast station in light of its past activities in violation of the Federal antitrust laws and those of its officers, directors, stockholders and representatives.

5. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-entitled application would serve the public interest.

It is further ordered, That, Richland, Inc., is hereby made a party to the proceedings herein.

It is further ordered, That, to avail itself of the opportunity to be heard, the parties herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 2, 1959.

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

[F.R. Doc. 59-1012; Filed, Feb. 4, 1959; 8:51 a.m.]

[Docket Nos. 12742, 12743; FCC 59-61]

**GRANITE CITY BROADCASTING CO.
AND CUMBERLAND PUBLISHING
CO.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho Heckard Wood and Paul Edgar Johnson d/b as Granite City Broadcasting Company, Mount Airy, North Carolina, Docket No. 12742, File No. BP-11811; Cumberland Publishing Company (WLSI), Pikeville, Kentucky, Docket No. 12743, File No. BP-11997; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of January 1959;

The Commission having under consideration the above-captioned application of Granite City Broadcasting Company for a construction permit for a new standard broadcast station to operate on 900 kilocycles, daytime only, with power of 250 watts, at Mount Airy, North Carolina; and the above-captioned application of Cumberland Publishing Company for a construction permit to increase the power of Station WLSI, 900 kilocycles, daytime only, Pikeville, Kentucky, from 1 kilowatt to 5 kilowatts;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, financially, technically, and otherwise qualified to construct and operate its respective proposal, but that operation of Station WLSI as proposed would cause interference to the proposed operation of Granite City Broadcasting Company; that the Granite City proposal may receive from the proposed operation of WLSI and the present operation of Station WAYN, Rockingham, North Carolina (900 kc, 1 kw, Day) interference which would affect more than ten percent of the population in the normally protected primary service area of its proposal in contravention of § 3.28(c) of the Commission's rules; that the proposed operation of WLSI would cause interference to Stations WJHL, Johnson City, Tennessee (910 kc, 1 kw, 5 kw-LS, DA-N, U), WKXV, Knoxville, Tennessee (900 kc, 1 kw, Day), WKYW, Louisville, Kentucky (900 kc, 1 kw, Day), and WTCW, Whitesburg, Kentucky (920 kc, 1 kw, Day); that, because of its restricted ground system, the Granite City proposal may not obtain a minimum antenna efficiency of 175 mv/m/kw; and

It further appearing that, in the event of favorable action on the proposal of Cumberland Publishing Company, final action must be withheld pending ratification of the Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D.F., 1957, pursuant to Public Notice 46545 dated June 18, 1957; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated

December 4, 1958, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that each applicant filed a timely reply in which it stated that it would prosecute its application; and

It further appearing that, in view of the foregoing, the Commission is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal of Granite City Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would gain or lose service from the instant proposal of Cumberland Publishing Company, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WLSI would involve objectionable interference with Stations WJHL, Johnson City, Tennessee; WKXV, Knoxville, Tennessee; WKYW, Louisville, Kentucky; and WTCW, Whitesburg, Kentucky, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from the instant proposal of Station WLSI and the present operation of Station WAYN, Rockingham, North Carolina, would affect more than 10 percent of the population in the normally protected contour of the instant proposal of Granite City Broadcasting Company in contravention of § 3.28(c) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That WJHL, Incorporated; Radio Kentucky, Inc.; Knoxville Ra-TEL, Inc.; and Folkways Broadcasting Company, Inc., licensees of Stations WJHL, Johnson City, Tennessee; WKYW, Louisville, Kentucky; WKXV, Knoxville, Tennessee; and

WTCW, Whitesburg, Kentucky, respectively, are made parties to the hearing; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event of a grant of the application of Granite City Broadcasting Company, the construction permit shall contain the following condition: Before program tests are authorized, the permittee shall submit a nondirectional proof of performance to establish that a minimum antenna efficiency of 175 mv/m/kw has been obtained.

It is further ordered, That, in the event of favorable action on the WLSI proposal, final action will be withheld pending ratification of the Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, Mexico, D.F., 1957.

Released: February 2, 1959.

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

[F.R. Doc. 59-1013; Filed, Feb. 4, 1959;
8:52 a.m.]

[FCC 58-1256]

**OPERATION OF UNLICENSED
BOOSTERS**

DECEMBER 31, 1958.

The Commission on December 30, 1958, adopted a Report and Order terminating the rule making proceedings in Docket No. 12116, which had been instituted to determine the feasibility of operating low-powered apparatus for the purpose of "repeating" or retransmitting the signals of television broadcast stations into remote and sparsely settled areas without adequate TV service. This is the third time that the Commission has denied requests that low power devices be permitted in the VHF television band. The Commission has found that the provision now contained in the Commission's rules for the licensing of TV translators in the UHF television band meets the needs of small remote communities for a low cost method of obtaining TV reception. In view of the potentiality of serious interference to television service

and other services, including services devoted to the protection of life and property, which are allocated to the very congested VHF band, the Commission could not conclude that the public interest would be served by licensing VHF boosters or repeater stations.

For several years VHF boosters and translators have been in operation under varying conditions in a number of communities, particularly in mountainous areas of the West, with no authorizations having been granted therefor under the licensing provisions of the Communications Act of 1934, as amended. Pending litigation, in which it has now been determined that the emanations from these types of stations are radio transmissions within the purview of the Communications Act and thus may not be operated without a license by the Commission, and pending the rule making proceedings now terminated, in which it has been determined that VHF boosters and translators should not be licensed, the Commission has not taken steps toward compelling the unlicensed boosters to cease operation. Now that jurisdiction has been confirmed and it has been finally determined that VHF boosters should not be licensed, the Commission must discharge its responsibility in regulating radio transmissions.

However, in view of all the circumstances, the Commission is not disposed to take such hasty action as to preclude an orderly transition to licensed operation. Hence, except in compelling circumstances, the Commission will not take any steps to compel VHF boosters to cease operation without first affording to the operators of such devices a reasonable period of time to convert their operations to some type of authorized broadcast station, presumably a UHF translator. Unless within 90 days VHF boosters indicate their intention to convert to UHF translators or some other type of authorized TV station, by filing an appropriate application, the Commission will initiate the necessary legal proceedings to bring to a halt the unlicensed operations in the VHF band. Of course, no new VHF boosters can properly be installed in view of our action today and the Commission will not delay appropriate enforcement actions against any such operations.

The Commission anticipates that as a result of this notice there will be many applications for translators to serve communities where unlicensed boosters are now located. The Commission assures interested parties that translator applications will be processed as expeditiously as circumstances will permit.

Translator applicants can help speed Commission action on their applications by carefully reading the applicable rules and regulations and the instructions on the application forms before filling them out. Care in preparation of the application forms will obviate the necessity for correspondence and other delays.

Copies of Part 4 of the Commission's rules governing translator stations may be obtained without cost upon written request to the Federal Communications Commission, Washington 25, D.C. The necessary application forms can be ob-

tained from any of the Commission's field offices or its Washington office on written or verbal request.

Adopted: December 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-1014; Filed, Feb. 4, 1959; 8:52 a.m.]

[FCC 59-51]

FCC TO FURTHER STUDY TV "BOOSTER" PROBLEM

JANUARY 27, 1959.

The Commission, by unanimous action of its full membership on January 26, extended from three to six months the time for existing television VHF "booster" stations to comply with its Public Notice of December 30, during which time the Commission will give further study to the legal and technical aspects of the problem.

Such studies will include possible new legislation looking toward amending the Communications Act to provide more flexibility in administering section 319(a) and a possible relaxation of the operator requirements for broadcast stations.

This period of grace does not extend to new VHF booster operation.

Adopted: January 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-1015; Filed, Feb. 4, 1959; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-10000]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Petition for Modification of Order

JANUARY 23, 1959.

Take notice that on December 19, 1958, Carolina Pipeline Company (Petitioner), an intervener in the above-entitled matter, filed a petition, as supplemented on December 30, 1958, requesting modification of the Commission's Opinion No. 302 and accompanying order, issued March 1, 1957, to terminate the allocation of 2,519 Mcf of natural gas per day to the Abbeville Natural Gas Company therein, and to allocate 1,607 Mcf per day of such volume to Petitioner, all as more fully set forth in the aforesaid petition, as supplemented, which is on file with the Commission and open to public inspection.

Petitioner states that Abbeville Natural Gas Company's allocation of gas was intended for resale in the communities of Abbeville, Due West, Iva, and

¹ Concurring statement of Commissioner Craven, filed as part of original document.

Starr, South Carolina, but that no facilities have been built to render such service, and the Public Service Commission of South Carolina, by order issued October 1, 1958, found that Abbeville Natural had no intention of serving the territory granted to it. On the same date, the South Carolina Commission issued an order, as amended on November 5, 1958, authorizing Petitioner to construct and operate facilities to serve the communities of Abbeville, Due West, and Calhoun Falls, South Carolina, which communities have issued franchises to Petitioner.

Petitioner, by order of this Commission issued July 17, 1958, in Docket No. G-15245, was exempted from the provisions of the Natural Gas Act, pursuant to section 1(c) thereof.

Petitioner estimates its natural gas requirements to serve the three towns and rural areas along its proposed pipeline, as follows:

	First year	Second year	Third year
Annual (Mcf).....	222,680	421,300	531,360
Peak Day (Mcf).....	918	1,290	1,607

The estimated cost of Petitioner's proposed facilities, including transmission and distribution facilities and an allowance for working capital, is \$1,050,000, to be financed temporarily by a bank loan of \$950,000, and ultimately by the sale of \$1,300,000 5¾ percent First Mortgage Bonds due 1979.

Transcontinental Gas Pipeline Corporation will be required to build a metering station for Petitioner in lieu of that authorized for Abbeville Natural in the order, modification of which is sought herein.

It is stated that the communities of Iva and Starr, South Carolina, are currently being served by Piedmont Natural Gas Company.

Protests or petitions to intervene in this proceeding 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 February 18, 1959.

[SEAL] JOSEPH H. GURRIDE, Secretary.

[F.R. Doc. 59-966; Filed, Feb. 4, 1959; 8:45 a.m.]

[Docket No. E-6861]

CALIFORNIA ELECTRIC POWER CO.

Order Providing for Hearing and Suspending Proposed Rate Schedules

JANUARY 23, 1959.

California Electric Power Company (California Electric) on November 24, 1958, tendered for filing, pursuant to Section 205 of the Federal Power Act, two rate schedules proposing increased rates in amounts totaling approximately \$39,600, or 21 percent, annually for sales of electric energy to Mineral County Power System and the US Naval Ammunition Depot at Hawthorne, Nevada, based on sales for the 12 months ending

October 24, 1958. The tendered filings have been tentatively designated in the Commission's files as Supplement No. 2 (supersedes Supplement No. 1) to California Electric's Rate Schedule FPC No. 15,¹ and Supplement No. 1 to California Electric's Rate Schedule FPC No. 22.² California Electric proposes to make its increased rates effective January 25, 1959.

In support of the proposed increased rate, California Electric has furnished the Commission a cost study based on operations for the year ending July 31, 1958, utilizing a return of 6.75 percent on a net rate base. Such 6.75 percent rate of return, among other items, is questioned. The Nevada Public Service Commission has requested suspension of the proposed increase and wishes to enter an appearance as an intervenor.

The increased rates and charges contained in California Electric's proposed supplements have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful within the meaning of the Federal Power Act. And, unless suspended by order of the Commission, the proposed supplements will become effective January 25, 1959, pursuant to the provisions of the Federal Power Act and the Commission's regulations thereunder.

The Commission finds: It is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, enter upon a hearing concerning the lawfulness of the rates or charges proposed by California Electric in Supplements Nos. 2 and 1 to its Rate Schedules FPC Nos. 15 and 22, respectively, and that the operation of such proposed supplements be suspended and the use thereof deferred as hereinafter provided. The Commission orders:

(A) A public hearing be held concerning the lawfulness of California Electric's proposed Supplements Nos. 2 and 1 to its Rate Schedules FPC Nos. 15 and 22, respectively, at a time and place and in the manner all to be fixed by further order of the Commission.

(B) Pending such hearing and decision thereon, the operation of the proposed supplements referred to in paragraph (A) above, hereby is suspended and the use thereof deferred until June 24, 1959. On that date the proposed supplements shall take effect in the manner prescribed by the Act, subject to further order of the Commission.

(C) During the period of suspension California Electric's Rate Schedules FPC No. 15 and Supplement No. 1 thereto, and FPC No. 22, respectively, on file with the Commission shall remain and continue in effect.

(D) California Electric shall not change either the terms and provisions of its Rate Schedules FPC No. 15 and Supplement Nos. 1 and 2 thereto, and FPC No. 22 and Supplement No. 1 thereto, until this proceeding has been dis-

posed of, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-967; Filed, Feb. 4, 1959; 8:45 a.m.]

[Docket Nos. G-17700—G-17713]

TIDEWATER OIL CO. ET AL.

Order for Hearings Suspending Proposed Changes in Rates and Allowing Changed Rates To Become Effective

JANUARY 28, 1959.

In the matters of Tidewater Oil Company, Docket No. G-17700; Bel Oil Corporation (Operator) et al., Docket No.

G-17701; Plymouth Oil Company, Docket No. G-17702; Graridge Corporation, Docket No. G-17703; Mobley & Stephens, Docket No. G-17704; Union Oil Company of California, Docket No. G-17705; The Superior Oil Company (Operator) et al., Docket No. G-17706; The Superior Oil Company, Docket No. 17707; Crescent Oil & Gas Company, Docket No. G-17708; Maracaibo Oil Exploration Corporation (Operator) et al., Docket No. G-17709; Vincent & Welch, Inc. (Operator) et al.; Docket No. G-17710; W. E. Walker and J. R. Meeker, Docket No. G-17711; Benedum-Trees Oil Company (Operator) et al., Docket No. G-17712; H. S. Cole, Jr., et al., Docket No. G-17713.

The proposed changes hereinafter designated which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission have been tendered for filing by the above-named Respondents. In each filing the purchaser is Texas Gas Transmission Corporation. The stated effective date in each of these filings is the first day after expiration of the required statutory notice.¹

Respondent	Rate schedule No.	Supp. No.	Notice of changes dated	Date tendered	Effective date	Rate suspended and deferred until—	Rate in effect subject to refund in Docket No.
1. Tidewater Oil Co.	37	11	Dec. 23, 1958	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-11907
2. Bel Oil Corp. (operator), et al.	5	3	Undated	do	do	do	G-15592
3. Plymouth Oil Co.	13	1	do	do	do	Jan. 30, 1959	
4. Graridge Corp.	1	4	Dec. 29, 1958	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	G-16071
5. Mobley & Stephens	2	1	Dec. 24, 1958	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	
6. Union Oil Company of Calif.	13	4	Dec. 29, 1958	do	do	do	G-15846
7. The Superior Oil Co. (operator), et al.	13	8	do	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	G-15648
8. The Superior Oil Co.	69	2	do	do	do	do	G-15555
9. Crescent Oil & Gas Corp.	2	5	Undated	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-16062
10. Maracaibo Oil Exploration Corp. (operator), et al.	3	4	Dec. 30, 1958	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-15645
11. Vincent & Welch, Inc. (operator), et al.	3	2	Dec. 29, 1958	Jan. 2, 1959	Feb. 2, 1959	Feb. 3, 1959	G-16043
12. W. E. Walker and J. R. Meeker	1	3	Dec. 31, 1958	Jan. 5, 1959	Feb. 5, 1959	Feb. 6, 1959	G-15953
13. Benedum-Trees Oil Co. (operator), et al.	9	2	Undated	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-15761
14. H. S. Cole, Jr., et al.	3	4	Dec. 29, 1958	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	G-11712

In support of the proposed rates and charges, Respondents evidently interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that Respondents received for the Louisiana gathering tax. This interpretation appears to be questionable, has been protested by Texas Gas Transmission Corporation, and should be determined after hearing.

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:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of

the said proposed changes, and that the above-designated supplements be suspended and the use 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 the proposed rates be made effective as hereinafter provided and that Respondents 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), public hearings be held upon a date to be fixed by notices from the

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

¹Purchaser is Mineral County Power System.

²Purchaser is US Naval Ammunition Depot.

Secretary concerning the lawfulness of the proposed increased rates and charges contained in the aforementioned supplements.

(B) Pending the hearings and decisions thereon, the supplements are hereby suspended and the use thereof deferred as indicated above, 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 above-designated supplements shall be effective as of the dates until which they were suspended as hereinbefore indicated above: *Provided, however*, That within 20 days from the date of this order, Respondents shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in the proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of 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 one copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, 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, as follows:

Agreement and Undertaking of (Respondent's name) 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 (Date) in Docket No. (-----) (Respondent's name) 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 -----)¹

(Respondent's name)

Attest: By -----

¹ If a corporation.

As a further condition of this order Respondent shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If the respective Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-968; Filed, Feb. 4, 1959;
8:45 a.m.]

[Docket No. G-17714]

DAVID CROW ET AL.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate to Become Effective

JANUARY 28, 1959.

David Crow, Trustee et al. (Crow) on December 29, 1958, tendered for filing a proposed change in the presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of Change, dated December 24, 1958.

Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Crow's FPC Gas Rate Schedule No. 2.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In view of the controversial interpretation of the tax reimbursement clause of Crow's basic contract, it is deemed appropriate that a public hearing be held to determine the proper interpretation of the tax provisions. The purchaser, Southern Natural Gas Company, advises that it does not agree with Crow's interpretation of the tax reimbursement provision of the gas sales contract involved, and claims that the tax reimbursement

¹ Present rate previously suspended and is now in effect subject to refund in Docket No. G-15573 (Louisiana gathering tax increase).

provisions of the contract are only applicable to a gathering tax.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Crow's FPC Gas Rate Schedule No. 2 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 the proposed rate be made effective as hereinafter provided and that Crow 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 shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 4 to Crow's FPC Gas Rate Schedule No. 2.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the supplement shall be effective on January 30, 1959: *Provided, however*, That within 20 days from the date of this order, Crow shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Crow 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 portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Crow until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly (or quarterly if Crow so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance

of this order, Crow shall execute and file in triplicate with the Secretary of this Commission the written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of David Crow, Trustee, et al., To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued _____, 1959, in Docket No. G-_____, David Crow, Trustee, et al., hereby agree and undertake to comply with the terms and conditions of paragraph (D) of said order, and for that purpose have caused this agreement and undertaking to be executed.

_____ Date _____

Witness: _____

Unless Crow is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Crow shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-969; Filed, Feb. 4, 1959;
8:45 a.m.]

[Docket No. G-17590]

HOLLY OIL CO.

Order for Hearing and Suspending Proposed Changes in Rates

JANUARY 28, 1959.

Holly Oil Company (Holly Oil), on December 29, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: (1) Supplementary Agreement, dated December 17, 1958. (2) Notice of Change, dated December 22, 1958.

Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: (1) Supplement No. 3 to Holly Oil's FPC Gas Rate Schedule No. 2. (2) Supplement No. 4 to Holly Oil's FPC Gas Rate Schedule No. 2.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

Holly Oil proposes to supersede its FPC Gas Rate Schedule No. 1, transfer the acreage covered thereby to its FPC Gas Rate Schedule No. 2, and increase the level of rate for all gas from the combined acreage. In support thereof, Holly Oil states that the consolidation of the two former sales under one contract results in simplification of administration and states that the proposed level of rate is just and reasonable and does not exceed the market price for natural gas in the area.

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 proposed changes and that Supplement Nos. 3 and 4 to Holly Oil's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 3 and 4 to Holly Oil's FPC Gas Rate Schedule No. 2.

(B) Pending the hearing and decision thereon, the said supplements are hereby suspended and the use thereof deferred until June 29, 1959, and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-970; Filed, Feb. 4, 1959;
8:45 a.m.]

[Docket No. G-16482]

MURPHY GAS, INC.

Notice of Application and Date of Hearing

JANUARY 29, 1959.

Take notice that Murphy Gas, Inc. (Applicant) an Ohio corporation, having

its principal place of business at Negley, Columbiana County, Ohio, filed on September 30, 1958, an application, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Manufacturers Light and Heat Company (Manufacturers), to sell and deliver natural gas to Applicant for resale to the public in Middleton Township, Columbiana County, Ohio, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant alleges that Mr. Frank H. Murphy, as an individual, purchased gas from Natural Gas Company of West Virginia (Natural), at that company's retail rate and resold it to his neighbors in Negley, Ohio. In Docket No. G-9694 this Commission authorized Manufacturers to purchase and operate 8,980 feet of Natural's 8-inch Line No. 6013, from which Mr. Murphy is presently being served by Manufacturers instead of by Natural.

Mr. Murphy, having been informed by Manufacturers, that he was eligible to take service under Manufacturers' FPC Rate Schedule SGS instead of Manufacturers' Ohio retail rate, which is about ten cents less per Mcf, incorporated his business as Murphy Gas, Inc., and filed this application.

Applicant's estimated annual gas requirements are as follows:

Year	Mcf
1958	8,600
1959	9,000
1960	9,300
1961	9,800
1962	10,000

Peak day consumption on February 17, 1958, was 68 Mcf and probable peak day requirements will not exceed 80 Mcf.

No additional facilities are required by reason of this application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 16, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

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

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-972; Filed, Feb. 4, 1959;
8:45 a.m.]

[Docket No. G-12312]

CARTER OIL CO.

Notice of Application and Date of Hearing

JANUARY 29, 1959.

Take notice that The Carter Oil Company (Applicant), an independent producer with its principal place of business in Tulsa, Oklahoma, filed, on March 29, 1957, an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service to Olin Gas Transmission Corporation from certain oil and gas leases in the Holly Ridge Field, Tensas Parish, Louisiana, which service has been rendered on and since June 7, 1954, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The service proposed to be abandoned was authorized on February 28, 1955, in Docket No. G-4553. Applicant also has submitted a notice of cancellation of its related FPC Gas Rate Schedule No. 14. This notice is on file with the Commission as Supplement No. 6 to the Carter Oil Company FPC Gas Rate Schedule No. 14.

In support of its abandonment application, Applicant has included copies of a letter agreement with Olin dated December 21, 1956, providing for cancellation of the contract covering the subject service because the gas wells on the acreage covered by the contract have ceased to produce and have been abandoned. Applicant states that the last well ceased to produce on July 2, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 3, 1959 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-971; Filed, Feb. 4, 1959;
8:45 a.m.]

[Docket No. G-17673]

UNION OIL COMPANY OF CALIFORNIA

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Increased Rate To Become Effective

JANUARY 28, 1959.

Union Oil Company of California (Union) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of Change, dated December 29, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 7 to Union's FPC Gas Rate Schedule No. 5.

Effective date: January 29, 1959 (effective date is the first day following expiration of statutory notice).

In support of the proposed rate and charge, Union has interpreted the tax provisions of the aforementioned rate schedule to the effect that the tax reimbursement for the Louisiana severance tax will be at the same reimbursement level that Union received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

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

¹ Rate is currently in effect subject to refund in Docket No. G-15846.

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 rate and charge contained in Supplement No. 7 to Union's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement shall be effective on January 30, 1959: *Provided, however*, That within 20 days from the date of this order, Union shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Union 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 portion of the increased rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Union until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Union so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Union 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, as follows:

Agreement and Undertaking of the Union Oil Company of California To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued (Date), in Docket No. G-17673, the Union Oil Company of California 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 _____

UNION OIL COMPANY OF CALIFORNIA

By _____

Attest:

As a further condition of this order, Union shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Union is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Union shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of

or until the period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-974; Filed, Feb. 4, 1959; 8:45 a.m.]

[Docket Nos. G-17658—G-17670]

MOUND CO. ET AL.

Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective¹

JANUARY 28, 1959.

In the matters of Mound Company et al., Docket No. G-17658; Oil Participa-

tions, Inc., Docket No. G-17659; Maracaibo Oil Exploration Corporation (Operator) et al., Docket No. G-17660; Crescent Oil & Gas Corporation, Docket No. G-17661; Willard E. Walker, Docket No. G-17662; Monterey Oil Company (Operator) et al., Docket No. G-17663; Crown Central Petroleum Corporation et al., Docket No. G-17664; Bel Oil Corporation, Docket No. G-17665; Union Oil Company of California, Docket No. G-17666; Union Oil Company of California et al., Docket No. G-17667; Tidewater Oil Company, Docket No. G-17668; David Crow, Trustee, Docket No. G-17669; Ted Weiner et al., Docket No. G-17670.

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the parties named above (Respondents). The purchaser in each instance is Transcontinental Gas Pipe Line Corporation.

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated—	Date tendered	Effective date ¹	Increased rate suspended and the use thereof deferred until—	Present rate in effect subject to refund in Docket No.
1. Mound Co., et al.	15	5	Undated	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-16241.
2. Oil Participations, Inc.	9	1	do	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	
3. Maracaibo Oil Exploration Corp. (operator), et al.	1	18	Dec. 30, 1958	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-6279, G-13032, G-15573, G-15577, G-15635.
4. Crescent Oil & Gas Corp.	3	3	Undated	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-15578.
5. Willard E. Walker	1	1	Dec. 29, 1958	Jan. 2, 1959	Feb. 2, 1959	Feb. 3, 1959	G-4505, G-15591.
6. Monterey Oil Co. (operator), et al.	13	2	do	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-4331, G-15846.
7. Crown Central Petroleum Corp., et al.	6	3	do	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	G-4331, G-15846.
8. Bel Oil Corp.	3	3	Undated	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-4331, G-15846.
9. Union Oil Co. of California	2	6	Dec. 29, 1958	do	do	do	G-4331, G-15847.
10. Union Oil Co. of California	3	3	do	do	do	do	G-15846.
11. Union Oil Co. of California	4	3	do	do	do	do	G-4332, G-15847.
12. Union Oil Co. of California	6	4	do	do	do	do	G-15846.
13. Union Oil Co. of California	17	2	do	do	do	do	G-4332, G-15847.
14. Union Oil Co. of California, et al.	5	4	do	do	do	do	G-15575.
15. Tidewater Oil Co.	54	2	Undated	do	do	do	G-15575.
16. David Crow, trustee	3	3	Dec. 22, 1958	do	do	do	G-15575.
17. Ted Weiner, et al.	3	2	do	do	do	do	G-15872.

¹ The stated effective date is the first day after the expiration of the required thirty days' notice.

In support of the proposed rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the Louisiana severance tax will be at the same reimbursement level that each Respondent received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed 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:

(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 each of the said proposed changes, and that the supplements herein designated 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 pro-

vided and that each Respondent be required to file an undertaking as herein-after 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 each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each hereby is suspended and the use thereof deferred until the dates hereinbefore indicated, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents'

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

FPC Gas Rate Schedules shall be effective as of the dates until which they were suspended as hereinbefore indicated: *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 undertaking 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 portion of the increased rates found by the Commission in these proceedings not justified, together with interest thereon, at the rate of six percent per annum from the date of payment to Respondents until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf, such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly 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 hereof, Respondents shall execute and file in triplicate with the Secretary of this Commission their written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by the Respondent, or, if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper authority from the board of directors, as follows:

Agreement and Undertaking of (Name of Respondent) 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 (Date) in Docket No. _____, (_____) 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 hereto¹), this _____ day of _____

By _____
Attest: _____

¹ If a corporation.

As a further condition of this order, Respondents shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-973; Filed, Feb. 4, 1959; 8:45 a.m.]

[Docket No. G-17676-G-17678]

**HARWAY PRODUCERS, INC. ET AL.
Order for Hearing, Suspending Proposed Changes in Rates, and Allowing Changed Rates To Become Effective**

JANUARY 28, 1959.

In the matters of Harway Producers, Inc., Docket No. G-17676; Maude H. Mitchell, Docket No. G-17677; Crescent

Production Company, Inc., et al., Docket No. G-17678.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is the Mississippi River Fuel Corporation and the Respondents have proposed December 1, 1958, as the effective date of the changes.¹

Respondent	Rate schedule	Supp. No.	Date of notice of change	Date tendered
Harway Producers, Inc.-----	11	3	Dec. 22, 1958	Dec. 29, 1958
Maude H. Mitchell-----	1	1	Dec. 19, 1958	Do.
Crescent Production Company, Inc., et al.-----	11	5	Dec. 22, 1958	Do.
Crescent Production Company, Inc., et al.-----	10	3	do.	Do.

¹ Rate previously suspended and is in effect subject to refund in Docket No. G-15941 (Louisiana gathering tax increase).
² Rates previously suspended and are in effect subject to refund in Docket Nos. G-15931 and G-16411.
³ Rate previously suspended and is in effect subject to refund in Docket No. G-15931 (Louisiana gathering tax increase).

In support of the proposed rates and charges, Respondents have interpreted the Louisiana severance tax as a similar and substituted tax for the suspended Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed 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:

(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 the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed 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 rate and charge contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until January 30, 1959, 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 above-designated supplements shall be effective on Janu-

ary 30, 1959: *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 undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in these proceedings not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, 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 Respondent, or if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper

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

authority from the board of directors, as follows:

Agreement and Undertaking of (Name of Respondent) 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 (Date) in Docket No. G-_____, (Name of Respondent) 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 hereto¹) this _____ day of _____ 1959.

Attest:

¹ If a corporation.

As a further condition of this order, Respondent shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission; the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-975; Filed, Feb. 4, 1959;
 8:46 a.m.]

[Docket No. G-17682]

UNION OIL COMPANY OF CALIFORNIA

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JANUARY 28, 1959.

Union Oil Company of California (Union Oil) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 29, 1958.

Purchaser: United Fuel Gas Company.
 Rate schedule designation: Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 12.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In view of the controversial interpretation of the tax reimbursement clause of Union Oil's contract, it is deemed appropriate that a public hearing be held to determine the proper interpretation of the tax provisions. Union Oil requests the same tax reimbursement for the Louisiana severance tax as received for its suspended gathering tax.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 12 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 the proposed rate be made effective as hereinafter provided and that Union Oil 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 rate and charge contained in Supplement No. 4 to Union Oil's FPC Gas Rate Schedule No. 12.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the supplement shall be effective on January 30, 1959: *Provided, however,* That within 20 days from the date of this order, Union Oil shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Union Oil 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 portion of the increased rate found by the Commission in this proceeding not justified, together

¹ Present rates previously suspended and are now in effect subject to refund in Docket Nos. G-13438 and G-15846 (also subject to Commission's order in the suspension proceeding in Docket No. G-16602).

with interest thereon at the rate of six percent per annum from the date of payment to Union Oil until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly (or quarterly if Union Oil so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance of this order, Union Oil 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, as follows:

Agreement and Undertaking of Union Oil Company of California To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued _____, 1959, in Docket No. G-17682, Union Oil Company of California 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 the officers of the Union Oil Company of California, thereupon duly authorized in accordance with the terms of the resolution of Union Oil's board of directors, a certified copy of which is appended hereto, this _____ day of _____, 1959.

UNION OIL COMPANY OF CALIFORNIA

By _____

Attest:

This agreement and undertaking of Union Oil Company of California shall be signed by a responsible officer of Union Oil and evidenced by proper authority from Union Oil's board of directors. Union Oil shall file with the agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Union Oil is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Union Oil shall, in conformity with the terms and conditions of paragraph (D) of this order make the refund as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has ex-

pired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-976; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket No. G-17683]

BEL OIL CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JANUARY 28, 1959.

Bel Oil Corporation (Bel Oil) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Trunkline Gas Company.
Rate schedule designation: Supplement No. 4 to Bel Oil's FPC Gas Rate Schedule No. 4.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed rate and charge, Bel Oil has interpreted the Louisiana severance tax as a substitute for the Louisiana gathering tax and applied the tax reimbursement. This interpretation appears to be questionable and should be determined after hearing. The purchaser, Trunkline Gas Company, has protested all of its suppliers' tax filings, including the tax filing of Bel Oil herein.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Bel Oil's FPC Gas Rate Schedule No. 4 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 the proposed rate be made effective as hereinafter provided and that Bel Oil be required to file an undertaking as hereinafter ordered and conditioned.

¹Present rates previously suspended and are now in effect subject to refund in Docket Nos. G-14259 and G-15591.

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 rate and charge contained in Supplement No. 4 to Bel Oil's FPC Gas Rate Schedule No. 4.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the supplement shall be effective on January 30, 1959: *Provided, however,* That within 20 days from the date of this order, Bel Oil shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Bel Oil 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 portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Bel Oil until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly (or quarterly if Bel Oil so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance of this order, Bel Oil 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, as follows:

Agreement and Undertaking of Bel Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued _____, 1959, in Docket No. G-17683, Bel Oil Corporation 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 the officers of the Bel Oil Corporation, thereupon duly authorized in accordance with the terms of the resolution of Bel Oil's board of directors, a certified

copy of which is appended hereto, this _____ day of _____, 1959.

BEL OIL CORPORATION
By _____

Attest:

This agreement and undertaking of Bel Oil Corporation shall be signed by a responsible officer of Bel Oil and evidenced by proper authority from Bel Oil's board of directors. Bel Oil shall file with the agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Bel Oil is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Bel Oil shall, in conformity with the terms and conditions of paragraph (D) of this order make the refund as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-977; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket No. G-17672]

GULF OIL CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JANUARY 28, 1959.

Gulf Oil Corporation (Gulf) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of Change, dated December 24, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 80.

Effective date: January 29, 1959 (effective date is the first day following expiration of statutory notice).

In support of the proposed rate and charge, Gulf has interpreted the tax provisions of the aforementioned rate schedule to the effect that the tax reimbursement for the Louisiana severance tax will be at the same reimbursement level that Gulf received for the Louisiana gathering tax. This interpretation ap-

pears to be questionable and should be determined after hearing.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Gulf 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 rate and charge contained in Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 80.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge and classification set forth in the above-designated supplement shall be effective on January 30, 1959: *Provided, however,* That within 20 days from the date of this order, Gulf shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Gulf 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 portion of the increased rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Gulf until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Gulf so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate

allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Gulf 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, as follows:

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

In conformity with the requirements of the order issued (Date), in Docket No. G-17672, the Gulf Oil Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for that purpose has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____

Attest: By _____
GULF OIL CORPORATION

As a further condition of this order, Gulf shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Gulf is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Gulf shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-978; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket No. G-17602]

JAMES MUSLOW ET AL.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JANUARY 28, 1959.

James Muslow et al. (Muslow) on December 29, 1958, tendered for filing a proposed change in his presently effective

rate schedule¹ for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 24, 1958.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 3 to Muslow's FPC Gas Rate Schedule No. 1.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed increased rate and charge, Muslow has interpreted the tax provision of the aforementioned rate schedule to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that Muslow received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Muslow's FPC Gas Rate Schedule No. 1 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 the proposed rate be made effective as hereinafter provided and that Muslow 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 shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 3 to Muslow's FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 30, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the aforesaid supplement shall be effective on January 30, 1959: *Provided, however,* That within 20 days from the date of this order, Muslow shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

¹Present rate in effect subject to refund in Docket No. G-15634.

(D) Muslow 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 portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Muslow until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath, to the Commission monthly (or quarterly if Muslow so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchaser and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in Paragraph (C), within 20 days from the date of issuance of this order, Muslow 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, as follows:

Agreement and Undertaking of James Muslow et al. To Comply With the Terms and Conditions of Paragraph (D) of the Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued (Date), in Docket No. G-17602, James Muslow hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, this ----- day of -----

(James Muslow)

Witness:

As a further condition of this order, Muslow shall file with the agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Muslow is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Muslow shall, in conformity with the terms and conditions of Paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-979; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket No. G-17610]

KERR-McGEE OIL INDUSTRIES, INC.

Order for Hearing and Suspending Proposed Change in Rates

JANUARY 28, 1959.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee) on December 29, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 22, 1958.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designation: Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule No. 53.

Effective date: January 29, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Kerr-McGee states that the contract was negotiated at arm's length, that the proposed rate constitutes a part of the consideration given and received by each of the parties, and that the increase is no higher than necessary to encourage exploration and development and to attract the necessary risk capital.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule No. 53 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Kerr-McGee's FPC Gas Rate Schedule No. 53.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 29, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-980; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket Nos. G-17684—G-17699]

CROW DRILLING & PRODUCING CO. ET AL.

Order for Hearings Suspending Proposed Changes in Rates and Allowing Changed Rates To Become Effective

JANUARY 28, 1959.

In the matters of Crow Drilling & Producing Company, Docket No. G-17684; Crescent Production Company, Inc., et al., Docket No. G-17685; Plymouth Oil Company (Operator) et al., Docket No. G-17686; J. E. Frankel et al., Docket No. G-17687; Crescent Drilling Company, Inc., Docket No. G-17688; Crescent Production Company, Inc., Docket No. G-17689; Herman Brown, Docket No. G-17690; Murphy Corporation et al., Docket No. G-17691; Union Oil Company of California, Docket No. G-17692; Southwest Natural Production Company, Docket No. G-17693; Harway Producers, Inc., Docket No. G-17694; Sunray Mid-Continent Oil Company (Operator) et al., Docket No. G-17695; J. S. Rushing, Docket No. G-17696; Sam Sklar (Operator) et al., Docket No. G-17697; J. C. Trahan (Operator) et al., Docket No. G-17698; Austin E. Stewart et al., Docket No. G-17699.

The proposed changes hereinafter designated which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission have been tendered for filing by the above-named Respondents. In each filing the purchaser is Arkansas Louisiana Gas Company. The stated effective date in each of these filings is the first day after expiration of the required statutory notice.¹

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

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated	Date tendered	Effective date	Rate suspended and deferred until	Rate in effect subject to refund in docket No.
1. Crow Drilling and Producing Co.	2	2	Dec. 24, 1958	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-15576.
2. Crescent Production Co., Inc., et al.	1	5	Dec. 22, 1958	do	do	do	G-15931.
3. Crescent Production Co., Inc., et al.	7	4	do	do	do	do	G-15931.
4. Crescent Production Co., Inc., et al.	5	5	do	do	do	do	G-15931.
5. Crescent Production Co., Inc., et al.	4	4	do	do	do	do	G-15931.
6. Crescent Production Co., Inc., et al.	3	4	do	do	do	do	G-15931.
7. Crescent Production Co., Inc., et al.	8	3	do	do	do	do	G-15931.
8. Plymouth Oil Co. (operator), et al.	3	9	Undated	do	do	do	G-15931.
9. J. R. Frankel, et al.	1	8	do	do	do	do	G-15931.
10. Crescent Drilling Co., Inc.	2	3	Dec. 22, 1958	do	do	do	G-15932.
11. Crescent Production Co., Inc.	15	3	do	do	do	do	G-15932.
12. Herman Brown	2	8	Undated	do	do	do	G-15971.
13. Murphy Corporation et al.	14	4	Dec. 23, 1958	do	do	do	G-15605.
14. Murphy Corporation et al.	9	6	do	do	do	do	G-15946.
15. Union Oil Co. of California.	22	3	Dec. 29, 1958	do	do	do	G-16121.
16. Southwest Natural Production Co.	8	5	Dec. 24, 1958	do	do	do	G-15941.
17. Harway Producers, Inc.	8	4	Dec. 22, 1958	do	do	do	G-15941.
18. Harway Producers, Inc.	4	5	do	do	do	do	G-15941.
19. Harway Producers, Inc.	3	4	do	do	do	do	G-16055.
20. Harway Producers, Inc.	2	4	do	do	do	do	G-15941.
21. Harway Producers, Inc.	7	4	do	do	do	do	G-15941.
22. Harway Producers, Inc.	6	4	do	do	do	do	G-15941.
23. Sunray Mid-Continent Oil Co. (operator), et al.	47	7	Undated	do	do	do	G-16045.
24. Sunray Mid-Continent Oil Co. (operator), et al.	46	6	do	do	do	do	G-15595.
25. J. S. Rushing	1	5	Dec. 24, 1958	do	do	do	G-15968.
26. Sam Sklar (operator), et al.	2	4	Dec. 30, 1958	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	G-16038.
27. J. C. Trahan (operator), et al.	8	4	Undated	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	G-16048.
28. J. C. Trahan (operator), et al.	3	5	do	do	do	do	
29. Austin E. Stewart, et al.	2	6	do	Jan. 2, 1959	Feb. 2, 1959	Feb. 3, 1959	

In support of the proposed increased rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same level or higher than Respondents received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

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:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use 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 the proposed rates be made effective as hereinafter provided and that Respondents 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), public hearings be held upon a date to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the aforementioned supplements.

(B) Pending the hearings and decisions thereon, the supplements are hereby suspended and the use thereof deferred as indicated above 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 above-designated supplements shall be effective as of the dates until which they were suspended as hereinbefore indicated above: *Provided, however,* That within 20 days from the date of this order, Respondents shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final

order of the Commission, the portion of the increased rates found by the Commission in the proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, 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, as follows:

Agreement and Undertaking of (Respondent's name) 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 (Date) in Docket No. _____ (Respondent's name) 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 _____.)¹

(Respondent's name)
By _____

Attest: _____

¹ If a corporation.

As a further condition of this order Respondents shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Respondent is advised to the contrary within 15 days after date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If the respective Respondent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension

has expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-982; Filed, Feb. 4, 1959;
8:46 a.m.]

[Docket No. G-6099]

HOWELL & HOWELL ET AL.

Notice of Application and Date of Hearing

JANUARY 30, 1959.

In the matter of Howell & Howell et al., formerly Howell, Holloway and Howell, et al.; Docket No. G-6099.

Take notice that Howell & Howell et al. (Applicant) an independent producer with its principal place of business in Dallas, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to continue to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant produces natural gas from the well located on its Lakeside Irrigation Company Lease in the North Lissie Field, Wharton County, Texas and sells the gas to Tennessee Gas Transmission Company for transportation in interstate commerce for resale.

Howell & Howell is a partnership composed of G. B. Howell and Vernon C. Howell, and is successor to the partnership of Howell, Holloway and Howell, the original applicant. Applicant has filed this application for itself and on behalf of 18 co-owners of the working interest in the lease.

The gas sale contract dated February 23, 1954, is on file with the Commission as Howell & Howell (Operator) et al., FPC Gas Rate Schedule No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 3, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.,

¹ By letter filed January 31, 1958, Howell & Howell advised that by instrument dated December 21, 1957, W. G. Holloway, Jr., one of the partners, assigned his one-third interest in the partnership to G. B. Howell and Vernon C. Howell, and the name of the partnership was changed to Howell & Howell.

concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 26, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-983; Filed, Feb. 4, 1959;
8:47 a.m.]

[Docket No. G-10001]

**NORTHERN NATURAL GAS
PRODUCING CO.**

Notice of Application and Date of Hearing

JANUARY 29, 1959.

Take notice that Northern Natural Gas Producing Company (Applicant) an independent producer of natural gas with its principal place of business in Omaha, Nebraska, filed on February 27, 1956, in Docket No. G-10001 an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act authorizing Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Northern Natural Gas Company. The sales are to be made from the Hugoton Field in Seward and Haskell Counties, Kansas, and are covered by contracts (and supplements thereto) between Northern Natural Gas Producing Company, as seller, and Northern Natural Gas Company, as buyer, dated February 15, 1955, May 17, 1955, June 3, 1955, December 29, 1954, and November 2, 1954, which are on file with the Commission respectively as Northern Natural Gas Producing Company FPC Gas Rate Schedules Nos. 8, 9, 10, 11, and 12.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 9, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.,

concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-984; Filed, Feb. 4, 1959;
8:47 a.m.]

[Docket No. G-16742]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JANUARY 29, 1959.

Take notice that Cities Service Gas Company (Applicant) filed an application on October 20, 1958, as amended and supplemented on December 15, 1958, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain natural gas facilities to enable it to meet the increased requirements of customers in and about the town of El Dorado, Kansas; and for authority to reclaim and abandon other facilities in the vicinity of El Dorado, subject to the jurisdiction of the Commission, all as more fully described in the application as amended and supplemented on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 3.41 miles of 16-inch lateral transmission pipeline extending from a connection with Applicant's 20-inch Wichita-Ottawa main line in Butler County, Kansas, south and east to the Skelly Oil Company refinery near El Dorado. This is to be a second delivery point to the refinery which is a direct interruptible customer of Cities Service.

(2) Approximately 3/4 of a mile of 6-inch lateral pipeline from a connection with the proposed 16-inch line east to the existing El Dorado South Town Border Station.

(3) Three metering and regulating installations on the proposed pipeline facilities, one for the gas entering the 16-inch line, another for the gas delivered to Skelly at the second delivery point and a third for gas injected into the nearby Boyer Storage Field.

Applicant also proposes to:

(1) Reclaim a total of approximately 2.45 miles of 8-inch pipeline, looping the

20-inch main line and connecting with Applicant's lateral serving north El Dorado.

(2) Abandon by transfer to The Gas Service Company approximately 1.8 miles of 6-inch pipeline, connecting the North El Dorado Town Border Station with the South El Dorado Town Border Station.

Applicant presently supplies natural gas to El Dorado, the Skelly refinery located just southwest of El Dorado, and the El Dorado Refining Company (direct interruptible) north of the city through a combination of 6 to 8-inch pipelines which tap Cities Service's 20-inch Wichita-Ottawa line at two separate points west of El Dorado. Applicant states (1) these lines also are used for injecting gas into, and withdrawing gas from Applicant's nearby Boyer Storage Field, which is used to supply the El Dorado area on peak days, and (2) the proposal herein constitutes a rearrangement of facilities in the area to eliminate hazardous operating conditions and increase service. In the flow diagrams appended to the amended application, Applicant recites that the existing facilities can deliver the following volumes during the 1962-63 winter season:

Delivery to	Volumes in Mcf @ 14.73 psia	
	Peak day	Average winter day
Gas service for El Dorado.....	11,279	8,809
El Dorado Refining Co.....	497	4,125
Skelly Refinery.....	1,022	19,593
Total.....	12,798	32,527

The estimated annual and maximum day requirements of the Skelly refinery are expected to increase over the next few years to the point where the existing facilities will not be able to handle the load. The following shows the estimated requirements of the area for the 1962-63 winter period:

Delivery to	Requirements (Mcf at 14.73 psia)	
	Peak day	Average winter day
Gas service for:		
El Dorado.....	11,279	8,809
El Dorado Refining Co.....	497	4,125
Skelly Refinery.....	1,022	29,837
Total.....	12,798	42,771

Skelly's requirements between September 1953 and September 1963 are estimated as follows:

12 months ending September	Mcf at 14.73 psia	
	Annual	Maximum day
1953.....	4,328,524	15,317
1954.....	5,215,818	16,903
1955.....	7,326,492	26,853
1956.....	7,374,826	27,848
1957.....	7,635,433	28,842
1963.....	8,397,941	29,837

Applicant estimates the total capital cost of constructing the proposed facilities at \$112,000 with \$4,300 as the cost of reclaiming the 8-inch line to be abandoned. Material salvage is estimated at \$6,800. Funds for the project will come from treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held March 12, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure

Respondent	FPC rate schedule No.	Supplement No.	Notice of Change dated	Date tendered	Effective date ¹	Increased rates suspended and the use thereof deferred until—	Present rates in effect subject to refund in Docket No.
L. E. Smith, et al.....	1	2	Dec. 22, 1958	Dec. 29, 1958	Jan. 29, 1959	Jan. 30, 1959	G-15570.
Arkansas Fuel Oil Corp.	7	12	Dec. 29, 1958	Dec. 31, 1958	Jan. 31, 1959	Feb. 1, 1959	
Francis A. Gallery, et al.	15	1	do.....	Dec. 30, 1958	Jan. 30, 1959	Jan. 31, 1959	

¹ The stated effective date is the first day after expiration of the required thirty days' notice.

In support of the proposed rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the Louisiana severance tax will be at the same reimbursement level that each Respondent received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed 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:

(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 each of the said proposed changes, and that the supplements herein designated 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 ordered and conditioned.

(18 CFR 1.8 or 1.10) on or before March 2, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-985; Filed, Feb. 4, 1959; 8:47 a.m.]

[Docket No. G-17679-G-17681]

L. E. SMITH ET AL.

Order for Hearings, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective¹

JANUARY 28, 1959.

In the matters of L. E. Smith et al., Docket No. G-17679; Arkansas Fuel Oil Corporation, Docket No. G-17680; Francis A. Gallery et al., Docket No. G-17681.

The proposed changes hereinafter designated, which constitute increases of the rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the persons named above (Respondents). The purchaser in each case is Southern Natural Gas Company.

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), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until the dates hereinafter designated, and until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of the dates until which they were suspended: *Provided, however,* That within

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

20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in the proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 15 days from the date of issuance hereof, 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 the Respondent, or, if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper authority from the board of directors, as follows:

Agreement and Undertaking of (Name of Respondent) 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 (Date) in Docket No. _____ hereby agrees and undertakes to comply with the terms and conditions of paragraph (B) 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:

¹ If a corporation.

As a further conditions of this order, Respondent shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions

of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-981; Filed, Feb. 4, 1959; 8:46 a.m.]

FEDERAL RESERVE SYSTEM FIRST BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Voting Shares of Bank and Order for Hearing Thereon

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by First Bank Stock Corporation, Minneapolis, Minnesota, for the prior approval by the Board of the acquisition by that corporation of direct ownership of 1,950 voting shares of Eastern Heights State Bank of Saint Paul, St. Paul, Minnesota.

It appearing to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to this application:

It is hereby ordered, That, pursuant to section 7(a) of the Board's Regulation Y (12 CFR 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held commencing March 10, 1959, at 10 a.m., at the office of the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, in the City of Minneapolis, State of Minnesota, before a duly selected hearing officer, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR 263). The right is reserved to the Board or such hearing officer to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

1. The financial history and condition of the company and the banks concerned;

2. The prospects of said company and banks;

3. The character of their management;

4. The convenience, needs, and welfare of the communities and the area concerned;

5. Whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That any person desiring to give testimony in this proceeding should file with the Secretary of the Board on or before February 27, 1959, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing officer for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing officer's decision in due course.

Dated: January 29, 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-986; Filed, Feb. 4, 1959; 8:47 a.m.]

FIRST SECURITY CORP.

Notice of Tentative Decision on Application for Approval of Acquisition of Voting Shares of Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, First Security Corporation, Salt Lake City, Utah ("Applicant"); has applied for the Board's prior approval of action whereby Applicant would acquire all (3,000 shares) of the outstanding common stock of Fillmore State Bank, Fillmore, Utah. Information contained in the application and other information relied upon by the Board in making its tentative decision are summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof, and is on file with the Federal Register Division and available for inspection at the office of the Board's Secretary and at the Federal Reserve Banks.

The record in this proceeding to date consists of the application, the Board's letter to the Bank Commissioner for the State of Utah inviting his views and recommendations on the application, the reply to the Board's letter, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments on or objections to the Board's proposed action, stating the nature of his interest,

the reasons for such comments or objections, and the issues of fact or law, if any, presented by said application which he desires to controvert. Such statement should be addressed: Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's tentative decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board and is so ordered.

Dated at Washington, D.C., this 30th day of January 1959.

By the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-987; Filed, Feb. 4, 1959;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

QUININE HELD IN NATIONAL STOCKPILE

Withdrawal of Notice of Proposed Disposition

The notice of a proposed disposition of approximately 13,860,000 ounces of quinine now held in the national stockpile, dated July 29, 1958 and published in the FEDERAL REGISTER August 2, 1958, (23 F.R. 5881), is hereby withdrawn.

Dated: January 29, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-1101; Filed, Feb. 4, 1959;
9:24 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 210, Amdt. 1]

OHIO

Declaration of Disaster Area, Amended

Declaration of Disaster Area 210, dated January 22, 1959, for the State of Ohio, is hereby amended as follows: By including in paragraph 1 thereof:

Franklin County. (Flash floods occurring on or about January 21-22, 1959.)

Dated: January 23, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-999; Filed, Feb. 4, 1959;
8:49 a.m.]

[Declaration of Disaster Area 210, Amdt. 2]

OHIO

Declaration of Disaster Area, Amended

Declaration of Disaster Area 210, dated January 22, 1959, for the State of Ohio,

is hereby amended as follows: By including in paragraph 1 thereof:

Monroe, Morgan, Sandusky and Washington Counties. (Heavy rains and floods occurring on or about January 21-22, 1959.)

Dated: January 26, 1959.

ALEERT C. KELLY,
Deputy Administrator.

[F.R. Doc. 59-1000; Filed, Feb. 4, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 2, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35223: *Cement in central territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2396), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, carloads, as described in the application from specified points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia to destinations in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Modified distance formula basis and motor truck competition.

Tariff: Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-56 (Hinsch series).

FSA No. 35224: *Sand—Southwest to eastern and northern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7479), for interested rail carriers. Rates on sand, noibn, and other sands, carloads, as described in the application, from specified points in Arkansas, Missouri, and Oklahoma to specified points in Kentucky, New Jersey, New York, Ohio, and Pennsylvania.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 190 to Southwestern Lines tariff I.C.C. 4135.

FSA No. 35225: *Manufactured iron and steel articles to North Atlantic ports.* Filed by O. E. Schultz, Agent (ER No. 2479), for interested rail carriers. Rates on manufactured iron and steel articles, carloads, as described in the application from specified points in official (including Illinois) territory, as described in the application to North Atlantic ports and related points, applicable on domestic, export, coastwise and intercoastal traffic.

Grounds for relief: Truck, water, and foreign market competition.

Tariff: Supplement 57 to Bessemer and Lake Erie Railroad Company tariff I.C.C. 1276 and other schedules listed in appendix A of the application.

FSA No. 35226: *Chemicals between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 346), for interested rail carriers. Rates on chemicals, tank-car loads, as described in the application between points in Texas over interstate routes through adjoining states.

Grounds for relief: Intrastate competition.

Tariff: Supplement 78 to Texas-Louisiana Freight Bureau Tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35227: *Chemicals between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 347), for interested rail carriers. Rates on chemicals, tank-car loads, as described in the application over interstate routes between points in Texas, on the one hand, and points outside Texas, on the other, where use of rates from and to such points exceed combination rates obtained by use of rates between points in Texas proposed in application.

Grounds for relief: Maintenance of through one-factor rates in excess of lower combination rates using as factor a rate proposed in the application.

Tariff: Supplement 78 to Texas-Louisiana Freight Tariff Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1001; Filed, Feb. 4, 1959;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-692]

ACCUMULATED SHARES LTD., INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 28, 1959.

Notice is hereby given that Accumulated Shares Limited, Inc. (Applicant), a registered, open-end investment company, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company.

The application recites that Applicant registered under the Act on October 6, 1955, and was dissolved pursuant to stockholder approval, as of January 27, 1958. It is further stated that at the time of dissolution there were two hundred (200) shares of common stock of Applicant then outstanding, all owned by a single stockholder. Applicant had no outstanding indebtedness at dissolution and total assets of One Thousand (\$1,000.00) Dollars in cash were paid to the sole stockholder upon dissolution. Applicant, a Delaware corporation, was issued a Certificate of Dissolution by the Secretary of State of the State of Delaware on March 19, 1958.

Section 8(f) of the Act provides, in part, that whenever the Commission

upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 11, 1959 at 5:30 p.m., submit to the Commission in writing any facts

bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commis-

sion, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-998; Filed, Feb. 4, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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