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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 17; Revision 1]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Labeling of Weed Killers Containing 2,4–D, 2,4,5–T, and MCPA

Since the issuance of Interpretation 17 with respect to labeling of weed killers containing 2,4–D (7 CFR 362.115), the marketing of new pesticides and changes in the production, use and requirements as to the use, of 2,4–D herbicides have rendered this interpretation obsolete. It is felt that the interpretation with respect to these products should be revised in order to provide the industry with information concerning current labeling requirements and to cover the new products of a similar nature which are now being marketed. Therefore, pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), Interpretation 17 with respect to labeling of weed killers containing 2,4–D is revised to read as follows:

§ 362.115 Interpretation with respect to labeling of weed killers containing 2,4–D, 2,4,5–T, and MCPA.

(a) *Composition.* In this interpretation, 2,4–D is a designation for 2,4-dichlorophenoxyacetic acid; 2,4,5–T is a designation for 2,4,5-trichlorophenoxyacetic acid; and MCPA is a designation for 2-methyl-4-chlorophenoxyacetic acid. These designations will also represent the salts and esters of these acids when they are used as weed killers. The acids themselves are not very soluble in water and ordinarily are not used alone; they may be mixed with an alkali, such as sodium carbonate, so that the sodium salt will be formed when the mixture is added to water, but they are commonly used as amine salts, as volatile esters, including the ethyl, butyl, propyl, and amyl series, or as low-volatile esters, including butoxy ethanol, polyethanol glycol butyl ether, tetrahydrofurfuryl, ethoxy ethoxy propyl, butoxy ethoxy propyl, iso-octyl, and others.

(b) *Ingredient statement.* (1) The active ingredients in a weed killer containing 2,4–D, 2,4,5–T, or MCPA will be the actual compounds of the acids which are present. In a powder containing 2,4–D acid and sodium carbonate, for example, the active ingredient would be the 2,4-dichlorophenoxyacetic acid; in a product containing the anhydrous sodium salt of 2,4–D, however, the active ingredient would be the anhydrous sodium salt of 2,4-dichlorephenoxyacetic acid; the ethanol amine salt of 2,4-dichlorophenoxyacetic acid would be the active ingredient in a product containing it; and any specific esters of 2,4-dichlorophenoxyacetic acid present would be declared as the active ingredients in products containing them. The same principle would be followed for the various formulations containing 2,4,5–T or MCPA.

(2) Since the herbicidal action of products containing 2,4–D, 2,4,5–T, or MCPA has been reported on the basis of the equivalent content of their respective acids, it is desirable that the equivalent amount of the acid be given in the ingredient statement. However, it should be borne in mind that some compounds, particularly the esters, act differently from others and it is not safe, therefore, to base judgment entirely on the equivalent acid content.

(3) When sodium 2,4-dichlorophenoxyacetate monohydrate is present in a dry mixture, it should be considered the active ingredient. In water solutions, the convention has been adopted of declaring only the anhydrous forms of the dissolved solids as active ingredients; thus, in a water solution of sodium 2,4-dichlorophenoxyacetate monohydrate, the active ingredient would be

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

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

declared as "anhydrous sodium 2,4-dichlorophenoxyacetate."

(4) The following forms of ingredient statements for 2,4–D are acceptable for the types of materials indicated. In each case, correct values should be inserted in the blank spaces.

(i) A dry mixture of 2,4-dichlorophenoxyacetic acid, sodium carbonate, and other inert ingredients:

Active Ingredient:	*Percent*
2,4-dichlorophenoxyacetic acid	---
Inert Ingredients	---
Total	100

(ii) A mixture of the anhydrous sodium salt of 2,4-dichlorophenoxyacetic acid and inert materials:

Active Ingredient:	*Percent*
Sodium salt of 2,4-dichlorophenoxyacetic acid [1]	---
Inert Ingredients	---
Total	100

[1] Equivalent to 2,4-dichlorophenoxyacetic acid --- percent.

(iii) Isopropyl amine salt of 2,4-dichlorophenoxyacetic acid and inert ingredients:

Active Ingredient:	*Percent*
Isopropyl amine salt of 2,4-dichlorophenoxyacetic acid [1]	---
Inert Ingredients	---
Total	100

[1] Equivalent to 2,4-dichlorophenoxyacetic acid --- percent.

(iv) Butyl ester of 2,4-dichlorophenoxyacetice acid and inert ingredients:

Active Ingredients:	Percent
Butyl ester of 2,4-dichlorophenoxyacetic acid [1]	---
Inert Ingredients	---
Total	100

[1] Equivalent to 2,4-dichlorophenoxyactic acid --- percent.

The above examples of ingredient statements would also apply to similar formulations of 2,4,5–T and MCPA.

Tables of equivalent percentages of the salts, amine salts, and esters of 2,4-D, 2,4,5–T, and MCPA, for use in computing the equivalent percentages of the acids, may be obtained from the Pesticides Regulation Branch, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C.

(c) *Directions for use.* (1) 2,4-D weed killers have been used successfully to control broad leaf weeds, such as plantain, dandelion, henbit and chickweed in lawns and golf courses, to destroy certain weeds in drainage ditches and streams (but in this case caution must be exercised not to contaminate water used for irrigation or domestic purposes), and to treat rice, flax, sugar cane, oats, barley, wheat and corn fields. Such uses are not without danger to other plants, however, the danger being especially great when dusts and esters are applied.

(2) 2,4,5–T is more effective against hard-to-kill weeds and woody plants, such as deep-rooted perennial weeds, brambles, sagebrush, and trees and shrubs growing in non-cropped or other waste areas, fence and hedge rows, under utility lines, along railroads and highways, around air fields, buildings, and lumber yards, and along ditchbanks and water ways. It is also used to control weeds in rice. Caution should be exercised to avoid contaminating waters used for irrigation or domestic purposes.

(3) MCPA is commonly used in Europe as a weed killer and is being used successfully in this country to control common broad leaf weeds in grains and other crops. It is particularly useful on oats, flax and peas, to which crops it is less injurious than 2,4–D.

(4) It is the responsibility of the manufacturer to prepare adequate directions for use which, when followed, will render the product effective against the weeds it is intended to control without causing injury to persons, valuable plants, or animals. The following points should be given consideration:

(i) Time and place of application (for most effective weed control with minimum injury to valuable plants).

(ii) Method of application.

(iii) Dosage (pounds of acid equivalent per acre is commonly used).

(iv) Dilution (if product is to be used as a water or oil spray).

(d) *Caution or warning statement to avoid injury to valuable plants.* (1) Herbicides containing 2,4–D, 2,4,5–T, MCPA, or their salts or esters, when used as selective weed killers, have been found to cause damage to valuable crops and plants under many conditions. Such crops as tomatoes, cotton, and grapes are severely damaged by small amounts of 2,4–D or related compounds. When used in a dust form, the pesticide may drift for miles. Dusting by airplane particularly is likely to cause damage by such drifting, and for this reason, dust formulations should not be applied by airplane. Ester formulations of these herbicides are volatile, and the so-called "low-volatile" ester formulations are known to be volatile under conditions of higher temperatures. These herbicides should not be applied near plants they are likely to kill. All weed killers containing 2,4–D or related compounds should be stored where they will not contaminate seeds, fertilizers, insecticides, or fungicides. Dusting or spraying equipment in which 2,4–D and related compounds have been used should be thoroughly cleaned with a suitable alkaline chemical, or with activated charcoal before being used for other purposes.

(2) Suggested caution or warning statements for labeling agricultural spray materials containing 2,4–D, 2,4,5–T, MCPA, or their salts or esters, are as follows:

CAUTION: Avoid spray drift to susceptible plants as this product many injure cotton, beans, peas, grapes, ornamentals, etc. (coarse sprays are less likely to drift). Thoroughly clean spray equipment with a suitable chemical cleaner before using for other purposes (or do not use same spray equipment for other purposes). Do not store near fertilizers, seeds, insecticides, or fungicides.

(3) Suggested caution or warning statements for labeling agricultural dust preparations containing 2,4–D, 2,4,5–T, MCPA, or their salts or esters, are as follows:

CAUTION: Before using, consult agricultural authorities in your State. This dust may drift for miles, even on quiet days, and cause damage to susceptible plants such as cotton, beans, grapes, peas, etc. Do not apply by airplane. Use only where there is no hazard of drift. Do not store near fertilizers, seeds, insecticides, or fungicides. After use of this dust, do not use same equipment for insecticides or fungicides (or give directions for cleaning the equipment).

(4) In addition to the above statements, preparations containing esters should bear a warning against the hazards due to their vapors, such as:

Vapors from this product may injure susceptible plants in the immediate vicinity.

(5) Other wording for the caution or warning statement may be used provided it is equally informative and effective.

(6) Herbicides containing 2,4–D, 2,4,5–T, or MCPA prepared in small packages for home garden and lawn use should contain adequate caution or warning statements on their labels to warn of the hazards in their use. When recommended for use on grass lawns, golf courses and cemeteries, the label should warn of possible injury to bentgrass, St. Augustine grass, Dichondria and carpetgrass, and damage to grass seedlings on newly seeded ground. The hazards of the drift of spray and dust should be noted by a statement such as: "Avoid drift of spray mist (dust) onto vegetables, flowers, ornamental trees and shrubs, and other desirable crop plants."

(e) *Caution or warning statement to avoid injury to man or animals.* Available information does not indicate that herbicides containing 2,4–D, 2,4,5–T or MCPA are highly toxic to man. Therefore, their labels are not required to bear the word "Poison," the skull and crossbones, or an antidote statement. However, they may cause irritation to the skin and eyes, and products containing the free acids, or inorganic salts of 2,4–D, 2,4,5–T or MCPA, in concentrations of 20 percent and above, should bear caution statements such as: "Avoid inhaling dust. Avoid contact with skin, eyes, or clothing." Organic esters or amine salts of these herbicides require a caution such as, "Avoid contact with skin, eyes or clothing."

(f) *Products not intended for economic poison use.* Products containing 2,4–D, 2,4,5–T or MCPA which are intended for use solely to delay fruit drop, or for other non-economic poison uses are not subject to the Act and need not comply with its provisions.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d)

Effective date. The foregoing interpretation is made effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of May 1959.

E. D. BURGESS,
Director, Plant Pest Control Division, Agricultural Research Service.

[F.R. Doc. 59–4296; Filed, May 20, 1959; 8:49 a.m.]

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

[Plum Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.613 Plum Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when

information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 14, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 22, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless such plums grade at least U.S. No. 1; and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the acerage percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums shipped by sdch shipper which meet the size requirement of said subparagraph (1) of this paragraph: *Provided*, That, the individual packages or containers of such smaller plums in each lot of such plums handled shall not exceed two-thirds (⅔) of the total packages or containers of plums in such lot: *And provided further*, That, all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth (1 10/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth (1 10/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack an 8-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used herein, "U.S. No. 1" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8-row standard pack" shall mean that the top layer of the pack contains 68 plums which are fairly uniform in size, the plums in the top layer are not superior in size to those in the remainder of the pack, and the weight of the individual plums in such pack shall average not less than one-twelfth (1/12) pounds; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–675)

Dated: May 19, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-4310; Filed, May 20, 1959; 9:11 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-269]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Amendments Clarifying Accounting and Reporting Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of May 1959.

A notice of proposed rule-making was published in the FEDERAL REGISTER on August 27, 1958 (23 F.R. 6629) and circulated as Draft Release No. 97, dated August 21, 1958, which proposed certain amendments to Part 241 of the Board's Economic Regulations.

The purpose of these amendments is to effect a saving of time by the Board and its staff, and to eliminate the necessity on the part of the industry for a case-by-case determination of accounting and reporting requirements. Such amendments are prompted by industry comments and requests for waivers received by the Board.

At the present time § 241.22 requires that Interim Balance Sheets and Interim Income Statements be filed only for the first two months of each calendar quarter, within 40 days after the end of the reporting period. It has been established, however, that carriers prepare a monthly management report for each month of the year, and that such reports are generally prepared by the carriers for management uses within a 30-day period and could be transmitted to the Board earlier than the 40 days presently prescribed. By submitting such report for each month, the carriers would better satisfy the Board's need for up-to-date reports, and this practice would eliminate certain problems of the Board of nonhomogenous financial data which result from the present system of quarterly data being submitted on a different basis than the interim monthly financial report. Consequently, the Board has decided to amend the provisions of the present rule, as proposed in Draft Release No. 97, to require that such interim reports be filed every month and within 30 days after the end of the reporting period. In the event either of these requirements works a hardship on an individual carrier the Board will consider requests for waiving the requirement upon good cause shown as provided in § 241.1–2.

Under the present regulation those traffic balances between air carriers which are normally settled in net amounts through airline clearing houses must be accounted for in net amounts receivable from or payable to each such clearing house. While the netting of these receivables and payables was prescribed in the present regulations at the request of the industry there appears to be no support in general accounting practice for continuing this requirement. Receivables and payables stand independent of each other in terms of ultimate objectives regardless of the techniques used for determining routine monthly settlements. The industry in general, has indicated an interest in recording receivables and payables in gross amounts on their books and in reporting in this manner on the Form 41. In some instances, carriers have requested a waiver of the required netting of interline balances. Accordingly, this amendment requires that all amounts receivable from and payable to other carriers be accounted for in gross amounts.

In the Draft Release it was proposed to amend § 241.13 to provide that the cost of instrument repairs would be chargeable to "Other Flight Equipment" rather than to "Airframe" or "Aircraft Engine" repair accounts as now prescribed. This change was proposed in response to industry representations that it is impracticable to continue to include instrument repair cost in the prescribed accounts because of the separate controls exercised over instrument repairs. One carrier has expressed opposition on the ground that it would require substantial revision of its procedures, primarily its IBM coding, which was adopted in order to comply with the present requirement. The carrier indicated that as a result of that change it had lost a measure of comparability with the past and that this proposed change would further extend the period for which comparability is impaired. It is noteworthy that this objection was made by only one carrier. The Board believes that uniformity in regard to this accounting matter as between all air carriers is preferable to the former requirement which has not resulted in the uniformity and which most of the carriers have criticized as being extremely burdensome. Under the circumstances this section is being amended as proposed in the Draft Release.

The regulation as now drafted contains a single definition of the terms "Service, charter" and "Service, Special" under the caption "Service, charter and special". This change was opposed in one of the comments on the assumption that it would require a segregation of the statistics relating to these two items. This is a misunderstanding. The Board's purpose was to clarify the terms and it will not require separate reporting of statistics for the two services.

In addition, a language change has been made in the instructions for the filing of stock ownership information on Schedule G–41. Section 407(b) of the Act contemplates that such information relate to holdings of "more than five (5) percentum" of the capital stock or capital, as the case may be. This is reflected in the title of Schedule G–41, but the instructions refer to "five (5) percentum or more." To avoid any possible misunderstanding, an appropriate change is being made in § 241.26(b) to conform the instructions to the language in the Act.

Certain other clarifications of a noncontroversial nature are also being made at this time.

The changes proposed in Draft Release No. 97 pertaining to § 241.04 have not been incorporated in this amendment inasmuch as this matter will be treated in a Draft Release to be issued in the near future.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) as follows, effective June 19, 1959.

§ 241.03 [Amendment]

1a. By amending the definition of "Service, charter and special" in § 241.03 to read as follows:

Service, charter. Nonscheduled air transport service in which the party receiving transportation obtains exclusive use of an aircraft at published tariff rates and the remuneration paid by the party receiving transportation accrues directly to, and the responsibility for providing transportation is that of, the accounting air carrier.

b. By adding a new definition to § 241.03 to read as follows:

Service, special. Nonscheduled air transport services in which the party receiving transportation obtains exclusive use of an aircraft at other than tariff rates and/or individually ticketed services not involving inter-airport transportation, whereby the remuneration paid by the party receiving the transportation accrues directly to, and the responsibility for providing the service is that of, the accounting air carrier.

§ 241.04 [Amendment]

2. By amending § 241.04 by adding "Trans Caribbean Airways, Inc." and "Trans Car" to the list of Group I Air Carriers, and changing Mohawk Airlines, Inc., from Group II to Group III.

§ 241.2–2 [Amendment]

3. By amending § 241.2–2(b) by deleting the words "charged to" and substituting therefor the words "recorded in".

§ 241.2–11 [Amendment]

4. By amending § 241.2–11(a) by deleting the second sentence and that part of the third sentence which reads "which are not normally settled through airline clearing houses, and ".

5. By amending § 241.2–15 to read as follows:

§ 241.2–15 Contingent assets and contingent liabilities.

Contingent assets and contingent liabilities, except as permitted by account 2930 "Other Appropriations of Retained Earnings", shall not be included in the body of the balance sheet but shall be explained in footnotes.

§ 241.3 [Amendment]

6. By amending the title of accounts 1651 and 1751 in § 241.3 to read as follows: "Reserve for depreciation—hotel, restaurant and food service equipment."

§ 241.6 [Amendment]

7a. By amending the instructions in § 241.6 for account 1240 to read as follows:

1240 *Accounts Receivable—General Traffic.* (a) Record here amounts due for the performance of air transportation, except those due from the United States and foreign governments and associated companies, includible in balance sheet accounts 1220 Accounts Receivable—U.S. Government, 1230 Accounts Receivable—Foreign Governments, and 1250 Notes and Accounts Receivable—Associated Companies. This account shall include gross amounts due whether settled through airline clearing houses or with individual carriers.

(b) Amounts payable, includible in account 2030 Collections as Agent—Traffic shall not be credited to this account.

b. By amending the instructions in § 241.6 for account 1250 Notes and Accounts Receivable—Associated Companies by deleting the words "but are not settled through airline clearing houses" from the first sentence.

c. By amending the instructions in § 241.6 for account 2030 to read as follows:

2030 *Collections as Agent—Traffic.* (a) This account shall include amounts collected for transportation furnished by others, except associated companies, whether settled through airline clearing houses or with individual carriers. (b) Accounts receivable, includible in account 1240 Accounts Receivable—General Traffic shall not be charged to this account.

d. By amending the first sentence of the instructions in § 241.6 for account 2050 Notes and Accounts Payable—Associated Companies to read as follows: "Record here gross amounts due on traffic accounts, current notes and open accounts with associated companies."

§ 241.7 [Amendment]

8. By amending § 241.7 by inserting the function "63" between 62 and 65 on line 26.1 in the column for Group III carriers.

§ 241.13 [Amendment]

9a. By deleting the words "instruments or" from the instructions for the following subaccounts in § 241.13:

25.1 Labor—Airframes
25.2 Labor—Aircraft Engines
42.1 Airframe Repairs—Associated Companies
42.2 Aircraft Engine Repairs—Associated Companies
43.1 Airframe Repairs—Outside
43.2 Airframe Engine Repairs—Outside
46.1 Materials—Airframes
46.2 Materials—Aircraft Engines

b. By amending the instructions in § 241.13 for subaccounts 25.3, 42.3, 43.3, and 46.3 by inserting "(including instruments)" in the first sentence following the word "equipment", eliminating the words "instruments and," and adding a new sentence to read as follows: "Instruments shall include all gauges, meters, measuring devices, and indicators, together with appurtenances thereto for installation in aircraft and aircraft engines, which are maintained separately from airframes and aircraft engines."

§ 241.14 [Amendment]

10. By amending § 241.14 by deleting from account 88—Miscellaneous Nonoperating Credits, the words "gains from sale of investment in securities of others."

§ 241.22 [Amendment]

11a. By amending the second sentence in § 241.22(a) by deleting the word "interim" and substituting therefor the words "Certification and Interim."

b. By amending the table of schedules in § 241.22 by a. Adding a new schedule No., title, filing frequency, and postmark interval as follows:

D-1—Service Performed for Defense Establishment * * * Quarterly * * * 40.

c. By amending the filing requirements in § 241.22 for Interim Balance Sheets and Interim Income Statements by deleting the footnote in the Frequency column and by changing the numbers in the Postmark interval (days) column, relating thereto, from "40" to "30".

§ 241.23 [Amendment]

12a. By amending § 241.23 by adding to paragraph (a) of the instructions under Schedule B-6 the words "where a carrier has more than one operating entity."

b. By amending the instructions in § 241.23 for Schedule B-41, paragraph (e), to change the number "(1)" to "(2)".

c. By amending the instructions in § 241.23 for Interim Balance Sheets to read as follows: "Each air carrier shall file each month two copies of balance sheets in the form prepared for its management."

§ 241.24 [Amendment]

13a. By amending the instructions in § 241.24 for Schedule P-2 by redesignating paragraph (b) as paragraph (c) and inserting a new paragraph (b) to read as follows:

(b) Separate sets of this schedule shall be filed for each separate operating entity and for the overall or system operations of the air carrier.

b. By amending the instructions in § 241.24 for Schedule P-7 by amending paragraph (b), redesignating present paragraphs (c) through (f) as (d) through (g), and adding a new paragraph (c) to read as follows:

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "X" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "X" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

c. By amending § 241.24 by deleting from paragraph (b) under Schedule P-8 the word "Two" and substituting therefor the word "Separate".

d. By amending paragraph (a) of the instructions in § 241.24 for interim income statements to read as follows:

(a) Each air carrier shall file each month two copies of income statements in the form prepared for its management.

§ 241.25 [Amendment]

14a. By amending the instructions in § 241.25 for Schedules T-1 and T-2 by adding after paragraph (g) the phrase "(See § 241.03 Passenger originations)" and deleting from paragraph (h) the phrase "(See § 241.03 for further definition)".

b. By amending the instructions in § 241.25 for Schedule T-4 by adding to paragraph (i) "in scheduled services (See § 241.03 for further definition)".

§ 241.26 [Amendment]

15. By amending paragraph (b) Schedule G-41 of § 241.26 to read as follows:

(b) This schedule shall reflect the name, address and number of shares of each class of stock held by all persons holding more than five (5) per centum of the issued and outstanding capital stock or, in cases of unincorporated business enterprises, more than five (5) per centum of the total invested capital of the reporting carrier as of the close of the year.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766, 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-4292; Filed, May 20, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7277]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

I. G. Chemical Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free Goods or services;* § 13.85 *Government approval, action, connection or standards:* Use; § 13.125 *Limited offers or supply;* § 13.135 *Nature;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(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, I. G. Chemical Corp. et al., New York, N. Y., Docket 7277, April 23, 1959]

In the Matter of I. G. Chemical Corp., a Corporation and David Ratke, Herman Liebenson and Monroe Caine, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors with representing falsely in advertising that their "Green Plasma" chemical dye for lawns—which sunlight will bleach and rain wash out—had been tested and approved by the U.S. Government and used on the U.S. Capitol and White House lawns to restore and maintain a green color; that only occasional sprinklings with the preparation would keep a lawn green all year; that it was a new scientific discovery, in scarce supply, a plant food and fertilizer; and that prospective purchasers would receive a free trial of the product.

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 April 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents I. G. Chemical Corp., a corporation, and its officers, and David Ratke, Herman Liebenson, and Monroe Caine, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their product Green Plasma, or any other products of substantially the same composition in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith

cease and desist from representing directly or by implication:

1. That said product has been tested or approved by the United States Government.

2. That said product has been used on the lawns of the United States Capitol or the White House to restore or maintain a green color.

3. That any number of applications of said product less than that generally required, will keep lawns green for 365 days of the year or for any other period of time.

4. That respondents' product is a new scientific discovery.

5. That respondents' product is available to purchasers in limited amounts, or is limited in certain areas, or that the supply of ingredients which comprise respondents' product is scarce.

6. That respondents' product brings back or restores the original color to faded or brown grass, or that it is a plant food or an effective fertilizer.

7. That prospective purchasers receive a free trial of respondents' said product.

8. That said product gives or imparts a green color to faded or brown lawns unless it is clearly and conspicuously revealed that said product is a dye and that the color will bleach out by sunlight and will be washed out by rain and that, in order that the lawn will have a green appearance, frequent applications of the product are necessary.

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

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

Issued: April 23, 1959.

By the Commission.

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

[F.R. Doc. 59-4279; Filed, May 20, 1959; 8:47 a.m.]

[Docket 7326]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

American Equitable Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Financing activities; service; § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1513 *Operations generally;* [*Misrepresenting oneself and goods*]—Goods: § 13.1725 *Refunds;* § 13.1740 *Scientific or other relevant facts;* [*Misrepresenting oneself and goods*]—Services: § 13.1838 *Terms and conditions.*

(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, American Equitable Corporation et al., Chicago, Ill., Docket 7326, April 22, 1959]

In the Matter of American Equitable Corporation, a Corporation, and Carl J. Campagna, Charles Dabney and Margaret Campagna, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging, a Chicago real estate firm with representing falsely in advertising and by statements of solicitors to obtain listings of property for sale and to collect fees for such listing and advertising, that the asking price was too low and should be raised; that the fee would be returned if the property was not sold within a short designated time; that they investigated the ability of prospective buyers to pay and had such buyers who were interested in specific properties; that they were specialists in selling real estate, financed purchases, assumed all financial risk and advertised properties in major newspapers.

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 April 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents American Equitable Corporation, a corporation, and its officers, and Carl J. Campagna and Charles Dabney, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of advertising in any advertising media or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents have available prospective buyers who are interested in the purchase of specific property;

2. Respondents investigate the financial ability to purchase the property of persons whose names appear in their files as prospective buyers of the property;

3. Respondents will finance the purchase of the listed property;

4. The property is underpriced by the owner or that the asking price should be increased or that respondents can or will sell the property at the increased price;

5. Respondents have published over 100,000 advertisements or any other number in excess of those actually published, or that respondents will advertise the listed property in any other manner than that actually published;

6. Respondents have in their files or otherwise available the names of numbers of prospective buyers of property whose financial responsibility and integrity have been investigated by them;

7. Respondents assume all the financial risk or obligation and the owner of the property cannot lose through listing his property with respondents;

8. The listing or advance fee paid to respondents will be refunded if the property is not sold;

9. Respondents will bring prospective purchasers of the listed property to examine the property;

10. Property listed with respondents will be sold within a short period of time or that respondents have sold the property of others, who listed it with them, within a few weeks or other short period of time;

11. Respondents study or select the property which they seek to have listed and do not accept property in general to be listed, or that they do not accept contracts for listing or selling property unless they can sell the property;

12. Respondents are specialists in the sale of property or that their methods are proven, trustworthy or dependable;

13. Respondents are the owners of or principal occupants of a large office building, or are a large, nationally known or responsible firm or company.

It is further ordered, That the complaint be and the same hereby is dismissed as to respondent Margaret Campagna, individually and as an officer of respondent American Equitable Corporation, without prejudice to the right of the Commission to take such action in the future as may be warranted by the then existing conditions.

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

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

Issued: April 22, 1959.

By the Commission.

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

[F.R. Doc. 59-4280; Filed, May 20, 1959; 8:47 a.m.]

[Docket 7179]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Drug Research Corp. et al.

Correction

In F.R. Document 59-4218, appearing in the issue for Wednesday, May 20, 1959, at page 4051, the first *"It is ordered"* paragraph is incomplete. The paragraph as it should have appeared is set forth below:

It is ordered, That respondents Drug Research Corporation, and its officers, John T. Andreadis, also known as John T. Andre, and Timoleon T. Andreadis, also known as Timoleon T. Andre, individually and as officers of said corporation, and respondent Kastor Hilton Ches-

ley Clifford & Atherton, Inc., and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Regimen-Tablets, or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That said preparation is safe to use by all obese persons;

(b) That obese persons can lose weight by the use of said preparation without dieting and while consuming the same kinds and amounts of food as they ordinarily consume;

(c) That any predetermined weight reduction can be achieved by most persons by the taking or use of said preparation for a prescribed period of time; and

(d) That said preparation, by the removal of excess body fluids, causes significant weight loss of more than temporary duration.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 59-18]

PART 86—INTERPRETIVE RULINGS—INLAND RULES

Bend Signal and Subsequent Meeting Situation

Article 18 of the Inland Rules (Act of June 7, 1897, as amended; 33 U.S.C. 203) prescribes steering and sailing rules for approaching steam vessels. Inquiries have been received asking when the sound signals for meeting and passing required by Article 18, Rule V, shall be given and answered after hearing an answer to the bend signal, in view of the language in Rule IX.

Article 18, Rule V, reads in part as follows:

Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction can not be seen for a distance of half a mile, such steam vessel, when she shall have arrived within half a mile of such curve or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast given by any approaching vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

Article 18, Rule IX, reads as follows:

The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. In fog, mist, falling snow or heavy rain storms, when vessels can not see each other, fog signals only must be given.

It appears that Article 18, Rule V, would require an exchange of meeting and passing signals prior to the vessels sighting each other. However, Article 18, Rule IX, is very clear and unequivocal with respect to when such signals shall be given. Furthermore, the prohibition against using these prescribed signals except when steamers are in sight of each other is such that it does not allow any deviation. Therefore, Article 18, Rule V, and Article 18, Rule IX, must be read together and followed after a bend signal is answered, and the word "immediately" as used in Rule V shall be construed to require the exchange of sound signals for passing immediately upon sighting the other vessel.

Because the regulation in this document is an interpretation, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following interpretive ruling is prescribed and shall be considered in effect on and after the date of publication of this document in the FEDERAL REGISTER.

Subpart 86.10—Steering and Sailing

Part 86 is amended by adding a new "Subpart 86.10—Steering and Sailing" and it consists of § 86.10-1 reading as follows:

§ 86.10-1 Bend signal and subsequent meeting situation.

Article 18, Rule V, and Article 18, Rule IX, of section 1, of the Act of June 7, 1897, as amended (33 U.S.C. 203), must be read together and followed after a bend signal is answered and the word "immediately" as used in Rule V shall be construed to require the exchange of sound signals for passing immediately upon sighting the other vessel.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: May 14, 1959.

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

[F.R. Doc. 59-4290; Filed, May 20, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Supp. 4th Sec. Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of May A.D. 1959.

It appearing that rules governing as to form and content of applications, the manner of presentation, and the method of justifying relief from the provisions of section 4 of the Interstate Commerce Act having been set forth in fourth-section order No. 18900 (23 F.R. 2969),

It further appearing that, after further consideration of these rules, certain changes and modifications therein appear proper and desirable,

And it further appearing that the rules hereinafter provided being procedural, rule making procedure under section 4(a) of the Administrative Procedure Act (5 U.S.C. sec. 1003) is deemed unnecessary:

It is ordered, That fourth-section order No. 18900 (23 F.R. 2969), entered by Division 2 on April 11, 1958, as modified by orders entered July 15, 1958 (23 F.R. 5828), and December 18, 1958 (24 F.R. 64), be, and it is hereby, further modified and amended so as to provide that the order, which, by its present terms is to become effective on June 30, 1959, shall become effective on September 1, 1959, instead.

It is further ordered, That fourth-section order No. 18900 (23 F.R. 2969), entered, modified, and amended as aforestated, be, and it is hereby, further modified and amended by changing §§ 143.80 (a), 143.81(a) (1), (2)(iv), and (3), 143.82 (a), (c) (1), (2), and (3), and 143.83(b) to read as follows:

§ 143.80 Matters to be shown in the application.

The application shall show:

(a) The names of the carrier or carriers for, or on behalf of which it is made or, if made on behalf of all carriers parties to a particular tariff, the application may refer to such tariff by Interstate Commerce Commission number (hereinafter abbreviated I.C.C. No.).

§ 143.81 Information required.

(a) *Long-and-short-haul relief.* Applications should show:

(1) That, where proposed rates are depressed to meet competition, the competitive rates they are being established

to meet are not within the control of applicant carriers, and any other facts tending to show that such rates should not be observed as maxima at intermediate points.

(2) * * *

(iv) Where reduced rates are proposed for the purpose of regaining lost traffic, evidence showing that the reduced rates will return to the petitioning carriers sufficient traffic to more than offset the loss of revenue caused by the reduction in rates.

(3) A statement of rates at representative intermediate points at which rates exceed or would exceed the rates at more distant points under the proposed adjustment, including rates at the first and last higher-rated intermediate points and the distances from and to such intermediate points. This information need not be shown where the rates at the more distant points are constructed on the basis of a mileage scale and the rates at the intermediate points reflect the same mileage scale.

§ 143.82 Additional matters to be shown.

(a) *Applications based on water competition.* (1) The name of the competing water line actually in operation between the water points and whether said water line, in the transportation of the traffic involved, is subject to the Interstate Commerce Act.

* * * * *

(c) *Applications based on market competition.* (1) The names of the producing or receiving points whose competition is to be met.

(2) The short line or route and distances, or the class rate distances if the latter are normally used for rate making purposes, from the various producing points to the common market and tariff authority for the distances.

(3) The rates from the competitive producing points with reference by I.C.C. No. to the tariffs naming the rates and whether they conform to the provisions of section 4 of the Act. If relief has been granted or application is pending as to such rates, give reference to the I.C.C. number of the application or order.

§ 143.83 Miscellaneous provisions.

* * * * *

(b) Applications should contain a map, made a part thereof, showing the relative location of lines or routes, the competitive points, and representative intermediate points at which higher rates are to be charged, or representative points from or to which it is proposed to maintain through rates, fares, or charges which exceed the aggregate of intermediates. This map need not be furnished where departures only occur due to use of class rate distances and grouping, or to the use of relief line arbitraries.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply secs. 3, 4, 24 Stat. 380, as amended; 49 U.S.C. 3, 4)

It is further ordered, That, except as herein modified and amended, fourth-section order No. 18900 (23 F.R. 2969) shall be, and remain, in full force and effect.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-4284; Filed, May 20, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Minimum Piece Rates

Notice is hereby given that the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend 29 CFR Part 545 to increase the minimum piece rates for homeworkers in the Fabric and Leather Glove Industry in Puerto Rico.

The proposed amendment is based on section 6(a)(2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 206) which requires in part that homeworkers in Puerto Rico be paid not less than the minimum piece rate prescribed by regulation or order. Such minimum piece rates are required to be commensurate with, and to be paid in lieu of, the minimum hourly wage rate established under section 6 of the Act.

Since the minimum hourly wage rate for employees in the Hand-sewing on Leather Gloves Classification of the Fabric and Leather Glove Industry in Puerto Rico has recently been increased by a wage order giving effect to the recommendations of Industry Committee No. 44-A (24 F.R. 3503) under section 8 of the Act, it is now necessary to increase the piece rates for homeworkers in this classification of the industry commensurately therewith.

Accordingly, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of sections 6 and 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1062 as amended, 1066 as amended; 29 U.S.C. 206, 211), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), notice is hereby given that I propose to amend 29 CFR Part 545 as follows:

Schedule C of § 545.13 is amended to read as follows:

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves	Leather gloves [2]		Unit of payment
			Ladies'	Men's	
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			55.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			74.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.326			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.507		Do.
192	Feather stitch, 5 to 6 stitches per inch	.391	.637		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.457	Do.
194	Regular stitch, 5 to 6 stitches per inch	.256	.479	.457	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.166	.328	.328	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.328	.328	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.256	.479	.457	Do.
198	Whip stitch, 5 to 6 stitches per inch	.256	.479	.457	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with §545.10.

(Secs. 6, 11, 52 Stat. 1062, as amended, 1066 as amended; 29 U.S.C. 206, 211)

Prior to any final action on this proposal, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 15th day of May 1959.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 59-4291; Filed, May 20, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 183–59]

DIRECTOR OF THE BUREAU OF PRISONS

Redelegation of Authority to Dispose of Certain Property Serving Federal Reformatory at El Reno, Oklahoma

Under the authority vested in me by paragraph 4 of Delegation of Authority No. 364 of the Administrator of General Services, dated April 23, 1959 (24 F.R. 3335), and effective as of January 19, 1959, I hereby redelegate to the Director of the Bureau of Prisons the authority delegated to the Attorney General by that Delegation of Authority to dispose of the water treatment plant, 0.036 acre of land and booster pump station, and 10,000 feet of an 8-inch water line serving the Federal Reformatory at El Reno, Oklahoma.

The authority hereby redelegated to the Director of the Bureau of Prisons shall be exercised by him in accordance with the conditions and requirements set out in the above-mentioned Delegation of Authority No. 364 of the Administrator of General Services.

This order shall be effective as of January 19, 1959.

Dated: May 14, 1959.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 59–4297; Filed, May 20, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH (I–24)

Notice of Proposed Withdrawal and Reservation of Lands

MAY 12, 1959.

The Utah State Park and Recreation Commission has filed an application, Serial No. U–034870, for the withdrawal of the lands described below, from location and entry under the public land laws, including the general mining laws, but not the mineral leasing laws. Grazing administration will be continued by the Bureau of Land Management.

The applicant desires the withdrawal of the land to afford that agency an opportunity to exercise such supervision as is necessary to prevent the removal of large deposits of petrified wood and to protect scenic resources.

For a period of 30-days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

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

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

The lands requested for withdrawal are as follows:

SALT LAKE MERIDIAN, UTAH

T. 35 S., R. 3 E.
Sec. 4: SW¼
Sec. 5: SW¼
Sec. 6: Lots 6, 7, E½SW¼, SE¼
Sec. 7: Lots 1, 4, SE¼SW¼
Sec. 9: E½NW¼, E½
Sec. 18: Lots 1, 2, 3, 4
Sec. 19: Lots 1, 4, E½SW¼, W½SE¼

The above area aggregates 5,498.85 acres.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 59–4282; Filed, May 20, 1959; 8:47 a.m.]

[Classification No. 7]

CALIFORNIA

Small Tract Classification; Partial Revocation and Order Providing for Opening of Public Lands

MAY 12, 1959.

1. Effective May 12, 1959, the following described lands listed under paragraph 1 of Small Tract Classification No. 10, California No. 7, dated November 26, 1941, are hereby revoked from the classification order:

SAN BERNARDINO MERIDIAN

T. 4 S., R. 6 E.,
Sec. 14, E½NE¼NW¼, E½W½NE¼NW¼.

The areas described total 30 acres of public land.

2. The lands are located about 4 miles east of Thousand Palms, and about 10 miles northwest of Indio in Riverside County, California. The lands occupy rocky, steep, hillside slopes of the Indio Hills in the vicinity of Thousand Palms Canyon. An unimproved dirt road leading through Thousand Palms Canyon passes ½ mile south of the lands. The soil is light textured and gravelly and supports a sparse growth of creosote bush, cholla, and annual weeds. The lands are not suitable for agricultural development nor for small tract purposes due to adverse topographic conditions.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (52 Stat. 747; 43 U.S.C. 279 through 284 as amended), presented prior to 10:00 a.m., on June 17, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on September 16, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a.m., on September 16, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a.m., on September 16, 1959.

5. Persons claiming veteran's preference rights under paragraph 4a(2) above must must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, U.S. Land Office, Bureau of Land Manage-

ment, Bartlett Building, 215 West Seventh Street, Los Angeles, California.

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

[F.R. Doc. 59-4283; Filed, May 20, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MOUNTAIN HOME LIVESTOCK AUCTION ET AL.

Posted Stockyards

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

ARKANSAS

Name of stockyard	*Date of posting*
Mountain Home Livestock Auction, Mountain Home.	March 20, 1959
Van Buren County Auction, Clinton.	April 23, 1959

LOUISIANA

Farmerville Livestock Auction, Farmerville.	March 31, 1959
Kentwood Stockyard, Kentwood.	April 2, 1959
Oak Grove Livestock Auction, Oak Grove.	April 1, 1959

MISSISSIPPI

Amory Commission Company, Amory.	February 11, 1959
W. H. Hodges & Company of Mississippi, Inc., Liberty.	February 17, 1959

MONTANA

Hamilton Livestock Auction, Hamilton.	April 9, 1959

NEBRASKA

Bloomfield Livestock Auction, Bloomfield.	April 27, 1959
Christensen Livestock Commission Co., Fullerton.	April 24, 1959
Community Sale, Central City.	April 28, 1959
Dooley Auction Market, Wahoo.	April 15, 1959
Farmers Auction Co., Grant.	April 27, 1959
Friend Sale Barn, Friend	April 21, 1959
Kimball Livestock Auction, Kimball.	April 23, 1995
Lockwood Livestock, Auction, South Sioux City.	April 30, 1959
Morrison Livestock Commission Company, Gering.	April 8, 1959
Orchard Livestock Commission Co., Orchard.	April 6, 1959
Plattsmouth Sale Barn, Plattsmouth.	April 25, 1959
Red Cloud Sales Co., Red Cloud.	April 24, 1959
Sidney Livestock Sales Pavilion, Sidney.	April 22, 1959
Sutton Sales Pavilion, Sutton.	April 28, 1959

NORTH CAROLINA

Albemarle Stock Auction, Elizabeth City.	April 8, 1959
Benthalls Stockyard, Rich Square.	April 1, 1959
Boone Livestock Market, Boone.	April 2, 1959
Dedmons Livestock Yards, Shelby.	April 2, 1959
D. F. Foust Livestock Auction Market, Inc., Greensboro.	April 7, 1959

NORTH CAROLINA

Farmers Cooperative Livestock Mkt., Lexington.	April 4, 1959
Farmers Exchange Livestock Market, Hillsboro.	April 13, 1959
Farmers Stock Yard (formerly Day Livestock Yard), Asheville.	April 1, 1959
Franklin Livestock Auction, Franklin.	April 3, 1959
Fred Mathews Stock Auction, Hertford.	April 14, 1959
Gus Z. Lancaster's Stockyard, Rocky Mount.	April 10, 1959
Jonh F. Hobbs Stockyards, Inc., Goldsboro.	April 6, 1959
Kings Livestock Auction Market, Murphy.	April 10, 1959
Liberty Livestock Market, Whiteville.	April 20, 1959
Morris Livestock Company, Charlotte.	April 1, 1959
Mount Airy Livestock, Market, Inc., Mount Airy.	April 2, 1959
Powell Livestock Company, Smithfield.	April 14, 1959
R. E. Craft and Company, Inc., Saratoga.	April 24, 1959
Riley's Livestock Market, North Wilkesboro.	April 6, 1959
Shelby Sales Barn, Shelby	April 1, 1959
Statesville Livestock Market, Statesville.	April 8, 1959
Sutton and Welsh Auction Market, Clinton.	April 7, 1959
West Jefferson Livestock Market, West Jefferson.	April 8, 1959

OKLAHOMA

Big Pasture Auction Co., Grandfield.	April 7, 1959
Blue Stem Sales, Inc., Dewey.	April 30, 1959
Carmen Livestock Exchange, Carmen.	April 29, 1959
Carnegie Auction Sale, Carnegie.	April 8, 1959
Chandler Auction Co., Chandler.	April 27, 1959
Clinton Cattle Commission Co., Clinton.	April 9, 1959
Cordell Auction, Cordell	April 10, 1959
Covington Commission Sales Co., Covington.	April 28, 1959
Fairview Sale Barn, Fairview.	April 29, 1959
Grove Sales Company, Inc., Grove.	May 1, 1959
Hereford Heaven Livestock Sale, Sulphur.	April 6, 1959
Jay Sale Barn, Jay	May 1, 1959
Locust Grove Sale, Locust Grove.	May 1, 1959
Marietta Auction Sale, Marietta.	April 7, 1959
Mt. View Community Sale, Mt. View.	April 9, 1959
Pauls Valley Livestock Sale, Pauls Valley.	April 6, 1959
Perkins "Y" Livestock Auction, Perkins.	April 27, 1959
Surber Auction Sale, Chickasha.	April 8, 1959
Temple Auction Sale, Temple.	April 7, 1959
Tonkawa Sales Company, Tonkawa.	April 29, 1959

TENNESSEE

Giles County Stock Yard, Pulaski.	May 5, 1959
Wilson Livestock Market, Lewisburg.	May 5, 1959

TEXAS

Burkburnett Sales Company, Burkburnett.	April 9, 1959
Cleveland Commission Company, Cleveland.	April 17, 1959
Georgetown Community Sale, Georgetown.	March 27, 1959
Lampasas Commission Company, Lampasas.	April 17, 1959
Liberty County Auction Co., Inc., Hardin.	April 18, 1959
Lufkin Livestock Exchange, Lufkin.	March 11, 1959
Nocona Sales Company, Nocona.	April 9, 1959
Robertson County Livestock Sale, Franklin.	April 16, 1959
Runnels County Auction Co., Ballinger.	March 6, 1959

VIRGINIA

Galax Livestock Market, Inc., Galax.	April 13, 1959
Pulaski Livestock Market, Dublin.	April 10, 1959
Roanoke-Hollins Stock Yard, Hollins.	March 11, 1959
Rockingham Livestock Sales, Inc., Harrisonburg.	April 8, 1959
Staunton Livestock Market, Inc., Staunton.	April 8, 1959

Done at Washington, D.C., this 18th day of May 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-4295; Filed, May 20, 1959; 8:49 a.m.]

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 24, 1957 (16 A.D. 565), authorizing the respondent, Union Stock Yards Company of Omaha (Ltd.), Omaha, Nebraska, to assess the current schedule of rates and charges to and including June 30, 1959, unless changed by further order before the latter date.

By a petition filed on May 7, 1959, the respondent requested authority to modify the current schedule of rates and charges as indicated below, and to assess the current schedule, as so modified, for a period of two years.

SECTION No. 1.—YARDAGE CHARGES

	Present rates per head	Proposed rates per head
(a) All livestock received, and (b) All livestock reweighed or resold:		
Cattle (except bulls 700 lbs. or over)	$0.99	$1.07
Bulls (minimum 700 lbs.)	1.45	1.57
Calves (maximum 400 lbs.)	.57	.62
Hogs	.36	.39
Sheep or goats	.21	.22
Horses or mules	1.00	1.07
Exceptions		
(a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.		
(b) Yardage will not be assessed against livestock forwarded to other markets or to the country, or returned to point of origin, provided the livestock has not changed ownership, and is forwarded in the same name as originally consigned.		
(c) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:		
Cattle (except bulls 700 lbs. or over)	.50	.54
Bulls (minimum 700 lbs.)	.73	.79
Calves (maximum 400 lbs.)	.29	.31
Hogs	.18	.20
Sheep or goats	.11	.11
(d) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:		
Cattle (except bulls 700 lbs. or over)	.32	.35
Bulls (minimum 700 lbs.)	.45	.50
Calves (maximum 400 lbs.)	.19	.21
Hogs	.12	.13
Sheep or goats	.07	.07
(e) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, following charges will apply:		
Cattle (except bulls 700 lbs. or over)	.15	.16
Bulls (minimum 700 lbs.)	.22	.24
Calves (maximum 400 lbs.)	.09	.10
Hogs	.06	.07
Sheep or goats	.03	.03

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 15th day of May 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-4289; Filed, May 20, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 260]

MAGNA MERCANTILE CO., INC., ET AL.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of Magna Mercantile Company, Inc., Vincent Vinci, and Anthony Greco, 25 Broadway, New York, New York, Case No. 260, respondents.

The respondents, Magna Mercantile Company, Inc., Vincent Vinci, and Anthony Greco, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents having been duly served with the charging letter, having appeared by counsel, and having answered and demanded an oral hearing;

This case was referred to the Compliance Commissioner, who held the hearing at which all respondents attended and were represented by counsel.

The Compliance Commissioner, having heard and considered the evidence submitted in support of the charges and the evidence and arguments submitted on behalf of the respondents in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, United States Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth, together with which report he has transmitted the record.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Magna Mercantile Company, Inc., of New York City was engaged in the business of exporting radio sets, television sets, electronic components thereof, such as receiving tubes and transistors, and lamps and general merchandise. Vincent Vinci was in complete control of Magna and regarded it as his own company. Anthony Greco, from and after sometime in December 1957, was Vinci's general assistant and was fully aware of and informed of all events and transactions which occurred during the time of his employment, as hereinafter set forth.

2. Between on or about the 13th day of June, 1957, and on or about the 20th day of June, 1958, the respondents Magna and Vinci did export from the United States, in six separate shipments, an aggregate of $5,438.37 worth of electronic tubes and transistors which they represented to the Collector of Customs and the Bureau of Foreign Commerce were goods subject to general license.

3. The respondent Greco did participate with the respondents Magna and Vinci in the exportation of $1,889.97 worth of the tubes and transistors so exported and, with respect thereto, did participate also in the representations that the said tubes were being exported under general license.

4. All the said goods, at the times of exportation, were designated on the Positive List, and the exportation thereof was prohibited unless previously authorized by a validated license issued by the Bureau of Foreign Commerce.

5. Prior to each such exportation, each of the respondents, with respect to the exportations in which he or it has been found to have participated, was informed or knew that, among the larger masses of exportations which were at that time being exported, the particular goods involved in these findings were so subject to the validated license procedure and that validated licenses were necessary as a preliminary requirement for the exportation thereof.

6. With respect to those shipments in which the respondents have been found to have participated, they failed and omitted to apply for and obtain the necessary validated licenses.

7. Instead, they concealed from the forwarder who prepared the shipper's export declarations for authentication in connection with the said shipments that such goods were contained among all the goods being exported and, upon the information given to him by the respondents, the forwarder caused to be authenticated shipper's export declarations certifying that all the goods so being exported were subject to general license.

8. The goods so exported were delivered to various consignees in Italy.

9. In July 1958, the respondents exported to Italy a carton containing 100 electronic receiving tubes which had been invoiced to Magna as being of a value of $72.20.

10. The respondents accomplished said exportation by describing it as a gift valued at $40, and, for that purpose, prepared an invoice to that effect and caused to be executed a shipper's export declaration in which they said the tubes were being exported under General License GLV, and an air waybill in which the carton was described as a gift package.

11. The tubes involved were at that time on the Positive List, and a validated export license was necessary prior to the exportation thereof from the United States.

12. The said tubes were in fact not a gift, had been sold to the buyer thereof under an invoice which referred specifically by number to the said air waybill, and the buyer was charged therefor the sum of $79.80 plus $13 air freight charges.

13. The respondents failed and omitted to apply for and obtain the validated export license required for that exportation.

14. Beginning on or about the 22d day of August, 1957, and continuing until on or about the 10th day of June, 1958, the respondents Magna and Vinci exported from the United States $14,795.82 worth of electronic tubes and transistors to purchasers in Italy.

15. The respondent Greco, as to $14,694.42 worth of said electronic tubes and transistors, did participate, together with the said respondents Vinci and Magna, in the exportation of said electronic tubes and transistors to the purchasers in Italy.

16. At some time prior to July 22, 1957, Magna and Vinci received an order from a purchaser in Italy and, for the purpose of filling that order, Vinci personally carried and delivered to that purchaser in Italy 50 electronic transistors invoiced to the purchaser in the amount of $101.40.

17. At some time prior to January 24, 1958, Magna and Vinci received an order from a purchaser in Italy and, for the purpose of filling that order, Vinci personally carried and delivered to that purchaser in Italy 415 electronic transistors which respondents invoiced to the purchaser in the amount of $614.45.

18. At some time prior to May 12, 1958, Magna and Vinci received an order from a purchaser in Italy who designated that the goods so ordered be delivered to a waiter on a steamship for the purpose of transporting the same to him in Italy.

19. In accordance with said instruction and for the purposes of filling the order and exporting the goods to Italy, respondents delivered 1,400 transistors to the waiter who thereafter carried them out of the United States aboard his vessel and for which the respondents invoiced the purchaser in the amount of $1,766.10.

20. Magna and Vinci had another customer in Italy whose practice was to come to the United States for the purpose of taking delivery of goods to be brought to Italy by him or to designate a person in the United States to receive delivery of such goods and then arrange that the goods be taken out of the United States by hand in the course of a trip to Italy.

21. Respondents knew of this practice and co-operated with that customer in the arrangements thus made.

22. In accordance with that practice, at some time prior to March 4, 1958, Magna and Vinci received from that customer an order for 4,100 electronic receiving tubes and, for the purposes of filling that order and exporting the same to Italy, respondents delivered the said 4,100 tubes to him on an occasion when he came to the United States for that purpose. At the time of such delivery, respondents invoiced said purchaser, upon an invoice marked, "For Export," the sum of $3,609.10.

23. At some time prior to March 21, 1958, said customer in Italy wrote Vinci that he was about to travel to New York and provided him with a list of 4,600 electronic tubes which he requested be ready for delivery to him in New York in time to be brought to Italy by him upon his return there.

24. On or about the 20th day of March 1958, respondents, for the purpose of filling that order to the extent that they were able, delivered to said purchaser, while he was in New York, 2,970 of the electronic tubes so ordered by him and, on the day following, invoiced to him, on an invoice marked, "for export," the tubes so delivered, in the amount of $2,821.77.

25. At some time prior to April 10, 1958, said customer in Italy sent Vinci two orders for electronic tubes and transistors which he requested be ready for delivery to him on his arrival in New York. One, marked Order No. 1, was for 3,150 electronic transistors, and the other, marked Order No. 2, was described as a small order for a "new client," for 498 electronic tubes and transistors.

26. On or about the 10th day of April 1958, for the purpose of filling these orders to the extent they were able, respondents delivered to the said purchaser, while he was in New York, 330 electronic tubes on the order marked No. 2, and 1,950 electronic tubes on the order marked No. 1. The invoices to the said purchaser were for $267.41 and $2,181.30 respectively, and both were marked, "for export."

27. Anticipating another trip to New York on about June 10, 1958, the same purchaser in Italy, on May 16, 1958, ordered 2,610 electronic tubes, requesting that they be ready for him on his arrival in New York. In subsequent communications, additional orders were placed, and respondents were directed to make all deliveries to a New York resident who was expected to go to Italy in June.

28. For the purpose of filling the orders and exporting the goods to the purchaser in Italy, respondents delivered 4,480 electronic tubes to the husband of the person designated by the purchaser as the person who would carry them from New York to Italy, and respondents then invoiced the purchaser for said tubes in the amount of $3,434.29, marking the said invoice, "Sold for Export."

29. In each instance in which goods were so delivered directly to a buyer or his designee during visits to the United States or to the person in the United States who had been designated by the buyer for the purpose of having the goods carried to Italy, the goods were thereafter transported or exported out of the United States.

30. Among the goods so delivered personally by Vinci in Italy, or delivered by the respondents in the United States for the purpose of carriage to Italy, were goods on the Positive List, subject to the requirement that a validated export license be obtained to authorize their exportation, as well as goods which were not so subject.

31. The respondents failed to have authenticated, prior to any of the said exportations, the shipper's export declarations required to be authenticated to support exportations of goods from the United States to Italy.

32. Respondents failed and omitted to apply for and have issued to them any validated export license for any of the goods so exported which were then subject to the requirement that a validated export license first be obtained for such exportation.

33. All the goods so exported by the respondents were exported without authority of any export license permitting or authorizing such exportations.

34. The respondents at no time prior to the commencement of the investigation which resulted in the bringing of this proceeding notified or informed any Collector of Customs or the Bureau of Foreign Commerce that they had made any of the exportations herein found to have been made by them without first obtaining the necessary validated export license applicable thereto or without first declaring, in such cases as it might have been proper, that those exportations were made pursuant to general license.

And, from the foregoing, the following are my conclusions:

A. All the respondents knowingly made false representations to and concealed material facts from the Collector of Customs and the Bureau of Foreign Commerce in connection with the preparation, submission, and use of export control documents for the purpose of and in connection with effecting exportations from the United States;

B. All the respondents knowingly exported and caused to be exported commodities from the United States for which no duly executed shipper's export declaration had been presented to a Collector of Customs and which exportations had not been authorized by a validated or general export license issued or established by the Bureau of Foreign Commerce;

C. The respondents Magna and Vinci bought, received, and sold, and all the respondents disposed of and caused to be transported exportations from the United States, knowing that with respect thereto violations of the Export Regulations were about to and were intended to occur; and

D. All the respondents knowingly acted in concert with foreign purchasers of goods and with persons in the United States for the purpose of violating the export control law and regulations promulgated thereunder, all contrary to §§ 370.2, 371.2, 372.3, 379.1, 381.3, 381.4, and 381.5 of the Export Regulations.

In his report, the Compliance Commissioner said:

Recognition must be given, for such consideration as may be accorded in the determination of the remedial action to be taken herein, to the fact that much of the Positive List equipment shipped without validated license has now been removed from the Positive List, the fact that the goods actually were delivered to Italy and were not transshipped to prohibited destinations, the fact that respondents made no effort to hide or remove records from their files, the fact that they made these files freely available to the Investigation Staff, and the fact that, when confronted with the violations, they voluntarily signed statements admitting the facts. On the other hand, I cannot agree that the only reasons why or causes for committing the violations involved herein were inadequacies or deficiencies in clerical work and administration, inexperience, and ignorance of the regulations. While there is little substance to support or justify any of these claims when related to the actual events and

the times when the events occurred, the entire picture leads me to conclude that every violation involving manual delivery was deliberately and intentionally committed so that no public record of the delivery might be made and, as far as the violations in the first half of the charging letter are concerned, while the same reason may not have prevailed, the failure to obtain validated export licenses for the goods shipped as general license goods was deliberate, intentional, and to avoid what at that time the respondents might have resented as or felt was an unnecessary and burdensome formality. This does not mean, however, that respondents, in so committing the violations, had no other motive in doing so. While motive is unnecessary as an element to constitute a violation, it is quite obvious that, minimally, the motive to do what they did was to comply with the wishes of their customers, and it is unnecessary to speculate, as one well might, as to what the real motive was. It is, however, of some negligible consideration that, had the legal requirements been followed, all the exportations involved herein would have been permitted.

A substantial portion of the argument on behalf of the respondents is that many tubes and transistors which were on the Positive List at the time of exportation, if incorporated into complete equipments or kits, could have been exported as parts thereof under general license. This is no answer to the fact that tubes and transistors were exported with no license at all because no declaration was made for them. Nor can it be claimed that it is inconsistent and therefore invalid to make a regulation placing tubes and transistors on the Positive List when there is another regulation permitting general license exportations of complete equipments or kits containing such tubes and transistors. This is a usual and well-known technique in export control, based on the theory that ineligible consignees in foreign countries will not pay the disproportionately large cost for complete equipments in order to obtain individual elements or components contained therein, which separately cost much less.

Respondents place much emphasis on the claim that among the tubes and transistors exported were many tubes and transistors delivered for the purpose of replacing defective parts in sets previously sold. Whether the exportations were replacements or not is wholly immaterial. If Positive List goods were replacements, validated export license applications should have been submitted and this fact disclosed as a reason for issuance of the license. If general license goods were involved, the proper declarations should have been filed. However, I believe that the entire testimony to the effect that the exportations were replacements is wholly incredible. This not only for the reasons to which I referred in passing in my reporting of the facts in the record but also because of numerous other remarks in such of the correspondence as is in evidence.

Respondents' attorneys seek to elevate respondents as benefactors of American trade in the Italian market. To the extent that they benefited American trade by supplying American goods and replacement parts to the Italian market, they could have done just as well by making the proper declarations and obtaining the proper licenses for the goods so supplied. Nor did they, as contended by them, implement American policy by doing what they did, because it does not help our foreign policy if American exporters cause goods to be imported into Italy and the goods are not declared nor listed on the manifests of the importing carriers.

The extent of consideration which should be given to the respondents for their present awareness and avowed intentions to comply in the future with export regulations is neutralized or canceled out to a large degree by the nature of the testimony they offered upon the hearing and the manner in which they (the resopndents, not their attorneys) presented it.

Giving consideration to all mitigating factors cited in this report and giving further consideration to the seven digit dollar volume of Magna's annual business and the orders which it is said to have received and will receive during the coming months, it is my belief that effective enforcement of the export control law and appropriate remedial action requires that all respondents be denied all export privileges for an immediately effective period of two months, and that they be placed on probation for twelve months, with a total effective denial for an aggregate of twelve months in the event that the probation is breached, all as more particularly set forth in the proposed order submitted herewith. While Greco's participation in the violations found was less than that of Magna and Vinci, the nature of Greco's relationship to Vinci makes inappropriate and impractical any distinction between the remedial action to be taken against him and that taken against Magna and Vinci. Similarly, because Magna is a one-man corporation controlled and dominated by Vinci, no distinction can be made between him and the corporation. In addition, it is my belief that the impact of the order should be softened to the extent that respondents be given some opportunity, as therein provided, to get their affairs in order prior to the commencement of the denial period.

Now, after careful consideration of the entire record and being of the opinion that the recommendation of the Compliance Commissioner is fair and just and that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses in which Magna Mercantile Company, Inc., Vincent Vinci, or Anthony Greco appear or participate as applicant, purchaser, intermediate or ultimate consignee, or otherwise, and with respect to which the exportations authorized thereby shall not have been completed on or before the 31st day of May, 1959, shall be and hereby are terminated as of and on the 31st day of May, 1959, and shall be returned forthwith thereafter to the Bureau of Foreign Commerce for cancellation.

II. Except as qualified in Part IV hereof, for one year commencing June 1, 1959, the respondents, Magna Mercantile Company, Inc., Vincent Vinci, and Anthony Greco, shall be and hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States after the 31st day of May 1959, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

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

IV. Without further order of the Bureau of Foreign Commerce, the respondents shall have their export privileges restored to them conditionally on August 1, 1959, the condition for such restoration being that during the year commencing June 1, 1959, the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. The privileges so conditionally permitted to the respondents under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent has knowingly failed to comply with the conditions set forth therein, in which event Part II hereof shall then be and become effective against all the respondents for ten months following the date of the order making such finding or until May 31, 1960, whichever shall be the later, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, the respondents and related parties shall have the right to appeal therefrom, as provided in the Export Regulations.

VI. During any time when the respondents or any related party are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, or other business organization, whether in the United States or elsewhere, on behalf of or in any association with any respondent or related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which a respondent or related party may have any in-

terest or obtain any benefit of any kind or nature, direct or indirect.

Dated: May 18, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-4287; Filed, May 20, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Order Reopening Proceedings

On April 29, 1958, the intermediate decision in this proceeding was filed with the Secretary, and the record was certified to the Commission by the Presiding Officer in accordance with our rules of practice.

Upon our review of the intermediate decision, sua sponte, and in the absence of exceptions before the expiration of the period of time for the filing of exceptions, we have found that the AEC Staff and the applicant herein have proposed, and the Hearing Examiner has recommended, that a final inspection be made by the Staff before the license in this proceeding should issue. There does not appear to be testimony in the record respecting the scope of that inspection and whether substantial and material matters may be involved in this final inspection.

We believe that, before a final operating license can be issued by this Commission, all substantial and material facts pertaining to the existing status of the facilities proposed to be licensed and the proposed operation, including particularly safety, must be developed in full upon the record. Therefore, it is our view that the record in this proceeding should be reopened and that an additional hearing be held on a date to be set by the Presiding Officer when he has been advised by the Staff that the final inspection of the facilities proposed herein has been completed.

Wherefore, it is ordered, That this proceeding is hereby reopened forthwith for the reception of additional evidence concerning the final inspection required to be made by the Staff of the Commission, and that, there being no intervenors in this proceeding, the date of this additional hearing shall be set upon five-days' notice by the Presiding Officer, or upon such lesser time as the parties may stipulate, when he has been advised that the final inspection has been completed, with appropriate further intermediate decision thereon.

Dated at Washington, D.C., this 6th day of May 1959.

By the Commission.

ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 59-4268; Filed, May 20, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9559 et al.]

AMERICAN SHIPPERS, INC.; PARCEL AIR SERVICE

Complaints; Notice of Oral Argument

In the matter of the complaints against American Shippers, Inc., Parcel Air Service, alleging violations of sections 1 (2) and (10), 403(b), 411, 412, and 415 of the Act, and Parts 296.2(a), 3(c) and (d), 41, 47, and 50 of the Board's Economic Regulations.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on June 3, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 15, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-4293; Filed, May 20, 1959; 8:49 a.m.]

[Docket No. 9523]

EASTERN AIR LINES, INC., ET AL.

Puerto Rico Passenger Fare Investigation; Notice of Hearing

In the matter of the fares of Eastern Air Lines, Inc.; Pan American World Airways, Inc.; and Trans Caribbean Airways, Inc., between San Juan, Puerto Rico, on the one hand, and Miami, Florida, and New York, New York, on the other.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on June 2, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., May 13, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-4294; Filed, May 20, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15696]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 15, 1959.

El Paso Natural Gas Company, El Paso, Texas, filed on July 29, 1958, pursuant to section 7(c) of the Natural Gas Act, an application, as supplemented January 5, 1959, for a certificate of public convenience and necessity authorizing the construction and operation of additional natural gas pipeline facilities in Arizona, New Mexico and Texas and the sale of an additional 100,000,000 cubic feet of natural gas per day to Pacific Gas & Electric Company, San Francisco, at El Paso's existing delivery point on the Arizona-California boundary near Topock, Arizona, all as described in the application and supplement thereto which are on file with the Commission and are open to public inspection. The proposed new facilities will be operated in conjunction with El Paso's other facilities as a part of its main system.

El Paso estimates that the proposed new facilities will cost $46,543,000; that, in addition, financing costs will amount to $127,000; that it will need $600,000 more working capital; making the total estimated cash requirements for the project $47,270,000. El Paso proposes to obtain $32,000,000 of the required funds from the sale of additional first mortgage pipeline bonds and $15,270,000 from bank loans and retained earnings.

The facilities for which authorization is requested in Docket No. G-15696 include field facilities and main line facilities. The proposed field facilities include approximately 344.4 miles of 2⅜" to 20" pipelines, 12,900 hp of additional compression in existing stations, 25,000 Mcf per day increased capacity in the Chaco Gasoline plant, a new CO_2 removal plant to be known as the Terrell Treating plant having a design inlet capacity of 114,000 Mcf per day, a new natural gas dehydration plant to be known as the Terrell Dehydration plant having a design inlet capacity of 50,000 Mcf per day, additional metering facilities, communication facilities, general structures and equipment. The proposed main line facilities include approximately 118.7 miles of 30" loop pipeline and 24,500 hp. additional compression in new and existing stations, and additional communication facilities.

El Paso expects to obtain additional natural gas from Terrell County, Texas, Lea County and the Bisti Field area in San Juan County, New Mexico, and the Pictured Cliffs formation in the Tapacito area of the San Juan Basin.

Pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing will be held commencing July 7, 1959, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues presented by El Paso's application in Docket No. G-15696.

Notices and petitions to intervene and protests may be filed with the Federal Power Commission, 441 G Street NW., Washington 25, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before June 26, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-4271; Filed, May 20, 1959; 8:45 a.m.]

[Docket No. G–18512]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

MAY 15, 1959.

Southern Natural Gas Company (Southern) on April 13, 1959, tendered for filing revised tariff sheets as follows: First Revised Sheets Nos. 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 34, 49, 50, 51 and 52 to its FPC Gas Tariff, Fifth Revised Volume No. 1, proposing an annual increase in its Rates and Charges of $10,135,435 or 13.2 percent to jurisdictional customers, based on sales for the year ended December 31, 1958, as adjusted.[1] The increased rates are proposed to become effective on June 1, 1959.

In support of its proposed rate increase Southern relies principally on the increased cost of purchased gas, due to shifts in sources of supply and increased rates of suppliers, need for a higher rate of return, 6½ percent, and associated income taxes, increased plant investment, increased operating expenses, increased taxes, and increased depreciation expense.

Since the claimed increases in cost of purchased gas appear to be based in part on increases which have been allowed to become effective subject to refund, Southern's claimed increase in cost of purchased gas is not supported. Furthermore there is no showing that the intended source of supply is a reasonable guide for the future. The need for a higher rate of return computed without deduction for all tax benefits available can be established only after a formal hearing.

To date comments have been received from twenty-two customers, the State Commissions of Georgia and Alabama, the Mississippi Department of Justice, the Alabama Municipal Gas Association, and the Georgia Municipal Association. Of the foregoing many request suspension of the proposed rate increase, others either ask that the filing be rejected or the increase not be granted without first holding a hearing, and still others declare their intent to intervene.

The increased rates and charges provided for in the Revised Tariff Sheets tendered by Southern Gas on April 13, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 34, 49, 50, 51 and 52 to its FPC Gas Tariff, Fifth Revised Volume No. 1 and that said proposed Revised Tariff Sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commisison's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Fifth Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 34, 49, 50, 51 and 52 to its FPC Gas Tariff, Fifth Revised Volume No. 1.

(B) Pending such hearing and decision thereon Southern's First Revised Sheets Nos. 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 34, 49, 50, 51 and 52 to its FPC Gas Tariff, Fifth Revised Volume No. 1 be and they are hereby suspended and the use thereof deferred until November 1, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59–4272; Filed, May 20, 1959; 8:46 a.m.]

[1] The proposed filings would be in addition to rate increases which became effective on April 16, 1958, in settlement of rate proceedings in Docket No. G–13528. The rate applicable to South Georgia Natural Gas Company in the docket aforesaid is in effect subject to refund.

[Docket No. G–18470 etc.]

MONTEREY OIL CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

MAY 15, 1959.

In the matters of Monterey Oil Company, Docket No. G–18470; Warren Petroleum Corporation (Operator), Docket No. G–18471; The British-American Oil Producing Company, Docket No. G–18472; Continental Oil Company, Docket No. G–18473; Edgar W. White, Docket No. G–18474.

Each of the above-named Respondents has tendered for filing a proposed change in a presently effective rate schedule for its sale of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated	Date tendered	Effective date [1]
Monterey Oil Co. (Monterey).	1	13	Texas Eastern Transmission Corp.	Apr. 14, 1959	Apr. 17, 1959	May 18, 1959
Warren Petroleum Corp. (Operator) (Warren).	[2] 43	10	El Paso Natural Gas Co.	Apr. 15, 1959	Apr. 16, 1959	May 17, 1959
	[2] 30	4	do	Apr. 15, 1959	Apr. 16, 1959	May 17, 1959
The British-American Oil Producing Co. British-American).	[3] 7	6	Mississippi River Fuel Corp.	Apr. 8, 1959	Apr. 17, 1959	May 18, 1959
Continental Oil Co. (Continental).	133	10	Tennessee Gas Transmission Co.	Apr. 15, 1959	Apr. 20, 1959	May 21, 1959
Edgar W. White (White).	[4] 2	-------	Colorado Interstate Gas Co.	[5] Mar. 6, 1959	Apr. 20, 1959	May 21, 1959
	2	1		Apr. 16, 1959	Apr. 20, 1959	May 21, 1959

[1] The stated effective dates are the effective dates requested by the Respondents or the 1st day after expiration of the required 30 days' notice, whichever is later.
[2] Present rate effective subject to refund in Docket No. G–15310.
[3] Present rate effective subject to refund in Docket No. G–12068.
[4] Supersedes White's FPC Gas Rate Schedule No. 1, as amended.
[5] Contract.

In support of their proposed favored nation rate increases, Monterey, Warren and Continental cite the favored nation provision in their contracts and note an activating purchase by their purchasers. Monterey also calls attention to the cost of service studies for independent producers in the "Omnibus" proceedings in Docket Nos. G–9277, et al., and states that such studies fairly reflect the cost of service which is pertinent to Monterey's rate. Warren notes further that intrastate gas sales are being made in the same area at prices higher than the rates it proposes. Warren also calls attention to the cost of service it submitted in another proceeding. In support of its proposed periodic rate increase, British-American states that its contract was negotiated at arm's length; the pricing provisions of the periodic price increase arrangement is of benefit to the buyer, the seller and the public and is economically desirable. In support of its proposed renegotiated rate increase, White cites it renegotiated contract.

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 hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

[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.

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 shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 13 to Monterey's FPC Gas Rate Schedule No. 1 and Supplement No. 6 to British-American's FPC Gas Rate Schedule No. 7 are hereby suspended and the use thereof deferred until October 18, 1959; Supplement Nos. 10 and 4 to Warren's FPC Gas Rate Schedule Nos. 43 and 30, respectively, are hereby suspended and the use thereof deferred until October 17, 1959; and Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 133, White's FPC Gas Rate Schedule No. 2 and Supplement No. 1 thereto are hereby suspended and the use thereof deferred until October 21, 1959; and all are further suspended until such time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule hereby suspended, the supplements hereby suspended, nor the rate schedules sought to be altered shall be changed until these proceedings have been disposed of or until the periods of suspension have 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.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-4273; Filed, May 20, 1959; 8:46 a.m.]

[Docket No. G-14956 etc.]

NEW YORK STATE NATURAL GAS CORP. ET AL.

Notice of Applications, Consolidation and Date of Hearing

MAY 14, 1959.

In the matters of New York State Natural Gas Corporation, Docket No. G-14956; Iroquois Gas Corporation, Docket No. G-14988; Penn-York Natural Gas Corporation, Docket No. G-15142.

Take notice that on April 24, 1958, New York State Natural Gas Corporation (New York Natural) filed an application (Docket No. G-14956) pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of 29.5 miles of 20-inch transmission pipeline extending from a point on its existing main transmission pipelines (Line Nos. 14 and 24) in Wyoming County, New York, to a point of connection with the Iroquois Gas Corporation's (Iroquois) pipeline at a point near Portersville, Erie County, New York, together with a measuring and regulating station at this point.

New York Natural also proposes to construct and operate another connection with the facilities of Iroquois at a point on its Line Nos. 14 and 24 above mentioned, a few miles north of the one first above described in Wyoming County, together with a meter station. The purpose of the proposed facilities is to provide increased natural gas service to Iroquois, for its Buffalo and other service areas, all as more fully described in the application.

New York State Natural also proposes to discontinue the present arrangement of selling gas to Penn-York Natural Gas Corporation (Penn-York) and to abandon its Mills measuring station and 11.7 miles of its existing No. 5 10-inch line used for that purpose and in lieu thereof to sell and deliver such quantity or volume of gas directly to Iroquois, plus additional volumes, and to change the class of service presently rendered to Iroquois from a maximum daily obligation to an annual contract requirement service as shown by its new FPC Gas Tariff designated as Rate Schedule ACR-3. The estimated annual peak day deliveries of gas from New York Natural to Iroquois on the new basis here proposed are as follows:

Year	Annual	Peak day
1959	10,900,000	87,200
1960	11,900,000	95,200
1961	12,900,000	103,200
1962	13,900,000	111,200
1963	14,900,000	119,200

A comparison of the foregoing volumes with the annual volume purchased by Iroquois from New York Natural and Penn-York during the year 1957, which was 7,232,000 Mcf and 39,398 Mcf for the peak day, indicates the added volumes to be sold and delivered under the new arrangement, as proposed.

On April 28, 1958, Iroquois Gas Corporation, filed an application (Docket No. G-14988) pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 7.5 miles of 8-inch transmission pipeline extending from a point on its existing distribution system in the Town of Middlebury to the new connection with New York Natural in Wyoming County, for the purpose of transporting part of the additional supply to several communities including Batavia, Carfu, East Pembroke, Oakfield, Attica and Wyoming, all located in New York.

On May 21, 1958, Penn-York Natural Gas Corporation (Penn-York), an affiliate of Iroquois, filed an application in Docket No. G-15142, as supplemented on June 30, 1958, for authority to discontinue its present sale of gas to Iroquois, and to initiate new combined sales and transportation service for Iroquois.

Under the terms of the arrangements between Penn-York and Iroquois the gas purchased from New York Natural by Penn-York and resold to Iroquois, its only customer, for ultimate public consumption, would be sold to Iroquois directly by New York Natural but delivered to Penn-York for Iroquois' account. Then, without any interruption of service to the public, Penn-York would transport the gas for delivery to Iroquois through the presently operated facilities. Penn-York would also continue to sell its own locally produced gas to Iroquois.

On August 12, 1958, temporary authorizations to construct and operate the proposed facilities were issued to New York Natural and to Iroquois. On the same date Penn-York was granted temporary authority to transport natural gas for Iroquois and to sell natural gas to Iroquois as proposed in its application. These authorizations were each without prejudice to such final determination of the applications as the record may require.

The estimated total capital cost of facilities proposed by New York Natural is $1,649,300 to be financed in part by funds on hand and the balance by a sale of securities and notes to Consolidated Natural Gas Company, its parent affiliate. The estimated salvage value of the facilities to be abandoned by New York Natural is $47,500 and the cost of retirement thereof is stated as $54,000.

The estimated cost of construction of facilities by Iroquois is $210,000, which will be financed from 1958 construction funds.

Iroquois and Penn-York are affiliates being subsidiaries of National Fuel Gas Company.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 18 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.9 or 1.10) on or before June 8, 1959. Failure of any party to appear at and participate in the hearing shall be

[1] Commissioner Kline dissenting on suspension of Supplement No. 13 to Monterey Oil Company FPC Gas Rate Schedule No. 1, Docket No. G-18470, and Supplement No. 6 to The British-American Oil Producing Company FPC Gas Rate Schedule No. 7, Docket No. G-18472.

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. 59-4275; Filed, May 20, 1959; 8:46 a.m.]

[Docket No. G-15888, etc.]

MIDDLE STATES PETROLEUM CORP. ET AL.

Notice of Applications and Date of Hearing

MAY 15, 1959.

In the Matters of Middle States Petroleum Corporation (formerly Midstates Oil Corporation)[1], Docket No. G-15888; Hunt Oil Company, Operator[2], Docket No. G-15909; Freeport Oil Company, Docket No. G-15915; John W. Mecom, Docket No. G-15916; Caroline Hunt Sands and Loyd B. Sands[3], Docket No. G-15922; Estate of Lyda Bunker Hunt, Deceased[3], Docket No. G-15923; H. L. Hunt, Operator[3], Docket No. G-15924; Hunt Oil Company, Docket No. G-16145; Gulf Oil Corporation[4], Docket No. G-16745; The Atlantic Refining Company, Docket No. G-16836; Herbert L. Dillon, Jr., et al.[5], Docket No. G-16839; Spencer No. 2 (by Hugh K. Spencer, Agt.)[6], Docket No. G-16931; Phillips Petroleum Company, Docket No. G-16967; Standish T. Bourne, Docket No. G-17116; Bilinda Petroleum Corporation, Opr. et al.[7], Docket No. G-17238; Texas Pacific Coal and Oil Company[8], Docket No. G-17385; J. Hiram Moore, Operator, et al.[9], Docket No. G-17386; Shoreline Petroleum Corporation, Opr.[10], Docket No. G-17406; Herbert J. Schmitz, Docket No. G-17449; W. B. Cleary, Inc., Operator, et al.[11], Docket No. G-17450; Jack Markham, Operator[12], Docket No. G-17455; Roger Milliken, et al. (by Coloma Oil and Gas Company, Agent)[13], Docket No. G-17479; Platco Corporation, Operator, et al.[14], Docket No. G-17480; Union Oil Company of California, Docket No. G-17509; Toto Gas Company, Operator[15], Docket No. G-17624; MWJ Producing Company, Operator, et al.[16], Docket No. G-17633; Gulf Oil Corporation[17], Docket No. G-17766; The British-American Oil Producing Company, Docket No. G-17789; Austin E. Stewart, Docket No. G-17802; MWJ Producing Company, Operator, et al.[18], Docket No. G-17903; American Trading and Production Corporation, Docket No. G-17950; The Texas Company[19], Docket No. G-17971; R. H. Adkins, Docket No. G-17976; Continental Oil Company[20], Docket No. G-17980.

Each of the above applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-15888; Bethany-Longstreet Field, De Soto Parish, La.; Texas Eastern Transmission Corp.

G-15909; Castor Creek Area, Allen Parish, La.; United Gas Pipe Line Co.

G-15915; Sunrise Field, Terrebonne Parish, La.; United Gas Pipe Line Co.

G-15916; Sunrise Field, Terrebonne Parish, La.; United Gas Pipe Line Co.

G-15922; Pilgrim Church Area, Allen Parish, La.; United Gas Pipe Line Co.

G-15923; Pilgrim Church Area, Allen Parish, La.; United Gas Pipe Line Co.

G-15924; Pilgrim Church Area, Allen Parish, La.; United Gas Pipe Line Co.

G-16145; South Mermentau Area, Acadia Parish, La.; United Gas Pipe Line Co.

G-16745; Ada Area, Bienville Parish, La.; United Gas Pipe Line Co.

G-16836; Appling Field, Calhoun County, Tex.; Coastal States Gas Producing Co.

G-16839; Appling Field, Calhoun County, Tex.; Coastal States Gas Producing Co.

G-16931; Freeman's Creek District, Lewis County, W. Va.; Carnegie Natural Gas Co.

G-16967; Acreage in Beaver County, Okla.; Northern Natural Gas Co.

G-17116; Luthersburg Field, Clearfield County, Pa.; The Manufacturers Light and Heat Co.

G-17238; East Lamont Field, Grant County, Okla.; Consolidated Gas Utilities Corp.

G-17385; Aztec (Pictured Cliffs) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.

G-17386; Penrose-Skelly Pool, Lea County, N. Mex.; El Paso Natural Gas Co.

G-17406; East Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Co.

G-17449; Luthersburg Field, Clearfield County, Pa.; The Manufacturers Light and Heat Co.

G-17450; Acreage in Carter County, Okla.; Lone Star Gas Co.

G-17455; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Co.

G-17479; Quinto Creek Field, Jim Wells County, Tex.; Orange Grove Gas Gathering Co.

G-17480; East Panhandle Field, Wheeler County, Tex.; El Paso Natural Gas Co.

G-17509; House-San Andres Field, Lea County, N. Mex.; El Paso Natural Gas Co.

G-17624; Lawrie Field, Logan County, Okla.; Cities Service Gas Co.

G-17633; Spraberry Trend Field, Reagan County, Tex.; El Paso Natural Gas Co.

G-17766; Grand Lake Area, Cameron Parish, La.; Texas Gas Transmission Co.

G-17789; North Wakita Area, Grant County, Okla.; Cities Service Gas Co.

G-17802; Lamar Field, Franklin Parish, La.; United Fuel Gas Co.

G-17903; Spraberry Trend Field, Midland County, Tex.; El Paso Natural Gas Co.

G-17950; Azalea Field, Midland County, Tex.; Phillips Petroleum Co.

G-17971; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Co.

G-17976; Butler and Lincoln Districts, Wayne County, W. Va.; United Fuel Gas Co.

G-17980; Fowler-Mattix Area, Lea County, N. Mex.; Permian Basin Pipeline Co.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 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.

[1] Application covers a ratification agreement executed by Midstates Oil Corporation (now Middle States Petroleum Corporation) on June 25, 1958, and by Texas Eastern on July 23, 1958, of a basic gas sales contract dated August 15, 1955, between Ralph R. Gilster, et al., sellers, and Texas Eastern, buyer. Ralph R. Gilster, et al., were authorized in Docket No. G-9418 to sell gas under the basic contract. In instrument of assignment dated December 31, 1958, Middle States succeeded to all rights and obligations of Midstates in subject ratification agreement. Application states that deliveries of Applicant's share of production are presently being made by Jones-O'Brien, Incorporated, Operator, pursuant to the terms of an operating agreement.

[2] Hunt Oil Company, Operator, is filing for itself and, as Operator, lists W. E. Walker, nonoperator, as owner of the remaining working interest in the Flavie Vincent Adams Unit No. 1. Both are signatory seller parties to the subject gas sales contract. In addition, the application covers Operator's 100 percent interest in the Flavie Vincent Adams Unit No. 2 and specified ununitized leases.

[3] In Docket Nos. G-15922, G-15923 and G-15924, Caroline Hunt Sands, et vir. (Lloyd B. Sands), Estate of Lyda Bunker Hunt, Deceased, and H. L. Hunt (Operator of subject acreage), respectively, propose to sell natural gas pursuant to the same basic gas sales contract dated July 7, 1958, and amendatory agreement adding additional acreage thereto dated September 9, 1958. All are signatory seller parties (H. L. Hunt and Estate of Lyda Bunker Hunt through the signatures of Sidney Latham, Agent, and William Herbert Hunt, Independent Executor, respectively) to said basic contract and amendatory agreement. In addition, H. L. Hunt states in his application that to date the percentage of ownership in the subject units has not been determined but, as Operator, lists the following nonsignatory co-owners: Bel Oil Corporation, Ernest B. Fay and Albert B. Fay. Each application has been amended by instrument filed December 19, 1958, to include the additional acreage dedicated under the amendatory agreement.

[4] Applicant is the only signatory seller party to the subject gas sales contract through the

See footnotes at end of document.

signature of Warren Petroleum Corporation, Agent for Applicant.

[5] Herbert L. Dillon, Jr., is filing for himself and on behalf of the following co-owners: R. W. Freeman, Peter A. Salm, Peerless Precision Products Company, Deo duPont Weymouth, Adrian C. Israel, Semp Russ, H. D. Bruns, Thomas M. Dines, Dines Worsham Company, Monek Morgan, George J. Morgan, David E. Morgan, Martin Fenton, K. L. Gow, Newark Petroleum, Frank O'Donnell, Walter J. Laird, Jr., and T. V. W. Cushny. All are signatory seller parties to the subject gas sales contract.

[6] Spencer No. 2, Applicant, is a partnership composed of Justin M. Henderson, et al. (et al's. not named), and is filing through its Agent, Hugh K. Spencer. Applicant is the only signatory seller party to the subject gas sales contract through the signature of Hugh K. Spencer, Agent for Applicant.

[7] Bilinda Petroleum Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Benson-Montin-Greer Drilling Corporation, B & M Construction, Corporation, L. E. Lansden, Jr., and Guy M. Steele, d/b/a Earlsboro Oil and Gas Company, Earl A. Benson, William V. Montin, Jack London, Jr., and I. R. Henry, Jr. All are signatory seller parties to the subject gas sales contract.

[8] The subject gas sales contract limits production to horizons down to the base of the Pictured Cliffs Formation.

[9] J. Hiram Moore, Operator, is filing for himself and on behalf of G. T. McAlpin (nonoperator) and both are signatory seller parties to the subject gas sales contract.

[10] Shoreline Petroleum Corporation, Operator, is filing for itself and, as Operator, lists Sunray Mid-Continent Oil Company (nonoperator) as owner of the remaining working interest in subject acreage. Shoreline is the only signatory seller party to the subject gas sales contract. Application states that Sunray has negotiated a separate contract to dispose of its share of production and will file independently.

[11] W. B. Cleary, Inc., Operator, is filing for himself and on behalf of the following nonoperators: Miles Jackson, Arthur J. Altschul, United Northern Corporation and The Decagon Corporation. All are signatory seller parties to the subject gas sales contract.

[12] Jack Markham, Operator, is filing for his 25 percent working interest (jointly owned with Mary Boone Markham) and, as Operator, lists the following nonoperators with their respective percentages of working interest: Gulf Oil Corporation, Cities Service Oil Company and El Paso Natural Gas Company, which company is also the purchaser. Jack Markham and Mary Boone Markham are the only signatory seller parties to the subject gas sales contract.

[13] Coloma Oil and Gas Corporation, Agent, is filing for Roger Milliken, Coastal States Gas Producing Company and Ora R. Kingsley, et vir. (Francis G. Kingsley), who are all signatory seller parties to the subject gas sales contract, which contract provides for receipt by Applicants of any price increase received by purchaser in resale of subject gas.

[14] Platco Corporation, Operator and noninterest owner, is filing on behalf of the following nonoperators: Barco Corporation, Raymond A. Baur and John M. Wells. With the exception of Barco Corporation, which corporation is listed as a seller party but has not executed the contract, all, including Platco, are signatory seller parties to the subject gas sales contract.

[15] Toto Gas Company, Operator, is filing for itself and, as Operator, lists the following nonoperators: George O. Folk and The Ledges Oil and Gas Corporation. All are signatory seller parties to the subject gas sales contract.

[16] M W J Producing Company, Operator, is filing for itself and on behalf of the following nonoperators: First National Bank of Midland, Texas (for the account of Tri-Service Drilling Company), Martin, Williams & Judson (partnership composed of William H. Martin, R. Ken Williams and Edward H. Judson), Martin & Williams (partnership composed of William H. Martin and R. Ken Williams), Harry S. Murray, Hugh Meyer, Charles C. Johnson, Myron Anderson and John L. Schlagal. All are signatory seller parties to the subject gas sales contract.

[17] Applicant is the only signatory seller party to the subject gas sales contract through the signature of Warren Petroleum Corporation, Agent for Applicant.

[18] M W J Producing Company, Operator, is filing for itself and on behalf of the following nonoperators: First National Bank of Midland (for the account of Tri-Service Drilling Company), Tradewinds Oil Company, D. F. Garrett, Warren D. Anderson, W. D. Anderson & Sons (partnership composed of Warren D. Anderson, Paul Donald Anderson and Payton Victor Anderson), Myron Anderson, J. L. Martin, Jr., Dialtha Martin, F. A. and D. Marjean Fox, Michael Susko, L. Pearl Williams, R. Ken Williams, John B. Gross, Hugh Meyer and J. Oliver Gooch. With the exception of Tradewinds Oil Company, all are signatory seller parties (nonoperators by instrument of assignment dated November 28, 1958) to the subject gas sales contract. Apparently, Tradewinds acquired its interest from B. J. Penehouse (Assignee under aforementioned instrument).

[19] Prior to execution of the subject gas sales contract, Applicant's share of production was delivered by Magnolia Petroleum Company, Operator, pursuant to the terms of an operating agreement. Said contract excepts a maximum of 10,000 Mcf per day ethane-rich gas and a maximum of 30,000 Mcf per day for sale to Houston Natural Gas Corporation.

[20] Application covers a ratification agreement dated May 10, 1957, of a basic gas sales contract dated February 18, 1952, as amended, between Gulf Oil Corporation, seller, and Permian, buyer. Gulf was authorized in Docket No. G-7160 to sell gas under the basic contract.

[F.R. Doc. 59-4274; Filed, May 20, 1959; 8:46 a.m.]

[Docket No. G-17418]

FRANK A. SCHULTZ ET AL.

Notice of Application and Date of Hearing

MAY 14, 1959.

Take notice that on December 24, 1958, Frank A. Schultz, J. Glenn Turner and William A. Webb (Applicants) filed in Docket No. G-17418 a joint application pursuant to section 7(b), of the Natural Gas Act for permission to abandon natural gas service to El Paso Natural Gas Company (El Paso) from the Blanco Field, Rio Arriba County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service, covered by a sales contract dated March 18, 1957, which is on file with the Commission as Frank A. Schultz et al., FPC Gas Rate Schedule No. 2, was authorized on April 25, 1958, in Docket No. G-13109. Notice of cancellation of the aforesaid sales contract was filed concurrently with the application herein and designated as Supplement No. 1 to Frank A. Schultz et al., FPC Gas Rate Schedule No. 2.

Applicants state that the gas sales contract dated March 18, 1957, with El Paso was to expire by its own terms on December 1, 1958, unless extended by the parties; that on December 7, 1958, Applicants sold their interest in the acreage dedicated to said contract to El Paso; and that El Paso is continuing to deliver the subject gas into its own lines for interstate transmission.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 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 June 9, 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. 59-4276; Filed, May 20, 1959; 8:46 a.m.]

[Docket No. G-18465 etc.]

UNITED PRODUCING CO., INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

MAY 14, 1959.

In the Matters of United Producing Company, Inc., Docket No. G-18465; Claud E. Aikman, Docket No. G-18466; Warren Petroleum Corporation (Operator), Docket No. G-18467; Kirby Production Company, Docket No. G-18468; Shell Oil Company (Operator), et al., Docket No. G-18469.

Each of the above-named Respondents has tendered for filing a proposed change in a presently effective rate schedule for its sale of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[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	Supplement No.	Purchaser	Notice of change dated	Date filed	Effective date	Rate suspended until—	Docket No.
United Producing Co., Inc.	[1] 20	4	Natural Gas Pipeline Co. of America	Undated	Apr. 14, 1959	June 5, 1959[2]	Nov. 5, 1959	G–18465
Claud E. Aikman	1	3	El Paso Natural Gas Co.	Apr. 10, 1959	do	May 15, 1959[2]	Oct. 15, 1959	G–18466
Warren Petroleum Corp. (Operator)	44	4	do	do	Apr. 15, 1959	May 16, 1959[2]	Oct. 16, 1959	G–18467
Kirby Production Co.	14	1	Natural Gas Pipeline Co. of America	Undated	Apr. 16, 1959	May 17, 1959[3]	Oct. 17, 1959	G–18468
Shell Oil Co. (Operator) et al.	[4] 198	1	Transcontinental Gas Pipe Line Corp.	Apr. 14, 1959	Apr. 15, 1959	May 16, 1959[3]	Oct. 16, 1959	G–18469
	198			Mar. 3, 1959[5]				

[1] United Producing's rate is in effect subject to refund in Docket No. G–15353 (Supplement No. 3).
[2] The stated effective date is the date proposed by Respondents.
[3] The stated effective date is the first day after expiration of the required thirty days' notice. Kirby Production Company requested a prior effective date and waiver of notice.
[4] Supersedes Shell Oil Company (Operator) et al.'s FPC Gas Rate Schedule No. 25, as amended.
[5] Contract.

In support of the proposed periodic increased rates and charges, United Producing Company, Inc. (United Producing) and Kirby Production Company (Kirby) state that the contracts were negotiated at arm's length. In addition, United Producing and Kirby state that the periodic price provisions are beneficial to buyer in permitting a lower purchase price during the period buyer's unamortized capital investment is high and are beneficial to seller in that it receives a progressively higher return contemporaneously with its increasing costs.

In support of its proposed increased rates and charges Claud E. Aikman (Aikman) cites the favored-nation provision of the contract. Aikman states that the contracts resulted from arm's length negotiations and cites the alleged triggering rate of West Texas Gathering Company.

In support of its proposed increased rates and charges Warren Petroleum Corporation (Operator) (Warren) cites the favored-nation provision of the contract which allegedly resulted from arm's length negotiation. Warren's increase is based on several similar favored-nation increases to El Paso Natural Gas Company.

In support of its proposed increased rates and charges Shell Oil Company (Operator), et al. (Shell) has submitted a renegotiated contract and cites the renegotiation provision in the original contract. In addition, Shell states that the renegotiation provision in the original contract was negotiated at arm's length.

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 hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as herinafter 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), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon, Supplement No. 4 to United Producing's FPC Gas Rate Schedule No. 20 is suspended and the use thereof deferred until November 5, 1959, Supplement No. 3 to Aikman's FPC Gas Rate Schedule No. 1 is suspended and the use thereof deferred until October 15, 1959, Supplement No. 4 to Warren's FPC Gas Rate Schedule No. 44, Shell's FPC Gas Rate Schedule No. 198 and Supplement No. 1 thereto are suspended and the use thereof deferred until October 16, 1959, and Supplement No. 1 to Kirby's FPC Gas Rate Schedule No. 14 is suspended and the use thereof deferred until October 17, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several 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 periods of suspension have 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. 59–4277; Filed, May 20, 1959; 8:47 a.m.]

[Docket No. G–16571]

SKELLY OIL CO.

Notice of Application and Date of Hearing

MAY 14, 1959.

Take notice that on October 10, 1958, Skelly Oil Company (Applicant) filed in Docket No. G–16571 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon service to Lone Star Gas Company (Lone Star) from Applicant's 15 percent interest in the Harley "C" Unit, Velma Pool, Stephens County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the supply of gas involved herein is depleted to the extent that continuance of service is unwarranted.

The subject service, covered by a sales contract between Applicant and Lone Star dated January 17, 1956, and on file as Skelly Oil Company FPC Gas Rate Schedule No. 100, was authorized by the Commission on April 8, 1957, in Docket No. G–10147. Notice of cancellation of the foregoing contract was filed concurrently with the application herein and designated Supplement No. 1 to Skelly Oil Company FPC Gas Rate Schedule No. 100.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 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. 59–4278; Filed, May 20, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

MAY 15, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause

of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 107515 (Sub No. 301), filed November 6, 1958. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables* and *bananas*, in straight and in mixed loads with *certain exempt commodities*, from points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentcky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. *Fish*, including *shell fish* whether cooked or uncooked, breaded, frozen or fresh (but not including fish and *shell fish* which have been treated for preserving such as canned, smoked, pickled, spiced, corned, or peppered products); and *Agricultural commodities* requiring refrigeration and transported in mechanically refrigerated trailers including *horticultural commodities* (not including manufactured products thereof) shown as "exempt" in the "Commodity List" in Administrative Ruling No. 107 of the Bureau of Motor Carriers (but not including *frozen fruit, frozen berries*, and *frozen vegetables, cocoa beans, coffee beans, tea, bananas* or *hemp*, and *wool* imported from any foreign country, *wool tops* and noils or wool waste (whether corded, spun, woven or knitted) in the same vehicle with other commodities which are not exempt from regulation which applicant is authorized to transport in its certificate MC 107515 and various Subs: Between points in Florida, Georgia, North Carolina, Alabama, Mississippi, Louisiana, Texas, Michigan, Oklahoma, Arkansas, Tennessee, Kansas, Missouri, Kentucky, Virginia, West Virginia, Nebraska, Iowa, Wisconsin, Illinois, Colorado, California, New Mexico, Arizona, Ohio, Minnesota, Indiana, and Pennsylvania.

NOTE: Applicant proposes to mix this exempt traffic with non-exempt traffic in the same vehicle and is willing to surrender any duplicating authority. Dual operations under section 210 may be involved.

No. MC 109100 (Sub No. 3), filed December 9, 1958. Applicant: WARREN WILLIAMS AND HOWARD SLENKER, doing business as SHAW TRUCKING, R.F.D. No. 1, Box 285, Coloma, Mich. Applicant's attorney: Donald G. Fox, 1108 Michigan National Tower, Lansing 8, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries* and *frozen vegetables*, (1) from points in the lower peninsula of Michigan to Cleveland and Columbus, Ohio, Milwaukee, Wis., and Pittsburgh, Pa., and (2) from Cleveland, Ohio to Milwaukee, Wis., and Pittsburgh, Pa.

No. MC 115513 (Sub No. 1), filed December 10, 1958. Applicant: ARTHUR E. SWAER, doing business as E. C. SWAER & SON, P.O. Box 273, Oconto, Wis. Applicant's attorney: William C. Dineen, 341 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, from points in Door, Oconto, and Brown Counties, Wis., Milwaukee, Wis., and Chicago, Ill., to the Port of Entry on the boundary between the United States and Canada at or near Noyes, Minn., Minneapolis, Duluth and St. Paul, Minn., Menominee, Mich., and Chicago, Ill.

No. MC 115826 (Sub No. 5), filed December 1, 1958. Applicant: W. J. DIGBY, INC., 3100 Brighton Boulevard, Denver 5, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, between points in Louisiana, Texas, California, Utah, Arizona, Colorado, Washington, Oregon, Alabama, Kansas, Oklahoma, Missouri, Nebraska, Wyoming, New Mexico, Nevada and Mississippi. Applicant states the representative shipments shown include mixed shipments where *frozen fish* and *frozen eggs* were hauled with *frozen fruits, berries* and *vegetables*, and mixed loads of *bananas* with *sweet potatoes* (*yams*) and *tomatoes*, and authority is requested to transport such mixed loads.

NOTE: Common control may be involved.

No. MC 117787, filed November 3, 1958. Applicant: RAYETTE, INC., 261 East Fifth Street, St. Paul 1, Minn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee beans*, from New York, N.Y., to Minneapolis, St. Paul and Hopkins, Minn.

No. MC 117799, filed November 5, 1958. Applicant: JOE ROBINSON, U.S. Highway 71 South, Springdale, Ark. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables* and *bananas*, from points in Arkansas, California, Delaware, Florida, Idaho, Michigan, Minnesota, Oklahoma, Oregon, Utah, Washington and Wisconsin, to points in Alabama, Arizona, Arkansas, Colorado, Florida, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 117836, filed November 14, 1958. Applicant: H. J. NOLL, 6706 Avenue E, Houston, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., and New Orleans, La., to points in Colorado, Illinois, Indiana, Iowa, Missouri, New Mexico, South Carolina, Tennessee and Texas.

No. MC 117865, filed November 21, 1958. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., Philadelphia, Pa., Weehawken, N.J., and New York, N.Y., to points in Massachusetts, Manchester, N.H., and N. Tarrytown, N.Y.

No. MC 117993, filed December 4, 1958. Applicant: J. A. LINCOLN and J. A. STEVENS, doing business as FRUIT BELT PRODUCE, 12 Smith Street, St. Catharines, Ontario, Canada. Applicant representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, coffee beans* and *bananas*, from Eastern seaboard port cities, and points in New York and Michigan to ports of entry in Michigan and New York on the International Boundary line between the United States and Canada.

NOTE: The application indicates copy thereof was served on the State boards of Maryland, Michigan, New Jersey, New York, Pennsylvania and Virginia.

No. MC–118004, filed December 4, 1958. Applicant: H. W. CARPENTER, 1747 East Oklahoma Place, Tulsa, Okla. Applicant's attorney: O. O. Leach, 1228

Hunt Building, Tulsa, Okla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in Oklahoma, Missouri, Texas, Kansas, Minnesota, Nebraska, Iowa, Louisiana, and Arkansas.

No. MC 118009, filed December 3, 1958. Applicant: FRANK HOWZE, 1104 East Genessee Street, Tampa, Fla. Applicant's attorney: W. B. Dickenson, Jr., First National Bank Building, Tampa 2, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Jacksonville, Miami and West Palm Beach, Fla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

No. MC 118050, filed December 8, 1958. Applicant: HERBERT M. ARRINGTON, 216 South Madison, Malden, Mo. Applicant's attorney: Veryl L. Riddle, Malden, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between points in Louisiana, Mississippi, Michigan, Arkansas, Missouri, Iowa, Illinois, Tennessee, Kentucky, Kansas and Nebraska.

No. MC 118078, filed December 8, 1958. Applicant: WILMONT D. CURTIS, 723 Elwood Street, Orlando, Orange County, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea*, and *bananas*, from and to points in the United States including the District of Columbia.

No. MC 118091, filed December 10, 1958. Applicant: HOWARD ALLIS, doing business as HOWARD ALLIS TRUCKING, 708 North Main Street, Athens, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in mixed and in straight loads with *certain exempt commodities*, from New York, N.Y., Weehawken, N.J. Philadelphia, Pa., and Baltimore, Md., to points in New York on and west of a line extending southward from Oswego, N.Y., over New York Highway 57 to Syracuse, N.Y., thence southward over U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 118111, filed December 5, 1958. Applicant: EDDIE ITULE, doing business as EDDIE ITULE TRUCKING CO., 206 South Third Street, Phoenix, Ariz. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, from Los Angeles, Calif., and Phoenix, Tucson and Nogales, Ariz., to Phoenix, Ariz., and Los Angeles, Calif.

No. MC 118118, filed December 8, 1958. Applicant: R. L. JUDD, doing business as JUDD PRODUCE CO., 1038 Chicamauga Avenue, Nashville, Tenn. Applicant's attorney: James C. Havron, 513 Nashville Trust Building, Nashville 3, Tenn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, between points in Shelby, Davidson, Gibson, Rhea, and Hamilton Counties, Tenn., Genesee County, N.Y., and points within a 50 mile radius thereof; Salem, Winchester, and Roanoke, Va., Miami, and Tampa, Fla., Mobile, Ala., New Orleans, La., Philadelphia, Wilkes-Barre, Pottsville, Harrisburg and Reading, Pa., Jersey City, N.J., Dallas, Tex., Jackson, Miss., Los Angeles, Calif., High Point, N.C., Omaha, Nebr., and Cedar Rapids, Iowa.

No. MC 118144, filed December 9, 1958. Applicant: LLOYD C. BUSBEE, 350 Mohawk Street, Mobile, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables* and *bananas*, from Mobile, Ala., New Orleans, and Independence, La., Gulfport and Meridian, Miss., Tampa and Jacksonville, Fla., Brownsville, Tex., Nashville, Tenn., Norfolk, Va., Clinton, Iowa, Bloomington, Ill., and points in Wisconsin to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, West Virginia, Wisconsin, Washington, D.C., Baltimore, Md., and Philadelphia, Pa.

No. MC 118148, filed December 8, 1958. Applicant: ALVA R. LAWS, doing business as A. R. LAWS, 301 West Ollie, Malden, Mo. Applicant's attorneys: Veryl L. Riddle, Malden, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and other Ports on the Gulf of Mexico between Tampa, Fla., and Brownsville, Tex., to points in Iowa, Illinois, Michigan, Indiana, Minnesota, Kansas, Nebraska, Missouri, Texas, and Kentucky.

No. MC 118290 (CLARIFICATION), filed December 9, 1958, published issue FEDERAL REGISTER of April 30, 1959. Applicant: EDWARD F. FULLER, doing business as EDDIE FULLER, 3755 Northwest 25th Street, Miami, Fla. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in California to points in Florida, and *bananas* from points in Florida to points in California and Louisiana.

No. MC 118366, filed December 9, 1958. Applicant: LEE R. SHAWCROSS, Brookside Road, Nabnasset, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

No. MC 118410, filed December 10, 1958. Applicant: NORTHWEST FISHERIES TRANSPORTATION, INC., 2228 Occidental Avenue, Seattle 4, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, bananas*, and *wool waste* (carded, spun, woven or knitted), in straight and in mixed loads with *certain exempt commodities*, between points in California, Oregon and Washington.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-4243; Filed, May 20, 1959; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

Correction

In F.R. Document 59-4104, appearing in the issue for Friday, May 15, 1959, at page 3966, the reference to "FSA No. 35435" should be changed to "FSA No. 35425".

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 365]

SECRETARY OF DEFENSE

Disposal of Certain Electric Transmission Facilities and Appurtenant Right-of-Way Serving the Marine Corps Base at Camp Lejeune and the Marine Corps Air Station at Cherry Point, N.C.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter referred to as "the Act"), authority is hereby delegated to the Secretary of Defense to dispose of 40.4 miles of 110 KV transmission line H-Frame of wood pole type construction with overhead ground wire shielding, appurtenant right-of-way, and two step substations

consisting of lightning arresters, switch gear, substation structure, foundations and transformers serving the Marine Corps Base at Camp Lejeune and the Marine Corps Air Station at Cherry Point in North Carolina, by sale upon such terms as may be deemed advantageous to the United States. Provided, that in case of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the Act and Regulations of the General Services Administration issued pursuant thereto, including the screening required by GSA Reg. 2–V–405.01; except, however, that no screening of the property as required by GSA Reg. 2–IV–202.05 need be conducted, it having been determined that such screening among Federal agencies would accomplish no useful purpose, since the property subject to disposal hereunder serves and will continue to serve Department of Defense installations.

3. The Secretary of Defense shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203(e) of the Act, as amended. A copy of each such statement shall be furnished to the General Services Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: May 14, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59–4281; Filed, May 20, 1959; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAROLD M. BOTKIN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published October 29, 1958 (23 F.R. 8368).

Dated: April 24, 1959.

HAROLD M. BOTKIN.

[F.R. Doc. 59–4269; Filed, May 20, 1959; 8:45 a.m.]

NOTICE OF AMENDMENT OF VOLUNTARY PLAN UNDER PUBLIC LAW 774, 81ST CONGRESS, AS AMENDED, FOR THE CONTRIBUTION OF TANKER CAPACITY FOR NATIONAL DEFENSE REQUIREMENTS

Pursuant to section 708 of the DP Act of 1950, as amended, there is published herewith the request to participate in the Voluntary Plan under Public Law 774, 81st Congress, as amended, for the Contribution of Tanker Capacity for National Defense Requirements, amended as of March 20, 1958. The Voluntary Tanker Plan has been amended to put the mechanism for meeting defense requirements for tanker capacity in a standby status until such time as a national emergency in the tanker capacity field should be found to exist. Additional amendments involve only details of proposed emergency operations and administrative provisions for participation in the plan.

These amendments were made after consultations between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Defense Mobilization and was found to be in the public interest as contributing to the national defense.

Contents of request:

The Attorney General's review of the Voluntary Tanker Plan in accordance with the Defense Production Act Amendments of 1955 resulted in a decision to put the mechanism for meeting defense requirements for tanker capacity in a standby status until such time as a national emergency in the tanker capacity field should be found to exist. Since that time other amendments to the Voluntary Tanker Plan have been proposed. The attached revision of the plan reflects the decision with respect to standby status and embodies other amendments recommended by the Secretary of Commerce after consultation with representatives of other interested Government agencies and the tanker industry.

You are requested to participate in the Voluntary Plan under Public Law 774, 81st Congress, as amended, for the Contribution of Tanker Capacity for National Defense Requirements, amended as of March 20, 1958. The administration of the plan will continue to be the responsibility of the Maritime Administration of the Department of Commerce.

The Attorney General approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Director of the Office of Defense Mobilization, pursuant to section 708 of the Defense Production Act of 1950, as amended.

The Director of the Office of Defense Mobilization approved the voluntary plan, as amended, and found it to be in the public interest as contributing to the national defense. If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended.

Please notify me in writing of your acceptance and send a copy of your acceptance to the Maritime Administration, U.S. Department of Commerce, Washington 25, D.C.

Your cooperation in this matter will be appreciated.

Sincerely yours,

GORDON GRAY,
Director,
Office of Defense Mobilization.

The following companies have agreed to participate in the amended plan and this list supersedes previous publications in the FEDERAL REGISTER of membership in the Voluntary Plan for the Contribution of Tanker Capacity for National Defense Requirements.

Acceptances

American Coal Shipping Co., New York 4, N.Y.
American Oil Co., New York 17, N.Y.
American Trading & Production Corp., New York 17, N.Y.
Atlantic Refining Co., The, Philadelphia 1, Pa.
Bayview Steamship Corp., New York 4, N.Y.
Bernuth, Lembcke Co., Inc., New York 17, N.Y.
Blackships, Inc., c/o Gulf Oil Corp., New York 4, N.Y.
California Tanker Co., Perth Amboy, N.J.
Carras, J. M., Inc., New York 6, N.Y.
Cities Service Oil Co., New York 5, N.Y.
Clark Steamship Corp., New York 4, N.Y.
Clover Carriers Corp., c/o Marine Carriers Corp., New York 4, N.Y.
Colonial Steamship Corp., New York 4, N.Y.
Commerce Tankers Corp., New York 17, N.Y.
Continental Oil Co., Baltimore 3, Md.
Delships, Inc., New York 4, N.Y.
Denton Steamship Corp., New York 4, N.Y.
Eagle Carriers, Inc., New York 17, N.Y.
Edison Steamship Corp., New York 4, N.Y.
Esso Standard Oil Co., New York 20, N.Y.
Fairfield Steamship Corp., New York 4, N.Y.
Figueroa Tanker Corp., Wilmington, Del.
First Tanker Corp., New York 17, N.Y.
Globe Tankers, Inc., c/o Circle Shipping Co., Inc., Long Island City 1, N.Y.
Greenpoint Tankers, Inc., c/o Circle Shipping Co., Long Island City 1, N.Y.
Gulf Oil Corp., Marine Department, New York 4, N.Y.
Hartol Petroleum Corp., New York 20, N.Y.
Heron Steamship Co., New York 4, N.Y.
Hess Tankships Co., c/o Hess, Inc., Perth Amboy, N.J.
Hillcone Steamship Co., San Francisco 4, Calif.
Keystone Shipping Co., Philadelphia 7, Pa.
Keystone Tankship Corp., Philadelphia 7, Pa.
Kingston Steamship Corp., New York 4, N.Y.
Kurz & Co., Inc., Charles, Philadelphia 7, Pa.
Kurz Tankers, Inc., c/o Keystone Shipping Co., Philadelphia 7, Pa.
Kurz Marine, Inc., c/o Keystone Shipping Co., Philadelphia 7, Pa.
Locust Tankers, Inc., c/o Richfield Oil Corp., Long Beach 13, Calif.
Marine Carriers Corp., New York 4, N.Y.
Marine Tankers Corp., c/o Marine Carriers Corp., New York 4, N.Y.
Metro Petroleum Shipping Co., New York 4, N.Y.
Mohawk Express, Inc., c/o Ocean Freighting & Brokerage Corp., New York, N.Y.
Moore-McCormack Lines, Inc., New York 4, N.Y.
National Bulk Carriers, Inc., New York 17, N.Y.
Nautilus Petroleum Carriers Corp., New York, N.Y.
Oil Carriers Joint Venture, c/o Orion Shipping & Trading Co., New York 4, N.Y.
Oil Transport Inc., c/o Joshua Hendy Corp., Los Angeles 17, Calif.
Olympic Transport, Ltd., c/o Cargo Tankship Management Corp., New York, N.Y.
Ozark Navigation Corp., New York 4, N.Y.
Paco Tankers, Inc., c/o Keystone Shipping Co., Philadelphia 7, Pa.
Pan Cargo Shipping Corp., New York, N.Y.
Paragon Oil Co., Inc., Long Island City 1, N.Y.
Penn Navigation Co., c/o Lehigh & New England Railroad Co., Bethlehem, Pa.
Petrol Shipping Corp., New York, 4, N.Y.

Pico Tankers Corp., c/o Union Oil Co., Los Angeles 17, Calif.
Pure Oil Co., The, Chicago 1, Ill.
Red Hills Corp., c/o Southoil, Inc., Jacksonville 6, Fla.
Richfield Oil Corp., Los Angeles 17, Calif.
Sabine Transportation Co., Inc., Port Arthur, Tex.
Sheffield Tankers Corp c/o Marine Transport Lines, New York 4, N.Y.
Sinclair Refining Co., Inc., Marine Department, New York 20, N.Y.
Skouras Lines, Inc., The, New York 19, N.Y.
Socony Mobil Oil Co., Inc., New York 17, N.Y.
Standard Oil Co. of California, San Francisco 20, Calif.
Sun Oil Co., Philadelphia 3, Pa.
Tanker "Four Lakes", Inc., Texas City, Tex.
Tankers & Tramps Corp., c/o Cargo & Tankship Management Corp., New York 4, N.Y.
Terminal Transport Corp., New York 17, N.Y.
The Cabins Tanker, Inc., Texas City, Tex.
The Texas Co., New York, N.Y.
Tidewater Oil Co., San Francisco 20, Calif.
Tideway Steamship Corp., c/o North Atlantic Marine Co., New York 4, N.Y.
Tramp Shipping & Oil Transportation Corp., c/o Cargo & Tankship Management Corp., New York 4, N.Y.
Trinidad Corp., New York 20, N.Y.
Union Carbide Corp., New York 17, N.Y.
Union Oil Co., of California, Los Angeles 17, Calif.
Walnut Tankers, Inc., c/o Keystone Shipping Co., Philadelphia, Pa.
Winco Tankers, Inc., Wilmington, Del.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: April 29, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-4270; Filed, May 20, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1264]

MOUNTAIN STATES URANIUM, INC.

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

MAY 15, 1959.

I. Mountain States Uranium, Inc. (issuer), 9709½ West Colfax Avenue, Denver, Colorado, filed with the Commission on May 18, 1954, a notification and offering circular, relating to an offering of 30,000,000 shares of its 1¢ par value common stock at 1¢ per share for an aggregate offering of $300,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer offered and sold securities in jurisdictions other than those named in the notification on Form 1-A;

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose in the notification changes in the issuer's officers and directors, and their security holdings.

2. The failure to disclose in the offering circular the uses of the proceeds of the public offerings.

3. The failure to disclose in the offering circular the results of work performed on the issuer's mining properties including the status of performance of assessment work, and the status of the issuer's right, title and interest to its properties.

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

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

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

By the Commision.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-4285; Filed, May 20, 1959; 8:48 a.m.]

[File No. 70-3795]

PENNSYLVANIA ELECTRIC CO.

Notice of Filing Regarding Issuance to Banks of Unsecured Notes

MAY 14, 1959.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), a public-utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 6(b) of the Act and Rule 50(a)(2) thereunder as applicable to the proposed transactions which are summarized as follows:

Penelec, during a period of two years from the date of the Commission Order granting this application, will issue and sell, prepay and reissue, from time to time, its promissory notes, not to exceed an aggregate principal amount of $15,000,000 at any one time outstanding, to the following banks in the amounts indicated.

[In millions]

Mellon National Bank and Trust Co	$5
Chemical Corn Exchange Bank	4
Guaranty Trust Company of New York	4
The First Pennsylvania Banking and Trust Co	2
Total	15

Although the Credit Agreement with the above banks will permit Penelec to issue and reissue promissory notes thereunder with maturities up to four years from the date of the Commission's Order herein, Penelec proposes that except pursuant to further Order or Orders of the Commission issued in respect of a subsequent application, or amendment to this application, filed with the Commission by the Company it will not (a) issue and sell under said Credit Agreement any promissory note having a maturity later than a date two years from the Commission's Order herein or (b) reborrow under said Credit Agreement the amount evidenced by any note or notes issued thereunder which shall have been paid from the proceeds of other securities issued by it. Notes issued pursuant to authority granted by the Commission in respect of the instant application will bear interest at the prime rate for commercial borrowing of Chemical Corn Exchange Bank on the dates of issuance, and will be prepayable in whole or in part without premium unless such prepayment is effected from the proceeds, or in anticipation, of any bank borrowing (other than under the Credit Agreement) made by the company within two months of such prepayment in which event a premium will be payable equal to ½ of 1 percent of the principal, or portion thereof, of the notes prepaid. Penelec will pay a commitment fee for two years from the date of the Commission's Order herein computed on a daily basis equal to ¼ of 1 percent per annum on the unutilized balance of the commitment; the company may reduce or terminate the commitment upon five days prior notice.

Penelec proposes to utilize the proceeds of borrowing under the credit agreement for its post-1958 construction program and to repay short-term loans, the proceeds of which have been used for such purpose and to reimburse its treasury for expenditures therefrom for such purpose. From the treasury funds resulting from such reimbursement Penelec will repay its $4,000,000 of short-term bank loans which were outstanding at December 31, 1958 and are presently outstanding.

It is stated that the estimated fees and expenses of Penelec in connection with the proposed transactions, including legal fees, will not exceed $4,250.

It is stated that no other State commission or Federal commission other than the Pennsylvania Public Utility Commission and this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 28,

1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application as filed, or as it may be amended, may be granted as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-4286; Filed, May 20, 1959; 8:48 a.m.]

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