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[Updated to January 1, 1963]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11135

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE EASTERN, WESTERN AND SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Railroad Signalmen, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 3, 1964.

LIST A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad
Ann Arbor Railroad Company
Baltimore & Ohio Railroad Company
  B. & O. Chicago Terminal Railroad Company
  Staten Island Rapid Transit Railway Company
Bangor & Aroostook Railroad
Bessemer & Lake Erie Railroad Company
Boston & Maine Railroad
Canadian National Railways (New England States)
Canadian Pacific Railway Company (Maine and Vermont)
Central R.R. Company of New Jersey
  New York & Long Branch Railroad
Central Vermont Railway, Inc.
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware & Hudson Railroad Corporation
Detroit & Toledo Shore Line Railroad Company
Detroit Terminal Railroad Company
Detroit, Toledo & Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh & Hudson River Railway Company
Lehigh Valley Railroad Company
Long Island Rail Road Company
Maine Central Railroad Company
  Portland Terminal Company

Monon Railroad Company
Monongahela Railway Company
New York Central System
  New York District (Inc. Grand Central Terminal) (Lines East)
  Eastern District (Including B. & A. Division) (Lines East)
  Western District (Lines West)
    Cleveland Union Terminals Co.
  Northern District (Michigan Central)
  Southern District (C.C.C. & St. L.)
  Indiana Harbor Belt Railroad Company
  Troy Union R.R. Company
New York, Chicago & St. Louis Railroad Company
New York, New Haven & Hartford Railroad Company
  Boston Terminal Company
New York, Susquehanna & Western Railroad Company
Pennsylvania Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Port Authority Trans-Hudson Corporation
Reading Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

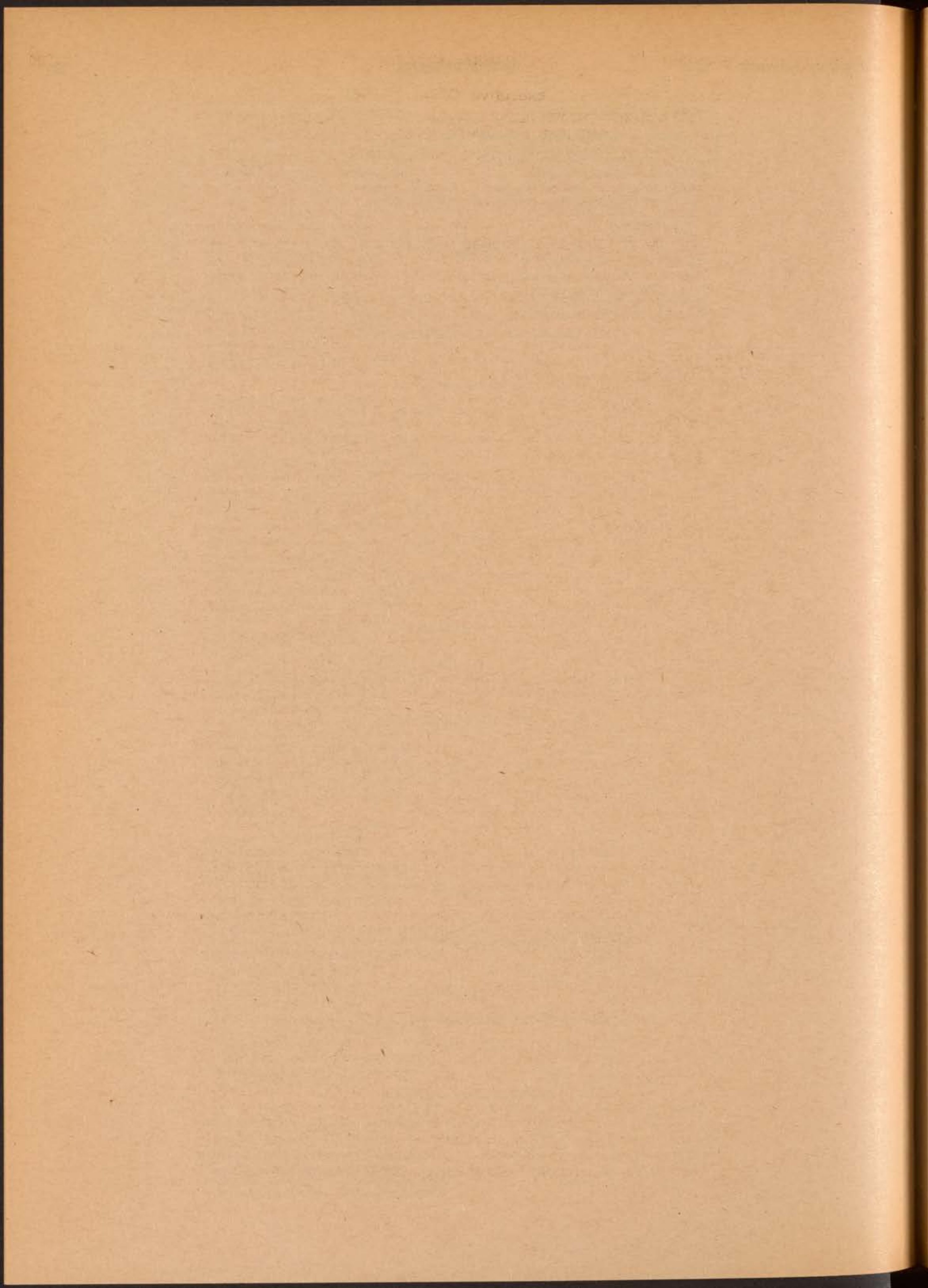
Alton & Southern Railroad
Atchison, Topeka & Santa Fe Railway
  Gulf, Colorado & Santa Fe Railway
  Panhandle & Santa Fe Railway
Belt Railway Company of Chicago
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago & North Western Railway Company (Inc. C. St. P. M. & O.)
Chicago & Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, Rock Island & Pacific Railroad
Colorado & Southern Railway
Denver & Rio Grande Western Railroad
Denver Union Terminal Railway
Elgin, Joliet & Eastern Railway
Ft. Worth & Denver Railway
Galveston, Houston & Henderson Railroad
Great Northern Railway
Green Bay & Western Railroad
  Kewaunee, Green Bay & Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
  Paducah & Illinois Railroad
Joint Texas Division of C.R.I.&P. Railroad and Ft.W.&D. Ry.
Kansas City Southern Railway
  Louisiana & Arkansas Railway
Kansas City Terminal Railway
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad
  Southern & Western Districts
  Gulf District
  Union Railway (Memphis)
Northern Pacific Railway
Pacific Electric Railway
Peoria & Pekin Union Railway
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company—Texas and Louisiana Lines (T. & N.O.)
Spokane, Portland & Seattle Railway
  Oregon Electric Railway
  Oregon Trunk Railway
Terminal Railroad Association of St. Louis
Texas & Pacific Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Terminal Company (Dallas)
Wabash Railroad
Western Pacific Railroad

SOUTHEASTERN RAILROADS

Atlanta & West Point R.R. Company
Western Railway of Alabama
Atlantic Coast Line Railroad
Birmingham Terminal Company
Chattanooga Station Company
Central of Georgia Railway Company
Chesapeake & Ohio Railway Company

Clinchfield Rail Road Company
Florida East Coast Railway
Georgia Railroad
Gulf, Mobile & Ohio Railroad Company
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville & Nashville Railroad
Norfolk & Western Railway Company
Richmond, Fredericksburg & Potomac Railroad Company
Seaboard Air Line Railroad
Southern Railway
- Alabama Great Southern
- Cincinnati, New Orleans & Texas Pacific
- Georgia Southern & Florida
- Harriman & Northeastern
- New Orleans & Northeastern
- New Orleans Terminal Company
- St. Johns River Terminal Company

[F.R. Doc. 64-192; Filed Jan. 6, 1964; 10:25 a.m.]



Executive Order 11136

ESTABLISHING THE PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS AND THE CONSUMER ADVISORY COUNCIL

WHEREAS all individuals in our society, as consumers, are significantly affected by Federal economic policies and by Federal programs to promote the welfare of consumers and to protect their interests in the marketplace; and

WHEREAS individual consumers and consumer organizations face unusual problems in attempting to assure that the views and needs of consumers receive full consideration by Federal officials who administer policies and programs affecting consumer interests; and

WHEREAS the Federal Government, serving all the people, has a special obligation to be alert to consumer needs and to advance the interest of consumers by all appropriate means, including arrangements to enable representatives of consumers to be heard in the development and administration of Federal policies and programs:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Consumer Interests (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of representatives of the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Housing and Home Finance Administrator, the Chairman of the Federal Trade Commission, and the Chairman of the Council of Economic Advisers; such other Government officials or employees as the President may designate; and such private citizens especially qualified to represent consumer interests as the President may appoint. Each Federal agency head named herein shall designate one person, who shall be an assistant secretary or official of comparable rank, to represent him on the Committee.

(c) The Chairman of the Committee shall be designated by the President from among the Federal members to serve for such term as the President may determine. The Chairman shall direct and supervise any staff employed by or detailed to the Committee.

(d) The Chairman shall invite the heads of Federal agencies not represented on the Committee to designate representatives (who shall be assistant secretaries or officials of comparable rank) to participate as *ad hoc* members of the Committee when matters affecting the responsibilities of their respective agencies are to be considered by the Committee.

SEC. 2. *Establishment of the Consumer Advisory Council.* (a) There is hereby established the Consumer Advisory Council (hereinafter referred to as the Council), which shall consist of the private citizens appointed by the President as members of the Committee. The President shall designate the Chairman of the Council from among its members.

(b) The Chairman of the Committee shall be responsible for assuring that the meetings and other activities of the Council are carried out in accordance with the relevant provisions of Executive Order 11007 of February 26, 1962, and for prescribing such additional regulations with respect to the affairs of the Council as may be necessary.

SEC. 3. *Functions of the Committee, the Federal members, and the Council.* (a) The Committee shall from time to time consider (1) the Federal policies and programs of primary importance to consumers or the unmet consumer needs which can appropriately be met through Federal action, either under existing laws or new legislation; (2) the aspects of Federal policies, programs, and operations concerning which the views of consumers should be available to Federal officials; (3) the means by which necessary liaison may be established between the Consumer Advisory Council and consumer organizations to enable

the Council to perform its functions under subsection (c), below; and (4) the manner in which consumer views can be communicated to appropriate Federal departments and agencies.

(b) The Federal agency heads enumerated in section 1(b), collectively or individually, as appropriate, (1) shall seek the advice of the Committee or the Council on matters affecting consumers, and similarly receive recommendations made on the initiative of the Committee or the Council; (2) shall be responsible for considering recommendations made by the Committee or the Council; and (3) shall take such action as is deemed to be in the general public interest, including making recommendations to the President on matters requiring action by him or by the Congress.

(c) The Council shall advise the Government on issues of broad economic policy of immediate concern to consumers, on governmental programs to meet consumer needs or to protect consumer interests, and on needed improvements in the flow of consumer research material to the public. The Council may arrange through the Chairman of the Committee for fact-finding studies to enable the Council to carry out its responsibilities. In carrying out its functions the Council shall, insofar as practicable, provide interested organizations and individuals an opportunity to present their views and recommendations to the Council for its consideration.

SEC. 4. *Federal agencies.* (a) Upon request of the Chairman of the Committee, the heads of Federal agencies shall so far as practicable provide the Committee with information and reports relating to matters within the cognizance of the Committee.

(b) Each Federal agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(c) The General Services Administration is hereby designated as the agency which shall provide administrative services for the Committee on a reimbursable basis.

SEC. 5. *Compensation and per diem.* For each day any person appointed from private life as a member of the Committee is engaged in meetings, or is with the approval of the Chairman of the Committee engaged in other work in pursuance of this order, such person shall receive compensation at a rate determined by the Chairman of the Committee and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 3, 1964.

[F.R. Doc. 64-193; Filed, Jan. 6, 1964; 11:30 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program, EMD 3a

RATE OF PAYMENT

For the purpose of increasing the rate of payment for the month of January 1964 from 40 cents to 50 cents per hundredweight, § 519.247 of these regulations is amended as follows:

§ 519.247 Rate of payment.

The rate of payment per 100 pounds of potatoes which meet the requirements of Specification A as defined in § 519.253 and which are diverted as prescribed in § 519.252 will be 50 cents per hundredweight from the inception of the program through January, 1964; 40 cents thereafter through February, 1964; and 30 cents thereafter to termination of the program. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

Effective date. This amendment shall become effective January 1, 1964.

Dated: January 2, 1964.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 64-119; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4; Amdt. 4; Supp. 2 Amended]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1963 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948 as amended and paragraph (c) of § 831.4 of this chapter, § 831.9 of this chapter is hereby amended by amending paragraph (c) thereof to read as follows:

§ 831.9 Rates of recoverability; 1963 crop.

* * * * *

(c) For sugarbeets marketed under "combined individual-cossette test" contracts, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundedweight by the percentage of sugar content on which settlement under the marketing contract is made, and then multiplying the result by 93.2 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1864. As an example, a content of 16.37 would result in a rate of commercially recoverable sugar of 3.051 hundredweight. Notwithstanding the foregoing, the rate of commercially recoverable sugar on which a partial Sugar Act payment may be based and disbursed to a producer shall be computed by multiplying 20 hundredweight by the weighted average percentage of sugar content of all beets delivered by such producer, and then multiplying the result by 69.9 percent (75 percent of the average extraction rate effective for such beets). This computation can be shortened by the use of the factor 0.1398. As an example, a content of 16.37 would result in a rate of commercially recoverable sugar of 2.289 hundredweight.

Statement of bases and considerations. The amount of commercially recoverable sugar, for a crop year, on which to base Sugar Act payments to growers in a settlement area wherein sugarbeets are marketed under a "combined individual-cossette test" type contract cannot be determined until all sugarbeets marketed during such crop year, by all growers in the settlement area, have been processed. To avoid delaying 1963 Sugar Act payments to these growers, this amendment provides the basis for computing partial payments (about 75 percent of the total payment). The remainder of the payment will be disbursed when final data for the crop becomes available.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on December 31, 1963.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

DECEMBER 31, 1963.

[F.R. Doc. 64-113; Filed, Jan. 6, 1964; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for the 1963-64 Fiscal Year

On December 20, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13899) regarding the expenses and rate of assessment for the 1963-64 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 907, as amended (7 CFR Part 907, 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.202 Expenses and rate of assessment for the 1963-64 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1963, through October 31, 1964, will amount to $224,300.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be one cent ($0.01) per carton of oranges handled by such handler as the first handler thereof during the 1963-64 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1,

1963, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: December 31, 1963.

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

[F.R. Doc. 64–112; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On May 24, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5207) stating that the Federal Aviation Agency (FAA) proposed to alter the Springfield, Mo., control zone, designate the Springfield transition area and revoke the Springfield control area extension. On August 7, 1963, a supplemental notice of proposed rule making was published amending the original proposal (28 F.R. 8045).

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962, 27 F.R. 11457), the Springfield, Mo., control zone is amended to read:

Springfield, Mo.

Within a 5-mile radius of the Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.) and within 2 miles W. and 2.5 miles E. of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Springfield, Mo.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.), within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles NW. of the RBN, within 5 miles W. and 8 miles E. of the Springfield ILS localizer S. course, extending from 1 mile N. to 12 miles S. of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Springfield Municipal Airport, within 9 miles N. and 6 miles S. of the Springfield VORTAC 058° radial, extending from the 25-mile radius area to 43 miles NE. of the VORTAC, within 6 miles W. and 9 miles E. of the Springfield VORTAC 146° radial, extending from the 25-mile radius area to 41 miles SE. of the VORTAC, within 5 miles NW. and 8 miles SE. of the Dogwood, Mo., VOR 053° radial, extending from the VOR to 7 miles NE. of the VOR, and within 9 miles E. and 6 miles W. of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles SW. of the VORTAC.

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Chattanooga, Tenn., control area extension.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64–86; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63–EA–47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Area Extension and Designation of Transition Areas

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10541) stating that the Federal Aviation Agency proposed to designate the Erie, Pa., and Jamestown, N.Y., transition areas, and revoke the Erie control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked: Erie, Pa.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

a. Erie, Pa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Erie Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW., and 8 miles SE. of the Erie ILS localizer SW. course, extending from the ILS OM to 12 miles SW. of the Erie VORTAC; and within 2 miles each side of the Erie RBN 054° bearing, extending from the 7-mile radius area to 8 miles NE. of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41°55'00" N., longitude 80°35'00" W.; to latitude 42°14'00" N., longitude 80°41'00" W.; to latitude 42°37'00" N., longitude 79°15'00" W.; to latitude 42°32'00" N., longitude 78°52'00" W.; to latitude 42°11'30" N., longitude 78°52'00" W.; to latitude 42°10'00" N., longitude 78°57'00" W.; to latitude 41°49'40" N., longitude 78°57'00" W.; thence via the N., boundary of V–72 and V–188, and the SW., boundary of V–184 to the arc of a 15-mile radius circle centered on the Erie VORTAC; thence clockwise along this arc to latitude 41°48'10" N., longitude 80°17'35" W.; to latitude 41°48'00" N., longitude 80°25'00" W.; to the point of beginning.

b. Jamestown, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Jamestown Municipal Airport (latitude 42°09'10" N., longitude 79°15'30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles NE. of the VOR; and within 2 miles each side of the 060° bearing from the Jamestown Municipal Airport, extending from the 7-mile radius area to 12 miles NE. of the airport.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64–87; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Areas

On August 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9213) stating that the Federal Aviation Agency proposed to designate transition areas at Lawton, Okla., and Duncan, Okla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

1. Lawton, Okla.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), and within 8 miles W. and 5 miles E. of the Lawton VOR 357° and 177° radials, extending from 5 miles N. to 12 miles S. of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°21'00" N., longitude 98°46'00" W., to latitude 34°42'00" N., longitude 98°46'00" W., to latitude 34°58'00" N., longitude 98°33'00" W., thence E. via latitude 34°58'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W., to longitude 97°25'00" W., thence S. via longitude 97°25'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.), to latitude 34°10'00" N., thence W. via this latitude, to latitude 34°10'00" N., longitude 97°49'00" W., to point of beginning, excluding the portion within R–5601A. The portion within R–5601B shall be used only after obtaining prior approval from appropriate authority.

2. *Duncan, Okla.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34°28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE. of the VOR.

These amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-88; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Amendment; Alteration of Control Area and Reporting Points

On November 27, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12612) an amendment to Part 71 of the Federal Aviation regulations which altered Control 1447 and redesignated the Brim and Catfish Intersection.

The bearings from the Galveston, Tex., radio beacon were cited incorrectly in the description of the Brim and Catfish Intersection. Action is also taken to designate the Albacore Intersection.

Because of a delay in issuing an International Notam revising the Alpha, Bravo, and Charlie routes, action is taken herein to postpone the effective date until March 5, 1964.

Since these changes are procedural in nature, notice and public procedure hereon are unnecessary and since 30 days will elapse from the time of publication of these amendments to the new effective date, this action is in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-WA-45 (28 F.R. 12612) is hereby modified as follows:

1. In the description of the Brim Intersection "109° bearing Galveston, Tex., RBN." is deleted and "107° bearing Galveston, Tex., RBN." is substituted therefor.

2. In the description of the Catfish Intersection "108° bearing Galveston, Tex., RBN." is deleted and "106° bearing Galveston, Tex., RBN." is substituted therefor.

3. The following action is added: In § 71.209 (27 F.R. 220-172 November 10, 1962) "Albacore Intersection: INT 185° bearing Galveston, Tex., RBN, 097° bearing Corpus Christi, Tex., RBN." is deleted and "Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN." is substituted therefor.

4. In Airspace Docket No. 63-WA-45 "effective 0001 e.s.t., January 9, 1964." is deleted and "effective 0001 e.s.t., March 5, 1964." is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510. and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 3, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-165; Filed, Jan. 6, 1964; 8:50 a.m.]

[Airspace Docket No. 63-WE-13]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area

The purpose of this amendment to § 73.23 of the Federal Aviation Regulations is to designate the Yuma East, Arizona, Restricted Area R-2308.

In early 1963, the Department of the Army proposed the designation of additional special use airspace north and northeast of the existing Yuma, Arizona, Restricted Area R-2307. The Army stated that R-2307 is no longer large enough to permit the accomplishment of the projects presently being conducted and those to be initiated shortly by the Yuma Proving Ground. The Army further stated that the present drone flight activities at Yuma are being conducted outside restricted airspace in accordance with a waiver to the applicable parts of Part 91 of the Federal Aviation Regulations and that the restrictions imposed by the waiver are such that the drone program requirements are not being fulfilled. Accordingly, the Army requested the designation of two new restricted areas as an adjunct to the existing R-2307.

One of the proposed areas, identified in the proposal as Yuma West, was to be utilized as an artillery firing range together with other surface to surface activities. However, subsequent to the submission of the proposal, it has been determined that due to the lack of funds, the development of this new firing range would be delayed for a least one year. In view of this delay, the Army has agreed to withdraw the request for this restricted area from the proposal.

The other area requested in the proposal, identified as Yuma East, would be utilized to contain drone flights of a research and development nature, programmed to begin in January 1964, which would otherwise be a hazard to non-participating aircraft. In addition, the restrictions to drone operations imposed by the waiver to Part 91 of the Federal Aviation Regulations would be eased by permitting drone operations to be conducted in the proposed area during times when compliance with the provisions contained in the waiver would be unduly restrictive. The Army had requested that the proposed Yuma East area be designated from the surface to 20,000 feet MSL. However, in response to public circularization of the proposal on an informal basis, a number of objections from land owners in the area were received. The objectors stated that access to their property by aerial transportation and the application of aerial farming techniques would be denied them which would thus curtail future developments plans. The State Land Commissioner of the Arizona State Land Department has also objected to this proposal stating that the proposed restricted area exceeds the boundaries of Yuma Proving Grounds and that ranchers fly to and from ranches located within the boundaries of the proposed restricted area. Therefore the Agency has made minor adjustments to the boundaries of the requested restricted area and established a floor of 1,500 feet above ground level (AGL) to provide for aerial access by land holders to their properties.

In addition, the Army has agreed to the designation of this area as joint use, and has stated that projected use of the area should permit frequent release of the airspace to the Federal Aviation Agency for use by non-participating Aircraft. This will further enhance the accessibility of the area to property holders.

Since this proposal, originally submitted by the Army early in 1963, involved a large amount of study, evaluation, and coordination, considerable time has elapsed and the Department of the Army states that it is now a matter of military urgency that the new restricted area be designated effective January 15, 1964. In order to accomplish this, the Department of the Army has requested that a provision of the Administrative Procedure Act be followed, whereby the customary notice, public procedure and 30-day period prior to effectiveness may be omitted upon finding that good cause exists. However, it should be noted herein that since this area is being designated, in part, for a program to be implemented in January 1964, completely accurate performance parameters cannot be obtained. Therefore, subsequent to the start of this new drone program, a further evaluation of the activities to be conducted in this area will have to be made to assure that the requirements of both the Army and private citizens are adequately satisfied. To this end, the Army has agreed to a temporary designation of one year.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days notice.

In consideration of the foregoing, the following action is taken:

In § 73.23 Arizona (28 F.R. 19-6, January 26, 1963), the following is added:

R-2308 Yuma East, Arizona

Boundaries. Beginning at latitude 33°00'00" N., longitude 114°17'20" W.; thence N along State Highway 95 to latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°24'00" N., longitude 113°39'00" W.; to latitude 33°13'12" N., longitude 113°21'36" W.; to latitude 33°07'17" N., longitude 113°24'10" W.; to latitude 33°02'00 N., longitude 113°33'50" W.; to latitude 33°02'00" N.,

longitude 113°56'30" W.; to latitude 33°00'-00" N., longitude 114°11'00" W.; to the point of beginning.

Designated altitudes. 1,500 feet above the surface to 20,000 feet MSL.

Time of designation. Continuous, January 15, 1964, to January 15, 1965.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Arizona.

This amendment shall become effective 0001 e.s.t. January 15, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64-181; Filed, Jan. 6, 1964; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1972; Amdt. 668]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring the installation of additional fire detector elements in the upper area of the engine nacelle on Boeing Models 707 and 720 Series aircraft was published in 28 F.R. 10428.

Interested persons have been afforded an opportunity to participate in the making of the amendment. All comments received were given full consideration. There were no objections to the basic intent of the directive; however, a longer compliance time than the 4,000 hours' time in service originally proposed was requested by several operators. This was to permit accomplishing the installation at time of engine overhaul in which it was pointed out that engine overhaul periods greater than 4,000 hours are now in effect. The Agency considers that this is a valid request and a compliance time not to exceed 6,000 hours' time has been established.

It was requested that the directive be worded to permit detector installations to be made in accordance with designs developed by individual operators rather than in complete conformity with Boeing Service Bulletin No. 1788. Such installations would then be evaluated individually by FAA. This latitude for approval of equivalent installations meeting the objective of the directive was originally intended and is in fact so provided for in the directive. It does not appear that any revision to the original directive is needed to provide for FAA acceptance of equivalent systems.

One operator requested that the fire detector system originally installed in the pylon area above the firewall as a customer option on certain airplanes, be accepted as meeting the intent of this directive. A technical review of this matter indicates that the detector elements in this pylon area may not be adequate to provide an early detection of fire from engine burner case burnthroughs. The location of the additional detector elements provided by Boeing Service Bulletin No. 1788, is based upon analysis of a number of engine fires involving burner case burnthroughs. The detector elements in the pylon area are too remote from the area of vulnerability of the burner case to assure that they could achieve this objective. Accordingly, acceptance of the existing fire detector elements in the pylon area cannot be considered as meeting the objective of this directive without further substantiation.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series airplanes listed in Boeing Service Bulletin No. 1788.

Compliance required within 6,000 hours' time in service after the effective date of this AD unless already accomplished.

Instances of engine burner case burn through have occurred in service resulting in damage to the nacelle and lower strut in which detection of the fire was delayed because there are no fire detector elements in the area on top of the engine. To correct this unsafe condition, the following must be accomplished:

Install additional fire detector elements (continuous or unit type) between the horizontal firewall and the top of the engine in the area between nacelle Stations 160 and 180. This additional detector installation shall be made in accordance with Boeing Service Bulletin No. 1788 dated July 11, 1963, or in accordance with an installation approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(Boeing Service Bulletin No. 1788 covers the installation applicable to the various fire detector systems as installed on different groups of airplanes.)

This amendment shall become effective February 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-85; Filed, Jan. 6, 1964; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6700]

PART 301—PROCEDURE AND ADMINISTRATION

Miscellaneous Amendments

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of March 31, 1961 (Public Law 87-15, 75 Stat. 40), the Federal-Aid Highway Act of 1961 (75 Stat. 122), the Tax Rate Extension Act of 1961 (75 Stat. 193), the Peace Corps Act (75 Stat. 612), the Act of October 4, 1961 (Public Law 87-370, 75 Stat. 796), the Tariff Classification Act of 1962 (76 Stat. 72), the Tax Rate Extension Act of 1962 (76 Stat. 114), the Sugar Act Amendments of 1962 (76 Stat. 156), the Act of September 25, 1962 (Public Law 87-682, 76 Stat. 575), the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809), the Revenue Act of 1962 (76 Stat. 960), and the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1158), and in order to make certain other changes in such regulations, the regulations are amended as follows:

PARAGRAPH 1. Section 301.6015 is amended by revising section 6015(f) and the historical note to read as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(f) *Return as declaration or amendment.* If on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15.

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

* * * * *

[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 2. Section 301.6038 is amended by revising section 6038 and the historical note to read as follows:

§ 301.6038 Statutory provisions; information with respect to certain foreign corporations.

SEC. 6038. *Information with respect to certain foreign corporations*—(a) *Requirement*—(1) *In general.* Every United States person shall furnish, with respect to any foreign corporation which such person controls (within the meaning of subsection (d)(1)), such information as the Secretary or his delegate may prescribe by regulations relating to—

(A) The name, the principal place of business, and the nature of business of such foreign corporation, and the country under whose laws incorporated;

(B) The accumulated profits (as defined in section 902(c)) of such foreign corporation, including the items of income (whether or not included in gross income under chapter 1), deductions (whether or not allowed in computing taxable income under chapter 1), and any other items taken into account in computing such accumulated profits;

(C) A balance sheet for such foreign corporation listing assets, liabilities, and capital;

(D) Transactions between such foreign corporation and—

(i) Such person,

(ii) Any other corporation which such person controls, and

(iii) Any United States person owning, at the time the transaction takes place, 10 percent or more of the value of any class of stock outstanding of such foreign corporation; and

(E) A description of the various classes of stock outstanding, and a list showing the name and address of, and number of shares held by, each United States person who is a shareholder of record owning at any time during the annual accounting period 5 percent or more in value of any class of stock outstanding of such foreign corporation.

The Secretary or his delegate may also require the furnishing of any other information which is similar or related in nature to that specified in the preceding sentence.

(2) *Period for which information is to be furnished, etc.* The information required under paragraph (1) shall be furnished for the annual accounting period of the foreign corporation ending with or within the United States person's taxable year. The information so required shall be furnished at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

(3) *Limitation.* No information shall be required to be furnished under this subsection with respect to any foreign corporation for any annual accounting period unless such information was required to be furnished under regulations in effect on the first day of such annual accounting period.

(b) *Effect of failure to furnish information*—(1) *In general.* If a United States person fails to furnish, within the time prescribed under paragraph (2) of subsection (a), any information with respect to any foreign corporation required under paragraph (1) of subsection (a), then—

(A) In applying section 901 (relating to taxes of foreign countries and possessions of the United States) to such United States person for the taxable year, the amount of taxes (other than taxes reduced under subparagraph (B)) paid or deemed paid (other than those deemed paid under section 904(d)) to any foreign country or possession of the United States for the taxable year shall be reduced by 10 percent, and

(B) In applying sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit) to any such United States person which is a corporation (or to any person who acquires from any other person any portion of the interest of such other person in any such foreign corporation, but only to the extent of such portion) for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation with respect to which such person is required to furnish information during the annual accounting period or periods with respect to which such information is required under paragraph (2) of subsection (a) shall be reduced by 10 percent.

If such failure continues 90 days or more after notice by the Secretary or his delegate to the United States person, then the amount of the reduction under this paragraph shall be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure to furnish information continues after the expiration of such 90-day period.

(2) *Limitation.* The amount of the reduction under paragraph (1) for each failure to furnish information with respect to a foreign corporation required under subsection (a)(1) shall not exceed whichever of the following amounts is the greater:

(A) $10,000, or

(B) The income of the foreign corporation for its annual accounting period with respect to which the failure occurs.

(3) *Special rules.* (A) No taxes shall be reduced under this subsection more than once for the same failure.

(B) For purposes of this subsection, the time prescribed under paragraph (2) of subsection (a) to furnish information (and the beginning of the 90-day period after notice by the Secretary) shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information.

(C) In applying subsections (a) and (b) of section 902, and in applying subsection (a) of section 960, the reduction provided by this subsection shall not apply for purposes of determining the amount of accumulated profits in excess of income, war profits, and excess profits taxes.

(c) *Two or more persons required to furnish information with respect to same foreign corporation.* Where, but for this subsection, two or more United States persons would be required to furnish information under subsection (a) with respect to the same foreign corporation for the same period, the Secretary or his delegate may by regulations provide that such information shall be required only from one person. To the extent practicable, the determination of which person shall furnish the information shall be made on the basis of actual ownership of stock.

(d) *Definitions.* For purposes of this section—

(1) *Control.* A person is in control of a corporation if such person owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, of a corporation. If a person is in control (within the meaning of the preceding sentence) of a corporation which in turn owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote of another corporation, or owns more than 50 percent of the total value of the shares of all classes of stock of another corporation, then such person shall be treated as in control of such other corporation. For purposes of this paragraph, the rules prescribed by section 318(a) for determining ownership of stock shall apply; except that—

(A) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

(B) In applying clause (i) of subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

(2) *Annual accounting period.* The annual accounting period of a foreign corporation is the annual period on the basis of which such corporation regularly computes its income in keeping its books.

(e) *Cross references.* (1) For provisions relating to penalties for violations of this section, see section 7203.

(2) For definition of the term "United States person", see section 7701(a)(30).

[Sec. 6038 as added by sec. 6(a), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1014) and as amended by sec. 20(a), Revenue Act 1962 (76 Stat. 1059)]

PAR. 3. Section 301.6038-1 is amended to read as follows:

§ 301.6038-1 Information returns required of United States persons with respect to certain foreign corporations.

For provisions relating to information returns required of United States persons with respect to certain foreign corporations, see §§ 1.6038-1 and 1.6038-2 of this chapter (Income Tax Regulations).

PAR. 4. Section 301.6041 is amended by revising subsection (a) of section 6041, by deleting subsection (c) of section 6041, and by adding a historical note. These amended and added provisions read as follows:

§ 301.6041 Statutory provisions; information at source.

SEC. 6041. *Information at source*—(a) *Payments of $600 or more.* All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042(a)(1), 6044(a)(1), or 6049(a)(1) applies, and other than payments with respect to which a statement is required under the authority of section 6042(a)(2), 6044(a)(2), 6045, 6049(a)(2), or 6049(a)(3)), of $600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary or his delegate, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary or his delegate, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

* * * * *

(c) [Deleted.]

* * * * *

[Sec. 6041 as amended by sec. 19(f), Revenue Act 1962 (76 Stat. 1058)]

PAR. 5. Section 301.6042 is amended by revising section 6042 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6042 Statutory provisions; returns regarding payments of dividends and corporate earnings and profits.

SEC. 6042. *Returns regarding payments of dividends and corporate earnings and profits*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of dividends aggregating $10 or more to any other person during any calendar year, or

(B) Who receives payments of dividends as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the dividends so received, shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every person who makes payments of dividends aggregating less than $10 to any other

person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments, and the name and address of the person to whom paid.

(b) *Dividend defined*—(1) *General rule.* For purposes of this section, the term "dividend" means—

(A) Any distribution by a corporation which is a dividend (as defined in section 316); and

(B) Any payment made by a stockbroker to any person as a substitute for a dividend (as so defined).

(2) *Exceptions.* For purposes of this section, the term "dividend" does not include—

(A) To the extent provided in regulations prescribed by the Secretary or his delegate, any distribution or payment—

(i) By a foreign corporation, or

(ii) To a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens; and

(B) Any amount described in section 1373 (relating to undistributed taxable income of electing small business corporations).

(3) *Special rule.* If the person making any payment described in subsection (a)(1)(A) or (B) is unable to determine the portion of such payment which is a dividend or is paid with respect to a dividend, he shall, for purposes of subsection (a)(1), treat the entire amount of such payment as a dividend or as an amount paid with respect to a dividend.

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

(d) *Statements to be furnished by corporations to Secretary.* Every corporation shall, when required by the Secretary or his delegate—

(1) Furnish to the Secretary or his delegate a statement stating the name and address of each shareholder, and the number of shares owned by each shareholder;

(2) Furnish to the Secretary or his delegate a statement of such facts as will enable him to determine the portion of the earnings and profits of the corporation (including gains, profits, and income not taxed) accumulated during such periods as the Secretary or his delegate may specify, which have been distributed or ordered to be distributed, respectively, to its shareholders during such taxable years as the Secretary or his delegate may specify; and

(3) Furnish to the Secretary or his delegate a statement of its accumulated earnings and profits and the names and addresses of the individuals or shareholders who would be entitled to such accumulated earnings and profits if divided or distributed, and of the amounts that would be payable to each.

[Sec. 6042 as amended by sec. 19(a), Revenue Act 1962 (76 Stat. 1053)]

PAR. 6. Section 301-6042-1 is amended to read as follows:

§ 301.6042-1 Returns of information regarding payments of dividends and corporate earnings and profits.

For provisions relating to the requirement of returns of information regarding payments of dividends and corporate earnings and profits, see §§ 1.6042-1 to 1.6042-4, inclusive, of this chapter (Income Tax Regulations).

PAR. 7. Section 301.6044 is amended by revising section 6044 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6044 Statutory provisions; returns regarding payments of patronage dividends.

SEC. 6044. *Returns regarding payments of patronage dividends*—(a) *Requirement of reporting*—(1) *In general.* Except as otherwise provided in this section, every cooperative to which part I of subchapter T of chapter 1 applies, which makes payments of amounts described in subsection (b) aggregating $10 or more to any person during any calendar year, shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every such cooperative which makes payments of amounts described in subsection (b) aggregating less than $10 to any person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(b) *Amounts subject to reporting*—(1) *General rule.* Except as otherwise provided in this section, the amounts subject to reporting under subsection (a) are—

(A) The amount of any patronage dividend (as defined in section 1388(a)) which is paid in money, qualified written notices of allocation (as defined in section 1388(c)), or other property (except nonqualified written notices of allocation as defined in section 1388(d)),

(B) Any amount described in section 1382 (c)(2)(A) (relating to certain nonpatronage distributions) which is paid in money, qualified written notices of allocation, or other property (except nonqualified written notices of allocation) by an organization exempt from tax under section 521 (relating to exemption of farmers' cooperatives from tax), and

(C) Any amount described in section 1382 (b)(2) (relating to redemption of nonqualified written notices of allocation) and, in the case of an organization described in section 1381(a)(1), any amount described in section 1382(c)(2)(B) (relating to redemption of nonqualified written notices of allocation paid with respect to earnings derived from sources other than patronage).

(2) *Exceptions.* The provisions of subsection (a) shall not apply, to the extent provided in regulations prescribed by the Secretary or his delegate, to any payment—

(A) By a foreign corporation, or

(B) To a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens.

(c) *Exemption for certain consumer cooperatives.* A cooperative which the Secretary or his delegate determines is primarily engaged in selling at retail goods or services of a type that are generally for personal, living, or family use shall, upon application to the Secretary or his delegate, be granted exemption from the reporting requirements imposed by subsection (a). Application for exemption under this subsection shall be made in accordance with regulations prescribed by the Secretary or his delegate.

(d) *Determination of amount paid.* For purposes of this section, in determining the amount of any payment—

(1) Property (other than a qualified written notice of allocation) shall be taken into account at its fair market value, and

(2) A qualified written notice of allocation shall be taken into account at its stated dollar amount.

(e) *Statements to be furnished to persons with respect to whom information is furnished.* Every cooperative making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the cooperative making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

[Sec. 6044 as amended by sec. 19(b), Revenue Act 1962 (76 Stat. 1054)]

PAR. 8. Section 301.6044-1 is amended to read as follows:

§ 301.6044-1 Returns of information regarding payments of patronage dividends.

For provisions relating to the requirement of returns of information regarding payments of patronage dividends, see §§ 1.6044-1 to 1.6044-5, inclusive, of this chapter (Income Tax Regulations).

PAR. 9. Section 301.6046 is amended by revising section 6046 and the historical note to read as follows:

§ 301.6046 Statutory provisions; returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

SEC. 6046. *Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock*—(a) *Requirement of return.* A return complying with the requirements of subsection (b) shall be made by—

(1) Each United States citizen or resident who is on January 1, 1963, an officer or director of a foreign corporation, 5 percent or more in value of the stock of which is owned by a United States person (as defined in section 7701(a)(30)), or who becomes such an officer or director at any time after such date,

(2) Each United States person who on January 1, 1963, owns 5 percent or more in value of the stock of a foreign corporation, or who, at any time after such date—

(A) Acquires stock which, when added to any stock owned on January 1, 1963, has a value equal to 5 percent or more of the value of the stock of a foreign corporation, or

(B) Acquires an additional 5 percent or more in value of the stock of a foreign corporation, and

(3) Each person who at any time after January 1, 1963, becomes a United States person while owning 5 percent or more in value of the stock of a foreign corporation.

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign corporation, such information

as the Secretary or his delegate prescribes by forms or regulations as necessary for carrying out the provisions of the income tax laws, except that in the case of persons described only in subsection (a)(1) the information required shall be limited to the names and addresses of persons described in subsection (a)(2).

(c) *Ownership of stock.* For purposes of subsection (a), stock owned directly or indirectly by a person (including, in the case of an individual, stock owned by members of his family) shall be taken into account. For purposes of the preceding sentence, the family of an individual shall be considered as including only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendents.

(d) *Time for filing.* Any return required by subsection (a) shall be filed on or before the 90th day after the day on which, under any provision of subsection (a), the United States citizen, resident, or person becomes liable to file such return.

(e) *Limitation*—(1) *General rule.* Except as provided in paragraph (2), no information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations which have been in effect for at least 90 days before the date on which the United States citizen, resident, or person becomes liable to file a return required under subsection (a).

(2) *Exception.* In the case of liability to file a return under subsection (a) arising on or after January 1, 1963, and before June 1, 1963—

(A) No information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations in effect on or before March 1, 1963, and

(B) If the date on which such regulations become effective is later than the day on which such liability arose, any return required by subsection (a) shall (in lieu of the time prescribed by subsection (d)) be filed on or before the 90th day after such date.

(f) *Cross reference.* For provisions relating to penalties for violations of this section, see sections 6679 and 7203.

[Sec. 6046 as amended by sec. 7(a), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1016); sec. 20(b), Revenue Act 1962 (76 Stat. 1061)]

PAR. 10. Section 301.6046-1 is amended to read as follows:

§ 301.6046-1 Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

For provisions relating to requirement of returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock, see §§ 1.6046-1 to 1.6046-3, inclusive, of this chapter (Income Tax Regulations).

PAR. 11. Immediately after § 301.6046-1 there are inserted the following new sections:

§ 301.6047 Statutory provisions; information relating to certain trusts and annuity and bond purchase plans.

SEC. 6047. *Information relating to certain trusts and annuity and bond purchase plans*—(a) *Trustees and insurance companies.* The trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) to which contributions have been paid under a plan on behalf of any owner-employee (as defined in section 401(c)(3)), and each insurance company or other person which is the issuer of a contract purchased by such a trust, or purchased under a plan described in section 403(a), contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds), and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

(b) *Owner-employees.* Every individual on whose behalf contributions have been paid as an owner-employee (as defined in section 401(c)(3))—

(1) To a trust described in section 401(a) which is exempt from tax under section 501(a), or

(2) To an insurance company or other person under a plan described in section 403(a),

shall furnish the trustee, insurance company, or other person, as the case may be, such information at such times and in such form and manner as the Secretary or his delegate shall prescribe by forms or regulations.

(c) *Employees under qualified bond purchase plans.* Every individual in whose name a bond described in section 405(b)(1) is purchased by his employer under a qualified bond purchase plan described in section 405(a), or by a trust described in section 401(a) which is exempt from tax under section 501(a), shall furnish—

(1) To his employer or to such trust, and

(2) To the Secretary (or to such person as the Secretary may by regulations prescribe),

such information as the Secretary or his delegate shall by forms or regulations prescribe.

(d) *Cross reference.* For criminal penalty for furnishing fraudulent information, see section 7207.

[Sec. 6047 as added by sec. 7(m), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 830)]

§ 301.6047-1 Information relating to certain trusts and annuity and bond purchase plans.

For provisions relating to the requirement of returns of information regarding certain trusts and annuity and bond purchase plans, see § 1.6047-1 of this chapter (Income Tax Regulations).

§ 301.6048 Statutory provisions; returns as to creation of or transfers to certain foreign trusts.

SEC. 6048. *Returns as to creation of or transfers to certain foreign trusts*—(a) *General rule.* On or before the 90th day after—

(1) The creation of any foreign trust by a United States person, or

(2) The transfer of any money or property to a foreign trust by a United States person, the grantor in the case of an inter vivos trust, the fiduciary of an estate in the case of a testamentary trust, or the transferor, as the case may be, shall make a return in compliance with the provisions of subsection (b).

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign trust, such information as the Secretary or his delegate prescribes by regulation as necessary for carrying out the provisions of the income tax laws.

(c) *Cross references.* (1) For provisions relating to penalties for violations of this section, see sections 6677 and 7203.

(2) For definition of the term "foreign trust created by a United States person", see section 643(d).

[Sec. 6048 as added by sec. 7(f), Revenue Act 1962 (76 Stat. 987)]

§ 301.6048-1 Returns as to creation of or transfers to certain foreign trusts.

For provisions relating to the requirement of returns as to creation of or transfers to certain foreign trusts, see § 16.3-1 of this chapter (Temporary Regulations under the Revenue Act of 1962).

§ 301.6049 Statutory provisions; returns regarding payments of interest.

SEC. 6049. *Returns regarding payments of interest*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of interest (as defined in subsection (b)) aggregating $10 or more to any other person during any calendar year, or

(B) Who receives payments of interest as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the interest so received,

shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every person who makes payments of interest (as defined in subsection (b)) aggregating less than $10 to any other person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(3) *Other returns required by the Secretary.* Every corporation making payments, regardless of amounts, of interest other than interest as defined in subsection (b) shall, when required by regulations prescribed by the Secretary or his delegate, make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the amount paid and the name and address of the recipient of each such payment.

(b) *Interest defined*—(1) *General rule.* For purposes of subsections (a) (1) and (2), the term "interest" means—

(A) Interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a corporation in registered form, and, to the extent provided in regulations prescribed by the Secretary or his delegate, interest on other evidences of indebtedness issued by a corporation of a type offered by corporations to the public;

(B) Interest on deposits with persons carrying on the banking business;

(C) Amounts (whether or not designated as interest) paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares;

(D) Interest on amounts held by an insurance company under an agreement to pay interest thereon; and

(E) Interest on deposits with stockholders and dealers in securities.

(2) *Exceptions.* For purposes of subsections (a) (1) and (2), the term "interest" does not include—

(A) Interest on obligations described in section 103(a) (1) or (3) (relating to interest on certain governmental obligations);

(B) To the extent provided in regulations prescribed by the Secretary or his delegate, any amount paid by or to a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens; and

(C) Any amount on which the person making payment is required to deduct and withhold a tax under section 1451 (relating to tax-free convenant [covenant] bonds), or

would be so required but for section 1451(d) (relating to benefit of personal exemptions).

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

[Sec. 6049 as added by sec. 19(c), Revenue Act 1962 (76 Stat. 1055)]

§ 301.6049–1 Returns regarding payments of interest.

For provisions relating to the requirement of returns regarding payments of interest, see §§ 1.6049–1 to 1.6049–3, inclusive, of this chapter (Income Tax Regulations).

PAR. 12. Section 301.6051 is amended by revising section 6051(a) and the historical note to read as follows:

§ 301.6051 Statutory provisions; receipts for employees.

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3).

* * * * *

[Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4) Peace Corps Act (75 Stat. 626)]

PAR. 13. Section 301.6072 is amended by revising section 6072(d) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6072 Statutory provisions; time for filing income tax returns.

SEC. 6072. *Time for filing income tax returns.* * * *

(d) *Returns of cooperative associations.* In the case of an income tax return of—

(1) An exempt cooperative association described in section 1381(a)(1), or

(2) An organization described in section 1381(a)(2) which is under an obligation to pay patronage dividends (as defined in section 1388(a)) in an amount equal to at least 50 percent of its net earnings from business done with or for its patrons, or which paid patronage dividends in such an amount out of the net earnings from business done with or for patrons during the most recent taxable year for which it had such net earnings, a return made on the basis of a calendar year shall be filed on or before the 15th day of September following the close of the calendar year, and a return made on the basis of a fiscal year shall be filed on or before the 15th day of the 9th month following the close of the fiscal year.

* * * * *

[Sec. 6072 as amended by sec. 17(b)(3), Revenue Act 1962 (76 Stat. 1051)]

PAR. 14. Section 301.6073 is amended by revising subsections (a) and (b) of section 6073 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6073 Statutory provisions; time for filing declarations of estimated income tax by individuals.

SEC. 6073. *Time for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers or fishermen.* Declarations of estimated tax required by section 6015 from individuals regarded as neither farmers nor fishermen for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) *Farmers or fishermen.* Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming or fishing (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

* * * * *

[Sec. 6073 as amended by sec. 1 (a)(2), (b), (c), Act of Sept. 25, 1962 (Pub. Law 87–682, 76 Stat. 575)]

PAR. 15. Section 301.6103(a)–2 is amended to read as follows:

§ 301.6103(a)–2 Copies of returns.

Any person who may be permitted to inspect a return under section 6103 and § 301.6103(a)–1, § 301.6103(b)–1, or § 301.6103(c)–1 may be furnished with a copy of such return upon request. If the request for a copy of a return is made other than at the time of inspection of such return by the applicant, the request shall be in writing, shall adequately identify the return a copy of which is desired, and shall be accompanied by satisfactory evidence that the applicant qualifies as one of the persons or governmental agencies to whom or which inspection of the return may be permitted. Except as otherwise provided in this section, applications for copies of returns should be submitted to the Commissioner of Internal Revenue, Washington, D.C., 20224, who is authorized to furnish such copies and to certify them upon request under the official seal of his office or under the official seal of the Department of the Treasury. Where the applicant is (a) a person who may be permitted under paragraph (c) of § 301.6103(a)–1 to inspect a return, (b) an official of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States entitled to inspect returns under paragraph (d) of § 301.6103(a)–1 or under § 301.6103(b)–1, or (c) a shareholder entitled under § 301.6103(c)–1 to inspect returns of the corporation of which he is a shareholder, the application for a copy of the return should be submitted to, and such copy may be furnished by, the internal revenue officer (district director or the Director of International Operations) with whom the return was filed. Any copy so furnished by the district director or the Director of International Operations may, upon request, be certified by him under his official seal. The district director or the Director of International Operations is authorized, when so directed by the Commissioner, to furnish to any bureau or office of the Treasury Department or to any other department or agency of the Government copies of any returns which such bureau, office, department, or agency is permitted to inspect under paragraph (e) or (f) of § 301.6103(a)–1, and to certify such copies under the official seal of his office. Applications for copies of returns available to United States attorneys or attorneys of the Department of Justice pursuant to paragraph (g) or (h) of § 301.6103(a)–1 may be submitted to, and such copies may be furnished and certified under seal by, the Commissioner or, where desired, the district director or the Director of International Operations, as the case may be, with whom the returns were filed. Where such application is required to be in writing it shall be signed by the United States attorney if the copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the copy is for the use of an attorney of the Department of Justice. The Commissioner may prescribe a reasonable fee for furnishing copies of returns.

PAR. 16. Section 301.6153 is amended by revising subsection (b) of section 6153 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6153 Statutory provisions; installment payments of estimated income tax by individuals.

SEC. 6153. *Installment payments of estimated income tax by individuals.* * * *

(b) *Farmers or fishermen.* If an individual referred to in section 6073(b) (relating to income from farming or fishing) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

* * * * *

[Sec. 6153 as amended by sec. 1(a)(3), (c), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 17. Section 301.6156 is renumbered § 301.6157, is amended by renumbering section 6156 as 6157, and a historical note is added. These amended and added provisions read as follows:

§ 301.6157 Statutory provisions; payment of taxes under provisions of the Tariff Act.

SEC. 6157. *Payment of taxes under provisions of the Tariff Act.* For collection under the provisions of the Tariff Act of 1930 of the taxes imposed by section 4501(b), and subchapters A, B, C, D, and E of chapter 38, see sections 4504 and 4601, respectively.

[Sec. 6156 as renumbered by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125)]

PAR. 18. Immediately after § 301.6155-1 there are inserted the following new sections:

§ 301.6156 Statutory provisions; installment payments of tax on use of highway motor vehicles.

SEC. 6156. *Installment payments of tax on use of highway motor vehicles*—(a) *Privilege to pay tax in installments.* If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in:	The number of installments shall be—
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) The first installment shall be paid on the date prescribed for payment of the tax,

(2) The second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) The third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) The fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) *Proration of additional tax to installments.* If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment; the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payments.* If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) *Section inapplicable to certain liabilities.* This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of 1972.

[Sec. 6156 as added by sec. 203(c)(1), Federal-Aid Highway Act of 1961 (75 Stat. 125)]

§ 301.6156-1 Installment payments of tax on use of highway motor vehicles.

For provisions relating to installment payments of the tax on use of highway motor vehicles, see § 41.6156-1 of this chapter (Highway Motor Vehicle Use Tax Regulations).

PAR. 19. Section 301.6325-1 is amended by revising subparagraph (1) of paragraph (a), subparagraphs (1) (i), (2), and (3) of paragraph (b), so much of subparagraph (4) of paragraph (b) as precedes subdivision (ii) thereof, and subparagraph (2) of paragraph (c). These amended provisions read as follows:

§ 301.6325-1 Release of lien or partial discharge of property.

(a) *Release of lien*—(1) *Liability satisfied or unenforceable.* Any district director may issue a certificate of release of a lien imposed with respect to any internal revenue tax, whenever he finds that the entire liability for the tax has been satisfied or has become unenforceable as a matter of law (and not merely uncollectible or unenforceable as a matter of fact). Tax liabilities frequently are unenforceable in fact for the time being, due to the temporary nonpossession by the taxpayer of discoverable property or property rights. In all cases the liability for the payment of the tax continues until satisfaction of the tax in full or until the expiration of the statutory period for collection, including such extension of the period for collection as may be agreed upon in writing by the taxpayer and the district director.

* * * * *

(b) *Discharge of specific property from the lien*—(1) *Property double the amount of the liability.* (i) The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to any tax lien if he determines that the fair market value of that part of the property remaining subject to the lien is at least double the sum of the amount of the unsatisfied liability secured by such lien and of the amount of all other liens upon such property which have priority to such lien. In general, fair market value is that amount which one ready and willing but not compelled to buy would pay to another ready and willing but not compelled to sell the property. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

* * * * *

(2) *Part payment.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if there is paid over to him in part satisfaction of the liability secured by the lien an amount determined by him to be not less than the value of the interest of the United States in the property to be so discharged. In determining the amount to be paid, the district director will take into consideration all the facts and circumstances of the case, including the expenses to which the Government has been put in the matter. In no case shall the amount to be paid be less than the value of the interest of the United States in the property with respect to which the certificate of discharge is to be issued, as such value has been determined by the district director in the light of the fair market value of the property and the amount of all liens and encumbrances thereon having priority over the Federal tax lien. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(3) *Interest of the United States valueless.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if he determines that the interest of the United States in the property to be so discharged has no value. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(4) *Application for certificate of discharge.* Any person desiring a certificate of discharge of property from a Federal tax lien shall submit to the district director responsible for the collection of the tax a written application in triplicate, under penalties of perjury, requesting that the certificate be issued. The application shall contain the following information:

(i) A clear description of the property with respect to which the discharge is desired (setting forth the description of each parcel of realty on a separate page) and, where applicable, of the property remaining subject to the lien;

* * * * *

(c) *Estate or gift tax liability fully satisfied or provided for.* * * *

(2) *Application for certificate of discharge.* An application for a certificate of discharge of property from the lien for estate or gift tax should be filed with the district director responsible for the collection of the tax. It should be made in writing under penalties of perjury and should explain the circumstances that require the discharge, and should fully describe the particular items for which the discharge is desired. Where realty is involved each parcel sought to be discharged from the lien should be described on a separate page and each such decsription submitted in duplicate. In the case of an estate tax lien, the application should show the applicant's relationship to the estate, such as executor, heir, devisee, legatee, beneficiary, transferee, or purchaser. If the estate or gift tax return has not been filed, a statement under penalties of perjury may be required showing (i) the value of the property to be discharged, (ii) the basis for such valuation, (iii) in the case of the estate tax, the approximate value of the gross estate and the approximate

value of the total real property included in the gross estate, (iv) in the case of the gift tax, the total amount of gifts made during the calendar year and the prior calendar years subsequent to the enactment of the Revenue Act of 1932 and the approximate value of all real estate subject to the gift tax lien, and (v) if the property is to be sold or otherwise transferred, the name and address of the purchaser or transferee and the consideration, if any, paid or to be paid by him.

PAR. 20. Section 301.6412 is amended by revising subsections (a)(1) and (a)(2) of section 6412, by deleting subsections (a)(3) and (d) of section 6412, and by revising the historical note. These amended provisions read as follows:

§ 301.6412 Statutory provisions; floor stocks refunds.

SEC. 6412. *Floor stocks refunds*—(a) *In general*—(1) *Passenger automobiles, etc.* Where before July 1, 1963, any article subject to the tax imposed by section 4061(a)(2) has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1963, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1963, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1963, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1963, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund.

(2) *Trucks and buses, tires, tubes, tread rubber, and gasoline.* Where before October 1, 1972, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3), or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, 1972, if claim for such credit or refund is filed with the Secretary or his delegate on or before February 10, 1973, based upon a request submitted to the manufacturer, producer, or importer before January 1, 1973, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before February 10, 1973, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline. No credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(3) [Deleted.]

* * * * *

(d) [Deleted.]

* * * * *

[Sec. 6412 as amended by sec. 3(b)(4), Tax Rate Extension Act 1955 (69 Stat. 15); sec. 3(b)(4), Tax Rate Extension Act 1956 (70 Stat. 67); sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 208(a), Highway Revenue Act 1956 (70 Stat. 392); sec. 3(b)(4), Tax Rate Extension Act 1957 (71 Stat. 10); sec. 3(b)(4), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 162(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 3(b)(3), Tax Rate Extension Act 1959 (73 Stat. 158); sec. 201(c)(4), Federal-Aid Highway Act 1959 (73 Stat. 614); sec. 202(b)(3), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 2, Act of July 6, 1960 (Pub. Law 86–592, 74 Stat. 330); sec. 2(b), Act of Mar. 31, 1961 (Pub. Law 87–15, 75 Stat. 40); sec. 206 (c), (d), Federal-Aid Highway Act 1961 (75 Stat. 127); sec. 3(b)(3), Tax Rate Extension Act 1961 (75 Stat. 193); sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77); sec. 3(b)(3), Tax Rate Extension Act 1962 (76 Stat. 114); sec. 18(b), Sugar Act Amendments 1962 (76 Stat. 166)]

PAR. 21. Section 301.6416 is amended by revising paragraphs (2)(E), (2)(H), (3)(D), and (3)(E) of section 6416(b), by adding a subparagraph (F) to section 6416(b)(3), and by revising the historical note. These amended and added provisions read as follows:

§ 301.6416 Statutory provisions; certain taxes on sales and services.

SEC. 6416. *Certain taxes on sales and services.* * * *

(b) *Special cases in which tax payments considered overpayments.* * * *

(2) *Specified uses and resales.* * * *

(E) Resold to a manufacturer or producer for use by him as provided in subparagraph (A), (B), (E), or (F) of paragraph (3);

* * * * *

(H) In the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents or 4 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue test set forth in section 6421(b)(2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent (where tax was paid at the 3-cent rate) or 2 cents (where tax was paid at the 4-cent rate) for each gallon of liquid so used by the percentage which such person's commuter fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter;

* * * * *

(3) *Tax-paid articles used for further manufacture, etc.* * * *

(D) In the case of a radio receiving set or an automobile radio receiving set—

(i) Such set is used by the second manufacturer or producer as a component part of any other article manufactured or produced by him, and

(ii) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;

(E) In the case of—

(i) A bicycle tire (as defined in section 4221(e)(4)(B)), or

(ii) An inner tube for such a tire,

such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, a bicycle (other than a rebuilt or reconditioned bicycle); or

(F) In the case of gasoline taxable under section 4081, such gasoline is used by the second manufacturer or producer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him.

* * * * *

[Sec. 6416 as amended by sec. 2, Act of Aug. 11, 1955 (Pub. Law 355, 84th Cong., 69 Stat. 676); secs. 1 (h), (i), 2(b), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690); sec. 2(b), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90); sec. 208(b), Highway Revenue Act 1956 (70 Stat. 393); sec. 4(b)(5), (6), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 163(a), (c), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 201(d)(1), Federal-Aid Highway Act 1959 (73 Stat. 614); sec. 3, Act of Apr. 8, 1960 (Pub. Law 86–418, 74 Stat. 38); sec. 2, Act of Sept. 14, 1960 (Pub. Law 86–781, 74 Stat. 1018); sec. 205(c), (d), Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 5(c)(3), Tax Rate Extension Act 1962 (76 Stat. 119)]

PAR. 22. Section 301.6418 is amended by revising subsection (b) of section 6418 and the historical note to read as follows:

§ 301.6418 Statutory provisions; sugar.

SEC. 6418. *Sugar.* * * *

(b) *Exportation.* Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 4501(a) has been paid, the amount of such tax shall be paid by the Secretary or his delegate to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer.

[Sec. 6418 as amended by sec. 21(b), Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec 302(c), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 23. Section 301.6421 is amended by revising subsections (b), (d)(2), and (h) of section 6421 and the historical note to read as follows:

§ 301.6421 Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems.

SEC. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* * * *

(b) *Local transit systems*—(1) *Allowance.* If gasoline is used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(A) 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon, by

(B) The percentage which the ultimate purchaser's commuter fare revenue derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter.

(2) *Limitation.* Paragraph (1) shall apply in respect of gasoline used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during such quarter from scheduled service described in paragraph (1) by the person filing the claim was attributable to commuter fare revenue derived during such quarter by such person from such scheduled service.

* * * * *

(d) *Definitions.* * * *

(2) *Commuter fare revenue.* The term "commuter fare revenue" means revenue attributable to fares derived from the transportation of persons and attributable to—

(A) Amounts paid for transportation which do not exceed 60 cents,

(B) Amounts paid for commutation or season tickets for single trips of less than 30 miles, or

(C) Amounts paid for commutation tickets for one month or less.

* * * * *

(h) *Effective date.* This section shall apply only with respect to gasoline purchased after June 30, 1956, and before October 1, 1972.

* * * * *

[Sec. 6421 as added by sec. 208(c), Highway Revenue Act 1956 (70 Stat. 394), and as amended by sec. 2, Act of July 25, 1956 (Pub. Law 796, 84th Cong., 70 Stat. 644); secs. 163(d)(3), 164, Excise Tax Technical Changes Act 1958 (72 Stat. 1312); sec. 201(d)(2), Federal-Aid Highway Act 1959 (73 Stat. 615); sec. 201(e), Federal-Aid Highway Act 1961 (75 Stat. 124); sec. 5(c)(2), Tax Rate Extension Act 1962 (76 Stat. 118)]

PAR. 24. Section 301.6512 is amended by revising subparagraphs (A) and (B) of section 6512(b)(2), by adding a new subparagraph (C) to section 6512(b)(2), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6512 Statutory provisions; limitations in case of petition to Tax Court.

SEC. 6512. *Limitations in case of petition to Tax Court.* * * *

(b) *Overpayment determined by Tax Court.* * * *

(2) *Limit on amount of credit or refund.* * * *

(A) After the mailing of the notice of deficiency,

(B) Within the period which would be applicable under section 6511(b)(2), (c), or (d), if on the date of the mailing of the notice of deficiency a claim had been filed (whether or not filed) stating the grounds upon which the Tax Court finds that there is an overpayment, or

(C) Within the period which would be applicable under section 6511(b)(2), (c), or (d), in respect of any claim for refund filed within the applicable period specified in section 6511 and before the date of the mailing of the notice of deficiency—

(i) Which had not been disallowed before that date,

(ii) Which had been disallowed before that date and in respect of which a timely suit for refund could have been commenced as of that date, or

(iii) In respect of which a suit for refund had been commenced before that date and within the period specified in section 6532.

[Sec. 6512 as amended by sec. 4, Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1161)]

PAR. 25. Section 301.6654 is amended by revising subsection (b)(1) of section 6654 and so much of subparagraph (C) of subsection (d)(1) of section 6654 as precedes clause (i), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6654 Statutory provisions; failure by individual to pay estimated income tax.

SEC. 6654. *Failure by individual to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for such year, over

* * * * *

(d) *Exception.* * * *

(1) * * *

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

* * * * *

[Sec. 6654 as amended by sec. 1(a)(4), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 26. Immediately after § 301.7447 there is inserted the following new section:

§ 301.7448 Statutory provisions; annuities to widows and dependent children of judges.

SEC. 7448. *Annuities to widows and dependent children of judges*—(a) *Definitions.* For purposes of this section—

(1) The term "Tax Court" means the Tax Court of the United States.

(2) The term "judge" means the chief judge or a judge of the Tax Court, including any individual receiving retired pay (or compensation in lieu of retired pay) under section 7447 or under section 1106 of the Internal Revenue Code of 1939 whether or not performing judicial duties pursuant to section 7447(c) or pursuant to section 1106(d) of the Internal Revenue Code of 1939.

(3) The term "chief judge" means the chief judge of the Tax Court.

(4) The term "judge's salary" means the salary of a judge received under section 7443(c), retired pay received under section 7447(d), and compensation (in lieu of retired pay) received under section 7447(c).

(5) The term "survivors annuity fund" means the Tax Court judges survivors annuity fund established by this section.

(6) The term "widow" means a surviving wife of an individual, who either (A) shall have been married to such individual for at least 2 years immediately preceding his death or (B) is the mother of issue by such marriage, and who has not remarried.

(7) The term "dependent child" means an unmarried child, including a dependent stepchild or an adopted child, who is under the age of 18 years or who because of physical or mental disability is incapable of self-support.

(b) *Election.* Any judge may by written election filed with the chief judge within 6 months after the date on which he takes office after appointment or any reappointment, or within 6 months after the date upon which he first becomes eligible for retirement under section 7447(b), or within 6 months after the enactment of this section, bring himself within the purview of this section, except that, in the case of such an election by the chief judge, the election shall be filed as prescribed by the Tax Court subject to the preceding requirements as to the time of filing.

(c) *Salary deductions.* There shall be deducted and withheld from the salary of each judge electing under subsection (b) a sum equal to 3 percent of such judge's salary. The amounts so deducted and withheld from such judge's salary shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of a fund to be known as the "Tax Court judges survivors annuity fund" and said fund is appropriated for the payment of annuities, refunds, and allowances as provided by this section. Each judge electing under subsection (b) shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the provisions of this section.

(d) *Deposits in survivors annuity fund.* Each judge electing under subsection (b) shall deposit, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the credit of the survivors annuity fund, a sum equal to 3 percent of his judge's salary and of his basic salary, pay, or compensation for service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, and for any other civilian service within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253). Each such judge may elect to make such deposits in installments during the continuance of his service as a judge in such amount and under such conditions as may be determined in each instance by the chief judge. Notwithstanding the failure of a judge to make such deposit, credit shall be allowed for the service rendered, but the annuity of the widow of such judge shall be reduced by an amount equal to 10 percent of the amount of such deposit, computed as of the date of the death of such judge, unless such widow shall elect to eliminate such service entirely from credit under subsection (n), except that no deposit shall be required from a judge for any year with respect to which deductions from his salary were actually made under the Civil Service Retirement Act and no deposit shall be required for any honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

(e) *Investment of survivors annuity fund.* The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, such portions of the survivors annuity fund as in his judgment may not be immediately required for the payment of the annuities, refunds, and allowances as provided in this section. The income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of subsections (g), (h), and (j).

(f) *Crediting of deposits.* The amount deposited by or deducted and withheld from the salary of each judge electing to bring himself within the purview of this section for credit to the survivors annuity fund shall

be credited to an individual account of such judge.

(g) *Termination of service.* If the service of any judge electing under subsection (b) terminates other than pursuant to the provisions of section 7447 or other than pursuant to section 1106 of the Internal Revenue Code of 1939, the amount credited to his individual account, together with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him. For the purpose of this section, the service of any judge electing under subsection (b) who is not reappointed following expiration, of his term but who, at the time of such expiration, is eligible for and elects to receive retired pay under section 7447 shall be deemed to have terminated pursuant to said section.

(h) *Entitlement to annuity.* In case any judge electing under subsection (b) shall die while a judge after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), for the last 5 years of which the salary deductions provided for by subsection (c) or the deposits required by subsection (d) have actually been made or the salary deductions required by the Civil Service Retirement Act have actually been made—

(1) If such judge is survived by a widow but not by a dependent child, there shall be paid to such widow an annuity beginning with the day of the death of the judge or following the widow's attainment of the age of 50 years, whichever is the later, in an amount computed as provided in subsection (m); or

(2) If such judge is survived by a widow and a dependent child or children, there shall be paid to such widow an immediate annuity in an amount computed as provided in subsection (m), and there shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed $900 per year divided by the number of such children or $360 per year, whichever is lesser; or

(3) If such judge leaves no surviving widow or widower but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, but not to exceed $480 per year.

The annuity payable to a widow under this subsection shall be terminable upon such widow's death or remarriage. The annuity payable to a child under this subsection shall be terminable upon (A) his attaining the age of 18 years, (B) his marriage, or (C) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability. In case of the death of a widow of a judge leaving a dependent child or children of the judge surviving her, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection. In any case in which the annuity of a dependent child is terminated under this subsection, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

(i) *Determination of dependency and disability.* Questions of dependency and disability arising under this section shall be determined by the chief judge subject to review only by the Tax Court, the decision of which shall be final and conclusive. The chief judge may order or direct at any time such medical or other examinations as he shall deem necessary to determine the facts relative to the nature and degree of disability of any dependent child who is an annuitant or applicant for annuity under this section, and may suspend or deny any such annuity for failure to submit to any examination so ordered or directed.

(j) *Payments in certain cases.* (1) In any case in which—

(A) A judge electing under subsection (b) shall die while in office (whether in regular active service or retired from such service under section 7447), before having rendered 5 years of civilian service computed as prescribed in subsection (n), or after having rendered 5 years of such civilian service but without a survivor or survivors entitled to annuity benefits provided by subsection (h), or

(B) The right of all persons entitled to annuity under subsection (h) based on the service of such judge shall terminate before a valid claim therefor shall have been established,

the total amount credited to the individual account of such judge, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

(i) To the beneficiary or beneficiaries whom the judge may have designated by a writing filed prior to his death with the chief judge, except that in the case of the chief judge such designation shall be by a writing filed by him, prior to his death, as prescribed by the Tax Court;

(ii) If there be no such beneficiary, to the widow of such judge;

(iii) If none of the above, to the child or children of such judge and the descendants of any deceased children by representation;

(iv) If none of the above, to the parents of such judge or the survivor of them;

(v) If none of the above, to the duly appointed executor or administrator of the estate of such judge; and

(vi) If none of the above, to such other next of kin of such judge as may be determined by the chief judge to be entitled under the laws of the domicile of such judge at the time of his death.

Determination as to the widow, child, or parent of a judge for the purposes of this paragraph shall be made by the chief judge without regard to the definitions in subsections (a) (6) and (7).

(2) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid equals the total amount credited to the individual account of such judge, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid, upon establishment of a valid claim therefor, in the order of precedence prescribed in paragraph (1).

(3) Any accrued annuity remaining unpaid upon the termination (other than by death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving annuity based upon the service of a judge shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

(A) To the duly appointed executor or administrator of the estate of such person;

(B) If there is no such executor or administrator payment may be made, after the expiration of thirty days from the date of the death of such person, to such individual or individuals as may appear in the judgment of the chief judge to be legally entitled thereto, and such payment shall be a bar to recovery by any other individual.

(k) *Payments to persons under legal disability.* Where any payment under this section is to be made to a minor, or to a person mentally incompentent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the State of residence of the claimant, the chief judge shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(l) *Method of payment of annuities.* Annuities granted under the terms of this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued. None of the moneys mentioned in this section shall be assignable, either in law or in equity, or subject to execution, levy, attachment, garnishment, or other legal process.

(m) *Computation of annuities.* The annuity of the widow of a judge electing under subsection (b) shall be an amount equal to the sum of (1) 1¼ percent of the average annual salary received by such judge for judicial service and any other prior allowable service during the last 5 years of such service prior to his death, or prior to his receiving retired pay under section 7447(d), whichever first occurs, multiplied by the sum of his years of judicial service, his years of prior allowable service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of prior allowable service performed as a member of the Armed Forces of the United States and his years, not exceeding 15, of prior allowable service performed as a congressional employee (as defined in section 1(c) of the Civil Service Retirement Act (5 U.S.C. 2251(c)), and (2) three-fourths of 1 percent of such average annual salary multiplied by his years of any other prior allowable service, but such annuity shall not exceed 37½ percent of such average annual salary and shall be further reduced in accordance with subsection (d), if applicable.

(n) *Includible service.* Subject to the provisions of subsection (d), the years of service of a judge which are allowable as the basis for calculating the amount of the annuity of his widow shall include his years of service as a member of the United States Board of Tax Appeals and as a judge of the Tax Court, his years of service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of active service as a member of the Armed Forces of the United States not exceeding 5 years in the aggregate and not including any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, and his years of any other civilian service within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253).

(o) *Simultaneous entitlement.* Nothing contained in this section shall be construed to prevent a widow eligible therefor from simultaneously receiving an annuity under this section and any annuity to which she would otherwise be entitled under any other law without regard to this section, but in

computing such other annuity service used in the computation of her annuity under this section shall not be credited.

(p) *Estimates of expenditures.* The chief judge shall submit to the Bureau of the Budget annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the survivors annuity fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law. The chief judge shall cause periodic examinations of the survivors annuity fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose, and whose findings and recommendations shall be transmitted by the chief judge to the Tax Court.

(q) *Transitional provision.* In the case of a judge who dies within 6 months after the date of enactment of this section after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), but without having made an election as provided in subsection (b), an annuity shall be paid to his widow and surviving dependents as is provided in this section, as if such judge had elected on the day of his death to bring himself within the purview of this section but had not made the deposit provided for by subsection (d). An annuity shall be payable under this section computed upon the basis of the actual length of service as a judge and other allowable service of the judge and subject to the reduction required by subsection (d) even though no deposit has been made, as required by subsection (h) with respect to any of such service.

(r) *Waiver of civil service benefits.* Any judge electing under subsection (b) shall, at the time of such election, waive all benefits under the Civil Service Retirement Act. Such a waiver shall be made in the same manner and shall have the same force and effect as a waiver filed under section 7447(g)(3).

(s) *Authorization of appropriation.* Funds necessary to carry out the provisions of this section may be appropriated out of any money in the Treasury not otherwise appropriated.

[Sec. 7448 as added by sec. 1, Act of Oct. 4, 1961 (Pub. Law 87-370, 75 Stat. 796)]

PAR. 27. Section 301.7511 is amended by deleting section 7511 and adding a historical note. The amended and added provisions read as follows:

§ 301.7511 Statutory provisions; exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles.

[Sec. 7511 repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 31, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-109; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 1—PRACTICE BEFORE THE DEPARTMENT OF THE INTERIOR

On page 13504 of the FEDERAL REGISTER of December 13, 1963 there was published a notice and text of a proposed revision of Part 1, Title 43, Code of Federal Regulations. The purpose of this revision is to bring the regulations concerning practice before the Department in harmony with the conflict of interest provisions of Public Law 87-849 (76 Stat. 1119; 18 U.S.C. 201 et. seq.).

Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions or objections have been received, and the proposed revision is hereby adopted without change and is set forth below.

The provisions of this revision are to a substantial extent based upon the requirements of Public Law 87-849 and current provisions of 43 CFR Part 1. Accordingly, the persons affected by the revision need no time to conform so as to abide by these provisions and the revision shall be effective on December 31, 1963. Also, such effective date and publication before the end of the year will permit the revised regulations to be included in the planned publication of a new edition of Title 43, Code of Federal Regulations, which will contain revisions of codified material as of January 1, 1964.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 31, 1963.

Sec.
1.1 Purpose.
1.2 Definitions.
1.3 Who may practice.
1.4 Disqualifications.
1.5 Signature to constitute certificate.
1.6 Disciplinary proceedings.

AUTHORITY: The provisions of this Part 1 issued under sec. 5, 23 Stat. 101; 5 U.S.C. 493.

§ 1.1 Purpose.

This part governs the participation of individuals in proceedings, both formal and informal, in which rights are asserted before, or privileges sought from, the Department of the Interior.

§ 1.2 Definitions.

As used in this part the term:

(a) "Department" includes any bureau, office, or other unit of the Department of the Interior, whether in Washington, D.C., or in the field, and any officer or employee thereof;

(b) "Solicitor" means the Solicitor of the Department of the Interior or his authorized representative;

(c) "Practice" includes any action taken to support or oppose the assertion of a right before the Department or to support or oppose a request that the Department grant a privilege; and the term "practice" includes any such action whether it relates to the substance of, or to the procedural aspects of handling, a particular matter. The term "practice" does not include the preparation or filing of an application, the filing without comment of documents prepared by one other than the individual making the filing, obtaining from the Department information that is available to the public generally, or the making of inquiries respecting the status of a matter pending before the Department. Also, the term "practice" does not include the representation of an employee who is the subject of disciplinary, loyalty, or other personnel administrative proceedings.

§ 1.3 Who may practice.

(a) Only those individuals who are eligible under the provisions of this section may practice before the Department, but this provision shall not be deemed to restrict the dealings of Indian tribes or members of Indian tribes with the Department.

(b) Unless disqualified under the provisions of § 1.4 or by disciplinary action taken pursuant to § 1.6:

(1) Any individual who has been formally admitted to practice before the Department under any prior regulations and who is in good standing on December 31, 1963, shall be permitted to practice before the Department.

(2) Attorneys at law who are admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, or the District Court of the Virgin Islands will be permitted to practice without filing an application for such privilege.

(3) An individual who is not otherwise entitled to practice before the Department may practice in connection with a particular matter on his own behalf or on behalf of (i) a member of his family; (ii) a partnership of which he is a member; (iii) a corporation, business trust, or an association, if such individual is an officer or full-time employee; (iv) a receivership, decedent's estate, or a trust or estate of which he is the

receiver, administrator, or other similar fiduciary; (v) the lessee of a mineral lease that is subject to an operating agreement or sublease which has been approved by the Department and which grants to such individual a power of attorney; (vi) a Federal, State, county, district, territorial, or local government or agency thereof, or a government corporation, or a district or advisory board established pursuant to statute; or (vii) an association or class of individuals who have no specific interest that will be directly affected by the disposition of the particular matter.

§ 1.4 Disqualifications.

No individual may practice before the Department if such practice would violate the provisions of 18 U.S.C., secs. 203, 205, or 207.

§ 1.5 Signature to constitute certificate.

When an individual who appears in a representative capacity signs a paper in practice before the Department, his signature shall constitute his certificate:

(a) That under the provisions of this part and the law, he is authorized and qualified to represent the particular party in the matter;

(b) That, if he is the partner of a present or former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which such officer or employee of the Government or special Government employee praticipates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise and that the matter is not the subject of such partner's official Government responsibility;

(c) That, if he is a former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which he participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed and, if a period of one year has not passed since the termination of his employment with the Government, that the matter was not under his official responsibility as an officer or employee of the Government; and

(d) That he has read the paper; that to the best of his knowledge, information, and belief there is good ground to support its contents; that it contains no scandalous or indecent matter; and that it is not interposed for delay.

§ 1.6 Disciplinary proceedings.

(a) Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Department on grounds that he is incompetent, unethical, or unprofessional, or that he is practicing without authority under the provisions of this part, or that he has violated any provisions of the laws and regulations governing practice before the Department, or that he has been disbarred or suspended by any court or administrative agency. Individuals practicing before the Department should observe the Canons of Professional Ethics of the American Bar Association and those of the Federal Bar Association, by which the Department will be guided in disciplinary matters.

(b) Whenever in the discretion of the Solicitor the circumstances warrant consideration of the question whether disciplinary action should be taken against an individual who is practicing or has practiced before the Department, the Solicitor shall appoint a hearing officer to consider and dispose of the case. The hearing officer shall give the individual adequate notice of, and an opportunity for a hearing on, the specific charges against him. The hearing shall afford the individual an opportunity to present evidence and cross-examine witnesses. The hearing officer shall render a decision either (1) dismissing the charges, or (2) reprimanding the individual or suspending or excluding him from practice before the Department.

(c) Within 30 days after receipt of the decision of the hearing officer reprimanding, suspending, or excluding an individual from practice before the Department, an appeal may be filed with ing Solicitor, whose decision shall be final.

This revision of Part 1 shall become effective on December 31, 1963.

[F.R. Doc. 64-102; Filed, Jan. 6, 1964; 8:47 a.m.]

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3294]

[Utah 0113169]

UTAH

Adding Lands to the Cache National Forest

By virtue of the authority vested in the Secretary of the Interior by the Act of July 9, 1962 (76 Stat. 140), it is ordered as follows:

Subject to valid existing rights, the following-described lands, within the exterior boundaries of the Cache National Forest, Utah, heretofore acquired under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), are hereby added to and reserved as a part of the Cache National Forest and hereafter shall be subject to all laws and regulations applicable thereto:

SALT LAKE MERIDIAN

T. 10 N., R. 1 W.,
sec. 19, lot 4;
sec. 31.

The areas described aggregate approximately 690 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

DECEMBER 16, 1963.

[F.R. Doc. 64-101; Filed, Jan. 6, 1964;] 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Deadline for Applications With Respect to Funds Available During Fiscal Year 1964

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, 26 F.R. 2688, March 30, 1961, 26 F.R. 9777, October 18, 1961, 27 F.R. 4028, April 27, 1962, 27 F.R. 9329, September 20, 1962, and 28 F.R. 3089, March 29, 1963), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967), 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.29A) in order to establish a first deadline date for filing applications with respect to funds available during the fiscal year 1964. The new section reads as follows:

§ 114.29A Deadline for applications with respect to funds available during fiscal year 1964.

For the purposes of sections 3 and 14 of the Act, June 29, 1964, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: December 24, 1963.

[SEAL] WAYNE O. REED,
Acting U.S. Commissioner of Education.

Approved: December 31, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-114; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63-1177]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration § 0.281 of its rules and regulations concerning delegations of au-

thority to the Chief of its Broadcast Bureau; and

It appearing, that the Commission receives a number of requests each month for relocation of a main studio outside the principal city to which the station is assigned, and that many of such applications raise no public interest questions and could properly be acted on by the Chief, Broadcast Bureau, under delegated authority; and

It further appearing, that the matter ordered herein concerns internal organization and procedure and, therefore, that the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the matter ordered herein is contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective January 8, 1964, that § 0.281(d) of the rules and regulations is amended as set forth below.

Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.281(d)(14) is added to read as follows:

§ 0.281 **Authority delegated.**

* * * * *

(d) * * *

(14) For authority to relocate the main studio outside the corporate limits of the Community to which the station is assigned, when no change in station location or identification is involved.

[F.R. Doc. 64-124; Filed, Jan. 6, 1964; 8:47 a.m.]

[FCC 63-1176]

PART 87—AVIATION SERVICES

National Defense Procedures

In the matter of amendment of Subpart A—CONELRAD, Part 87—Aviation Services of the Commission's rules to delete the present CONELRAD provisions and substitute interim National Defense Procedures.

At a session of Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration a letter from the Department of Defense to this Commission, dated April 23, 1962, stating with certain exceptions, not pertinent here, that there is no longer a requirement to control electromagnetic radiation (CONELRAD) so as to prevent the use of radio transmitters as navigational aids to an enemy; and

The Commission further having under consideration letters dated October 11, 1963 and December 4, 1963, from the Department of Defense and a letter dated October 18, 1963, from the Office of Emergency Planning requesting the Commission to retain the essence of § 9.1205 (c) and (d) until other planning provisions are made therefor; and

It appearing, that the Commission, by Order released May 24, 1963, abolished Project CONELRAD, effective June 30, 1963, and established simultaneously an Office of Emergency Communications to carry out the emergency preparedness functions which were placed upon the Commission by Executive Order 11092; and

It further appearing, that a need exists in the Aviation Services for retaining certain portions of the CONELRAD rules and for including interim procedures pending final revision of the Security Control of Air Traffic and Electromagnetic Radiation (SCATER); and

It further appearing, that in view of the need for immediate adoption of the rules for the purposes of national defense the Notice and Procedures provisions of section 4 of the Administrative Procedure Act are impracticable, and good cause exists, in accordance with section 4(c) of the Administrative Procedure Act, for having an effective date of less than 30 days; and

It further appearing, that authority for the rules herein adopted is contained in sections 4(i), 303(r), 606 (c) and (d), of the Communications Act of 1934, as amended, and Executive Order 11092;

It is ordered, That Part 87 of the Commission's rules is amended as set forth below, effective January 1, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303).

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Sections 87.161 through 87.169 are deleted and the following new §§ 87.161 through 87.165 are substituted therefor:

NATIONAL DEFENSE

§ 87.161 **Scope and objective.**

Sections 87.161, 87.163 and 87.165 apply to all stations in the Aviation Services and are for the purpose of providing for continued radio service and operation of facilities to the extent necessary for the safety or control of friendly aircraft during periods of air attack or imminent threat thereof or as otherwise specified in these sections.

§ 87.163 **Security control of air traffic and electromagnetic radiation (SCATER).**

Pending revision of the SCATER PLAN (May 7, 1957), all licensees in the Aviation Services shall comply with reasonable requests for action by the Federal Aviation Agency Air Route Traffic Control Centers, within the scope of routine tests, periods of international tension and national emergency conditions, calling for the implementation of appropriate security measures or the implementation of SCATER.

§ 87.165 **Operation.**

(a) Upon proclamation by the President that there exists a state of war involving the United States, and for the duration of such state of war, all licensees in the Aviation Services shall observe the following supplemental restrictions on station operations:

(1) *Domestic*. Air/ground communications within the continental United States shall be limited to those involving safety of flight; air/ground and aeronautical fixed communications on HF band frequencies shall be discontinued, except where other facilities are unavailable or inoperative and then only when appropriate security measures are employed. Security measures shall include at least the following: (i) transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(2) *International*. Air/ground communications shall be limited to those involving safety of flight and such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U.S. gateway airports may use HF band frequencies when VHF and UHF radio are inoperative, not available, or will not provide the range required; international aeronautical fixed communications may be conducted on HF band frequencies when VHF and UHF radio rity measures are employed. Security measures shall include at least the following: (i) transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(3) *Weather transmission*. The HF band shall not be employed for transmission of clear text weather information except in emergencies; unscheduled weather reports and forecasts (not exceeding two hours ahead) may be transmitted in clear text only on VHF or higher frequencies; scheduled weather information may be transmitted in clear text only on frequency bands other than the HF band, and then only when the station involved is 200 miles or more from the nearest coast line.

(4) *Navigational aids*. To the extent that ground based navigational aids are used for communication purposes, such facilities shall be operated in accordance with the provisions of this paragraph.

(b) None of the provisions of the National Defense portion of this Subpart shall be interpreted to preclude the operation of certain stations in the Aviation Services in connection with the activities of local, state, or federal civil defense organizations, provided such operations are not in conflict with operations necessary for FAA air route traffic control, and such operations are specifically authorized by the Federal Communications Commission.

[F.R. Doc. 64-125; Filed, Jan. 6, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT TO GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

Notice of Extension of Time for Filing Comments on Proposed Amendments

On November 9, 1963, a notice of a proposed revision of the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades with Respect Thereto (7 CFR, Part 70), providing for the establishment of standards for A quality and U.S. Grade A canned whole chicken and ready-to-cook poultry roast and for making slight changes in the standards of quality of ready-to-cook poultry by limiting the amount and appearance of weepage that is visible in packages of such poultry when frozen, was published in the FEDERAL REGISTER (28 F.R. 12062) and interested persons were given 30 days within which to submit data, views and arguments. Other minor changes would also be made in the standards and the regulations. Requests for an extension of this period of time have been received by this Department.

In view of the substantial public interest in this matter, it appears that an extension of time is appropriate. Accordingly, the time within which written data, views and arguments may be submitted to the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby extended to include March 1, 1964.

Done at Washington, D.C., this 31st day of December 1963.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-121; Filed, Jan. 6, 1964; 8:47 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1014, 1015, 1016]

[Docket Nos. AO-14 A36, AO-71 A45, AO-293 A8, AO-160 A27, AO-203 A18, AO-204 A18, AO-276 A7, AO-302 A10, AO-305 A10, AO-312 A5]

MILK IN CERTAIN MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Mass.; New York-New Jersey; Washington, D.C.; Delaware Valley (previously Philadelphia, Pa., and Wilmington, Del.); Springfield, Mass.; Worcester, Mass.; Southeastern New England; Connecticut; and Upper Chesapeake Bay marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at New York City, on May 6-23, 1963, pursuant to notice thereof which was issued April 3, 1963 (28 F.R. 3419).

The material issue on the record of the hearing which is reconsidered in this revised recommended decision relates to the seasonality of the Delaware Valley order Class I price.

A recommended decision was issued October 31, 1963 (28 F.R. 12000; F.R. Doc. 63-11687) in the matter of Class I and surplus milk pricing in the 10 Northeast milk order markets. On the basis of exceptions to this recommended decision it is proposed to amend the seasonal pricing provisions of the Delaware Valley order and make necessary coordinating amendments to the provisions of the Washington, D.C., and Upper Chesapeake Bay milk orders which use the seasonally adjusted Delaware Valley order Class I price in their respective Class I price computations.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Exception was taken to the failure of the recommended decision to adopt a proposed change in the seasonality of the Delaware Valley (previously Philadelphia) order Class I price. The proposal would reduce the Class I price seasonally 45 cents per hundredweight during the second quarter (April, May and June) and increase such price seasonally 15 cents per hundredweight in the remaining three quarters. The proposal would not affect the present annual Class I price level and was unopposed at the hearing. Under the present quarterly pricing provisions the Class I price is reduced 40 cents per hundredweight seasonally (from the "annual level") in the second quarter and increased 40 cents per hundredweight seasonally in the fourth quarter. On the basis of the exception, the seasonal price pattern for the Delaware Valley market has been reconsidered.

There has been a tendency toward more even seasonal milk production in the Delaware Valley market. The proposed Class I price seasonal adjustment recognizes this improved seasonality and also will tend to improve the seasonal Class I price alignment with Class I prices in the Washington, D.C., and Upper Chesapeake Bay milk markets with which there is substantial competition for Class I sales outlets. For these reasons the Class I seasonal pricing provisions should be modified in accordance with the proposal as presented at the hearing and as described above.

As outlined above, the present seasonal price pattern in the Delaware Valley order provides for an 80-cent variation from the highest to the lowest quarterly price. The proposed seasonal pattern would provide for only a 60-cent variation from high to low. This proposed seasonal variation is closer to the 45 cent seasonal variation provided for in the Upper Chesapeake Bay and Washington, D.C., markets. Therefore, by adopting the proposal, differences in the established seasonal Class I price adjustments as between the Delaware Valley order and the Upper Chesapeake Bay and Washington, D.C., orders will be reduced even though changes in price in the Delaware Valley market will continue to take place on a quarterly basis as compared with the monthly price plan in the other markets.

This amendment to the Delaware Valley order necessitates conforming amendments to the Washington, D.C., and Upper Chesapeake Bay milk orders, which orders use the annual average Delaware Valley Class I price as a factor in their Class I price computations. Therefore, accommodating amendments to such orders also are provided for herein in order not to alter Class I price levels in such markets.

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

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

findings and determinations set forth herein.

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

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

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

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Delaware Valley, Washington, D.C., and Upper Chesapeake Bay marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to the Delaware Valley Order:

The table in § 1004.50(a) (2) and (3) is revised to read as follows:

§ 1004.50 Class prices.

* * * * *

(a) * * *

(2) * * *

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than:[1]				
80.0–82.0	4.60	4.00	4.60	4.60
83.8–85.8	4.80	4.20	4.80	4.80
87.6–89.6	5.00	4.40	5.00	5.00
91.4–93.4	5.20	4.60	5.20	5.20
95.2–97.2	5.40	4.80	5.40	5.40
99.0–101.0	5.60	5.00	5.60	5.60
102.8–104.8	5.80	5.20	5.80	5.80
106.6–108.6	6.00	5.40	6.00	6.00
110.4–112.4	6.20	5.60	6.20	6.20
114.2–116.2	6.40	5.80	6.40	6.40
118.0–120.0	6.60	6.00	6.60	6.60

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls) is greater than $2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such $2.60 variance;

Amendments to the Washington, D.C., Order:

Section 1003.50(a) (2) (i) is revised to read as follows:

§ 1003.50 Class prices.

* * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

Amendments to the Upper Chesapeake Bay Order:

Section 1016.50(a) (2) (i) is revised to read as follows:

§ 1016.50 Class prices.

* * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

Signed at Washington, D.C., on December 31, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-120; Filed, Jan. 6, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 63-1187]

RULES OF PRACTICE AND PROCEDURE

Statement of Program Service, Broadcast Application Forms 301, 303, 314 and 315

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration its second notice of further proposed rules making (FCC 63-1163) adopted herein on December 18, 1963, scheduling an en banc oral proceeding at the Commission's offices in Washington, D.C., on February 13, 1964;

It is ordered, That the en banc oral proceeding is hereby rescheduled for March 12, 1964: *And it is further ordered,* That all parties intending to appear before the Commission shall notify the Secretary of the Commission in writing on or before March 2, 1964, indicating the approximate amount of time they wish to use: *And it is further ordered,* That parties not participating in the oral proceeding may submit comments on or before March 12, 1964, in the form of a written statement for inclusion in the record (include an original and 14 copies of such statement).

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-127; Filed, Jan. 6, 1964; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 15256; FCC 63-1192]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, *Table of assignments,* (FM Broadcast Stations) (San Diego, Calif.; Jamestown, N.Y.; Newton and Franklin, N.J.; Colorado Springs, Colo.; Toccoa, Ga. and Easley, S.C.; Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee, and New Berlin, Wisc.; St. Louis Park and Minneapolis, Minn.; Radford and Blacksburg, Va.; Fairhope and Mobile, Ala.; Berkeley Springs, W. Va. and Frostburg, Md.; Nantucket, Mass.; Wallace, Idaho; Crestview, Fla.; Missoula, Mont.; Spencer, Iowa; Sanford, Winter Park and Windermere, Fla.; Houston and Senatobia, Miss.; Jacksonville, Fla.; Huntington, W. Va.), Docket No. 15256; RM-484, RM-488, RM-491, RM-492, RM-500, RM-521, RM-501, RM-523, RM-503, RM-507, RM-508, RM-513, RM-526, RM-527, RM-528, RM-529, RM-531, RM-536, RM-537.

1. Notice is hereby given of proposed rule making in the above-captioned matters.

2. The Commission has before it various petitions for rule making proposing amendments in the FM Table of Assignments as discussed below:

3. *RM-484.—San Diego, Calif.* On September 12, 1963, Assembly of God of Pacific Beach, Inc., a California nonprofit corporation which engages in religious activities in California, filed a petition requesting that Channel 299 be allocated to San Diego, with a county population of 1,033,011. There are 11 FM channels allocated to this community, all of which are occupied. Petitioner states that in view of the size and importance of San Diego and its need for the program service proposed by the petitioner, an additional FM channel should be allocated to San Diego. The engineering statement filed with the petition indicates that Channel 299 will fit only into the San Diego area.

4. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
San Diego, Calif.	231, 235, 243, 247, 251, 264, 268, 275, 279, 287, 293.	231, 235, 243, 247, 251, 264, 268, 275, 279, 287, 293, 299

5. *RM-488—Jamestown,* N.Y. On September 24, 1963, Trend Radio, Inc., filed a petition for rule making requesting that Channel 269A be allocated to Jamestown, New York. The only channel presently assigned to Jamestown is 227, on which WJTN-FM is operating. Petitioner asserts that Jamestown can support two FM stations and wishes to operate an FM station there in conjunction with its AM station.

6. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Jamestown, N.Y.	227	227, 269A

7. Since Jamestown, New York, is within 250 miles of the U.S.-Canadian border, the proposal would require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947. This would also apply to several other requests in this notice.

8. *RM-491.—Newton and Franklin, N.J.* On September 27, 1963, Sussex County Broadcasters, Inc. (Sussex) licensee of WNNJ and WNNJ-FM, Newton, New Jersey, filed a petition for rule making requesting the deletion of Channel 272A from Franklin, New Jersey, and its allocation to Newton to replace Channel 279 on which WNNJ-FM is presently operating. In support of its petition, Sussex states that both Newton Town and Franklin Borough are located in Sussex County, that Newton is the County Seat and has a population of 6,563 as compared with 3,624 in Franklin Borough. WNNJ-FM is operating with 2.87 kw ERP and an antenna height of 140 feet and cannot increase its facilities because of short spacing with 5 existing stations. Petitioner asserts that its use of Channel 272A would cure the multiple short spacings involved in the present assignment of WNNJ-FM and increase its service area by 82 percent.

9. On October 10, 1963, Louis Vander Plate filed an opposition to the above petition. He stated that he had filed an application for an FM station at Franklin in November, 1962; that when the Commission imposed the "freeze" it deleted Channel 272A from Franklin but that as a result of his comments and counter-proposals in the FM rule making proceeding, the Commission concluded in its Third Report, Memorandum Opinion and Order, released August 1, 1963, that the public interest would be served by the assignment of Channel 272A to Franklin, New Jersey. He has filed an application for that channel (BPH-3952).

10. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Newton, N.J.	279	272A
Franklin, N.J.	272A	

11. *RM-492.—Colorado Springs, Colorado.* On September 27, 1963, William S. Cook, permittee of AM Station KRYT, Colorado Springs, Colorado, filed a petition for rule making requesting that Channel 284 be allocated to Colorado Springs. Such an allocation would meet the separation requirements of the Commission's rules, with the exception that a site about 1 mile outside Colorado Springs would have to be chosen to meet the separation requirements from KTGM, Denver, Colorado. Colorado Springs has grown from 45,472 in 1950 to 70,194 in 1960. The 1960 population of the new Colorado Spring Urbanized Area is 100,220, an increase of 83% over the 1950 urbanized population in the general area. There are presently 3 FM channels assigned to Colorado Springs, all of which are occupied. Petitioner points to the pattern of continuing and rapid growth in Colorado Springs and the surrounding areas as evidence of the need for another channel in that community.

12. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Colorado Springs, Colo.	225, 232A, 243	225, 232A, 243, 284

13. *RM-500 and RM-521. Toccoa, Georgia and Easley, South Carolina.* On October 3, 1963, Stephens County Broadcasting Co., licensee of WNEG, Toccoa, Georgia, filed a petition for rule making requesting that Channel 280A be allocated to Toccoa. At present Channel 291 is assigned to Toccoa and is in operation. WENG operates a daytime-only station and states it would apply for an FM channel if one were allocated to Toccoa so that it could operate a radio station full time.

14. On October 31, 1963, Pickens County Broadcasting Co., Inc., licensee of WELP, Easley, S.C., filed a petition requesting that Channel 280A be allocated to Easley, South Carolina. Petitioner states that Easley has a population of 8,283 and is the largest community in Pickens County with a population of 46,430. There are approximately 169,000 persons located within a 15-mile radius of Easley and approximately 378,000 within a 30-mile radius. Petitioner claims that Easley is an important and growing community and should have an FM channel assigned to it.

15. The Easley proposal conflicts with the Toccoa, Georgia request. The Commission is of the opinion that rule making should be instituted on these proposals. Therefore, comments are invited on the following alternative proposals:

City	Channel No.	
	Present	Proposed
Toccoa, Ga.	291	280A, 291
or		
Easley, S.C.		280A

16. *RM-501 and RM-523.—Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee and New Berlin, Wisconsin.* On October 4, 1963, Falls Broadcasting Corp. filed a petition requesting that Channel 252A be assigned to Menomonee Falls, a Wisconsin municipality with a population in 1960 of 18,276, an increase of 640 percent over its 1950 population. Falls Broadcasting states that this fast-growing community should have an FM allocation and proposes either of the following alternatives to accomplish this end:

City	Channel No.	
	Present	Proposed
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	253, 266
or		
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	230, 266
Neenah-Menasha, Wis.	230, 289	289

17. On November 1, 1963, the Commission received a petition for rule making from Voice of Christian Youth, Inc. (Voice) of Milwaukee, Wisconsin to assign Channel 252A to Milwaukee. Voice has been operating in the field of religious broadcasting for the past two years, buying 8-hour programs of time 7 days a week on a yearly basis from a local station in the Milwaukee area. Voice asserts that it has been offering a service to the Milwaukee metropolitan area which had not been previously provided. Voice has its own fully equipped studios in Milwaukee and Radio Station WBON in New Berlin, Wisconsin (a suburb of Milwaukee) has offered Voice space on their existing tower. Therefore, Voice's antenna and transmitter site would be in New Berlin.

18. A Channel 252A assignment to Menomonee Falls would be short spaced to Channel 253 at Green Bay, Wisconsin. Falls Broadcasting suggests that in the event its first alternative proposal is adopted, the grant to any future permittee at Green Bay for Channel 253 be conditioned on the placement of its transmitter so that it meets all minimum separation requirements with Channel 252A at Menomonee Falls. However, in order to meet the spacing requirements of the rules the Channel 253 transmitter site would be approximately 38 miles out of Green Bay, even if Channel 252A is not assigned to Menomonee Falls. The use of this channel at Green Bay may, therefore, not be feasible.

19. In view of the foregoing, comments are invited on the following alternatives:

City	Channel No.	
	Present	Proposed
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	230, 266
Neenah-Menasha, Wis.	230, 289	289
or		
Milwaukee, Wis.	227, 235, 239, 243, 247, 256, 271, 275, 299	227, 233, 239, 243, 247, 252A, 256, 271, 275, 299
or		
New Berlin, Wis.		252A

20. *RM–503.—St. Louis Park and Minneapolis, Minnesota.* On October 4, 1963, KRSI–FM, a Class C FM station licensed to operate at St. Louis Park, Minnesota, on Channel 281, filed a petition for rule making requesting that Channel 281 be deleted from St. Louis Park and Channel 271 be substituted for it. This would be accomplished by substituting Channel 281 for Channel 271 at Minneapolis. In support of its petition, KRSI–FM states that use of Channel 271 rather than 281 at St. Louis Park would remove the substandard spacing between KRSI–FM and all other pertinent broadcast stations and enable KRSI–FM to effect a major improvement in its facilities; and that the use of Channel 281 at Minneapolis can be effected in compliance with minimum mileage standards since there is a wide area where the Channel 281 transmitter may be used in accordance with Commission rules.

21. Contemporary Radio, Inc., licensee of FM Station WAYL–FM, Minneapolis, Minnesota, operating on Channel 241, filed an opposition to this proposal. There are two channels assigned to Minneapolis which are not occupied: 233 and 271. Contemporary pointed out that WJMC–FM is operating on Channel 242 in Rice Lake, Wisconsin, which is approximately 85 miles from the WAYL–FM transmitter site. Commission rules specify that first-adjacent channels must be separated by 150 miles. Contemporary has filed an application for permission to change frequency from Channel 241 to Channel 233. Hubbard Broadcasting, Inc. has also filed an application for Channel 233 at Minneapolis. On November 26, 1963 Contemporary Radio, Inc. filed a "Request For Correction of Memorandum Opinion and Order" issued on October 29, 1963 in Docket 14185 (FCC 63–976) and a request for reconsideration in part of that decision. Contemporary points out that in the decision the Commission denied its request for a Show Cause Order to specify Channel 233 in Minneapolis instead of its presently assigned Channel 241. Contemporary urges that the Commission failed to take into account its alternate request for Channel 271. In view of the fact that the two remaining assignments in Minneapolis are not available for grant at this time, the one having two applications on file, and the other a request for a change, it is not possible to grant the relief requested by Contemporary. We will, however, consider the instant request as a comment in this proceeding.

22. The Commission is of the view that rule making should be instituted on the above proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
St. Louis Park, Minn.	281	271
Minneapolis, Minn.	233, 241, 246, 253, 258, 262, 267, 271, 275	233, 241, 246, 253, 258, 262, 267, 275, 281

23. *RM–507.—Radford and Blacksburg, Virginia.* On October 16, 1963, WRAD Broadcasting Company, licensee of WRAD, Radford, Virginia, filed a petition requesting that Channel 269A be deleted from Blacksburg, Virginia, and assigned to Radford, Virginia, and that Channel 285A be substituted at Blacksburg. Petitioner points out that the substitution would provide an FM assignment at Radford, for which it would apply, and would also supply a channel for Blacksburg.

24. WBCR, Inc. opposed the petition. It has an application pending for Channel 269A at Blacksburg and proposes to bring the area a new service. WBCR alleges adjacent channel interference might be experienced by 285A at Blacksburg because of the proximity of a Channel 283 operation on the Virginia-West Virginia border.

25. The Commission is of the view that rule making should be instituted on this proposal and invites comments of the following:

City	Channel No.	
	Present	Proposed
Blacksburg, Va.	269A	285A
Radford, Va.		269A

26. *RM–508.—Fairhope and Mobile, Alabama.* On October 7, 1963, Eastern Shore Broadcasters, Inc., licensee of WABF, Fairhope, Alabama, filed a petition requesting that Channel 221A be deleted from Fairhope, Alabama, that Channel 225C presently assigned to Mobile be substituted for it. In support of its petition, Eastern Shore states that five Class C channels are presently assigned to Mobile, only one of which is occupied. Fairhope is located approximately 14 miles from Mobile and petitioner therefore considers Mobile and its adjacent communities with a population of 350,000 an important part of its proposed service area. Baldwin County, Alabama, in which Fairhope is located, has a population of approximately 50,000, has no local nighttime radio service and the presently assigned Channel 221A is inadequate to provide such local nighttime service to the entire County. Although our purpose in the Third Report was to allocate Class A channels generally for use in small towns, we are of the opinion that rule making should be instituted on this proposal and request comments on the following:

City	Channel No.	
	Present	Proposed
Fairhope, Ala.	221A	225
Mobile, Ala.	225, 235, 241, 248, 260	235, 421, 248, 260

27. *RM–513—Berkeley Springs, West Virginia, and Frostburg, Maryland.* Regional Broadcasting Company, applicant for a new FM station at Halfway, Maryland, proposes two alternate amendments to the FM Table of Assignments to assign a channel to Berkeley Springs, West Virginia.[1] Regional submits that it is an applicant for Channel 228A at Halfway, Maryland; that under the 25-mile rule (§ 3.203(b)) an application was filed for Berkeley Springs, West Virginia, and that the purpose of the subject request is to eliminate the need for a comparative hearing and to provide an FM outlet for each community. Western Maryland Broadcasting Co., licensee of WFRB(AM) at Frostburg, filed a petition requesting the same alternative proposals looking toward the assignment of Channel 287 to Frostburg.

28. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following alternatives:

City	Channel No.	
	Present	Proposed
Berkeley Springs, W. Va.		252A
Charles Town, W. Va.	252A	244A
Frostburg, Md.	244A	287
Oakland, Md. (Western)	285A	244A
or		
Halfway, Md.	228A	228A, 244A
Huntingdon, Pa.	244A	292A

Under the second alternative, one of the channels would be available to Berkeley Springs under the 25-mile rule. Comments are also invited on the following alternative:

City	Channel No.	
	Present	Proposed
Berkeley Springs, W. Va.		228A

29. *RM–526.—Nantucket, Massachusetts.* On November 6, 1963, the Inquirer and Mirror Publishing Company, Inc. petitioned for rule making to assign Channel 260 to Nantucket, Massachusetts. In support of its petition the Inquirer states that Nantucket, Martha's Vineyard and adjacent islands form a summer resort which attracts thousands

[1] In its original request, Regional proposed the assignment of Channel 244A to Berkeley Springs and the substitution of Channel 257A for 244A at Frostburg, Maryland. This proposal is not in conformance with the separation rules and is hereby dismissed.

of visitors. Nantucket Island had a 1960 population of 3,559; Martha's Vineyard and adjacent islands had a population of 5,829. Barnstable County encompasses all the area known as Cape Cod and had a 1960 population of 70,286. The Inquirer asserts a need exists for an FM station at Nantucket and that it will apply for said channel if it is allocated there.

30. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Nantucket, Mass		260

31. *RM-527.—Wallace, Idaho.* On November 7, 1963, KXLY-FM, operating on Channel 260 at Spokane, Washington, filed a petition requesting that Channel 282 be substituted for Channel 258 at Wallace, Idaho. KXLY-FM is operating with a power of 2 kw and an antenna height above average terrain of 490 feet; its antenna is mounted on its AM station tower. To improve its coverage area, KXLY-FM filed an application to relocate its antenna to the tower of KXLY-TV. This application was returned by the Commission because the proposed transmitter site would be short spaced with the allocation of Channel 258 at Wallace, Idaho. Channel 258 at Wallace is not currently in use nor any applications on file for it.

32. The Commission is therefore of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Wallace, Idaho	258, 264	264, 282

33. *RM-528—Crestview, Florida.* On October 30, 1963, Everett M. McCrary, licensee of WJSB, Crestview, Florida, filed a petition requesting that an FM channel be allocated to Crestview, which is the county seat of Okaloosa County. Crestview has a population of more than 7,467 and Okaloosa County has a population of 67,000 and is a major trading center for the area. Crestview at present has two daytime-only AM stations on the air. Only one of the proposed assignments, Channel 285A, meets the spacing requirements of the rules.

34. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Crestview, Fla		285A

35. *RM-529—Missoula, Montana.* On November 12, 1963, KGVO Broadcasters, Inc., licensee of KGVO, Missoula, filed a petition requesting that Channel 261A be added to Missoula, Montana. KGVO states that there is no FM broadcast service in Missoula, that it wishes to operate an FM station there in addition to its AM station, that a Class C station is allocated to Missoula, but that KGVO does not consider that it would be feasible at the present time to build a station meeting the power and height requirements of a Class C station.

36. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Missoula, Mont	227, 235	227, 235, 261A

37. *RM-531. Spencer, Iowa.* The Iowa Great Lakes Broadcasting Co., licensee of Station KICD(AM) at Spencer, Iowa requests the addition of Channel 300 to this community. Iowa submits that Spencer has a population of 8,864, that it is well removed from large cities or metropolitan areas, and that it operated KICD with a power of 1 kw at daytime and only 250 watts at night. It urges that it needs a Class C facility in the community to serve the many people who are not served by its AM outlet, particularly farmers and others needing weather information, etc., and that in the event the assignment is made as requested it will file an application for a new FM station on this channel.

38. In view of the foregoing, comments are invited on the following proposal:

City	Channel No.	
	Present	Proposed
Spencer, Iowa	221A	221A, 300

39. *RM-537. Sanford, Winter Park, and Windermere, Florida.* Richard Baird, prospective applicant for a new FM station in Winter Park, Florida, requests the assignment of Channel 276A to Winter Park by deleting Channel 237A from Windermere, Florida and substituting Channel 237A for 276A at Sanford, Florida. In support of his proposal, Baird urges that the use of Channel 237A at Windermere involves a site problem with Station WIRA-FM on adjacent channel 238 at Fort Pierce, that the proposal meets all the rules, and that greater coverage will be obtained with Channel 276A at Winter Park than with 237A at Windermere and with Channel 237A at Sanford rather than Channel 276A.

40. In view of the foregoing, the Commission invites comments on the following proposal:

City	Channel No.	
	Present	Proposed
Winter Park, Fla		276A
Sanford, Fla	276A	237A
Windermere, Fla	237A	

41. *RM-536—Houston and Senatobia, Mississippi.* WCPC Broadcasting Co., licensee of Radio Station WCPC (AM), requests the substitution of Class C Channel 231 for Class A Channel 228 at Houston, Mississippi by substituting Channel 224A for 232A at Senatobia, Mississippi. WCPC submits that Houston is the county seat of Chickasaw County with a population of 16,891; that it is an important market center for a wide area and that the only local station is authorized to operate daytime only. It urges that a Class C FM station would serve a large area now without any other FM service; that the local needs of the area nighttime can only be met by a wide-area FM station; that the proposed assignments conform to all the rules; and that in the event the assignment is made as proposed it will apply for a construction permit for the Class C facility.

42. In view of the foregoing, the Commission invites comments on the following proposal:

City	Channel No.	
	Present	Proposed
Houston, Miss	228A	231
Senatobia, Miss	232A	224A

43. In addition to the above proposals made by interested parties, we wish to make two changes in the Table of Assignments on our own motion. Channel 223 is assigned to Jacksonville, Florida, but cannot be used there because of short-spacing with another assignment. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Jacksonville, Fla	223, 236, 241, 245, 256	236, 241, 245, 256, 275

44. Channel 223 is assigned to Huntington, West Virginia, where it is removed from Channel 277 by the FM IF difference. In order to eliminate this possibility of interference, we are proposing to substitute Channel 300. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Huntington, W. Va	223, 263, 277	263, 277, 300

45. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

46. Pursuant to applicable procedures set out in section 1.415 of the Commission rules, interested persons may file comments on or before February 28, 1964, and reply comments or or before March 16, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in

written comments, reply comments or other appropriate pleadings.

47. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: December 27, 1963.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-126; Filed, Jan. 6, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING COMMON MERGANSERS (AMERICAN MERGANSERS)

Order Permitting Killing in, on, or Over Designated Lakes and Streams in Western Washington

It has been determined from investigations and observations made by the Bureau of Sport Fisheries and Wildlife and the Washington State Department of Game that serious depredations to trout populations in certain streams and lakes are occurring because of large numbers of common mergansers (American mergansers) present in western Washington and cannot be considered as localized injury. It was further determined that these depredations can best be minimized or alleviated by permitting depredating common mergansers (American mergansers) to be killed and taken by shooting in any affected areas under specific conditions and restrictions This order will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Common mergansers (American mergansers) may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, during the daylight hours only, on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

CLALLAM COUNTY

Sutherland Lake

COWLITZ COUNTY

Yale Reservoir

GRAYS HARBOR COUNTY

Failor Lake

ISLAND COUNTY

Cranberry Lake

JEFFERSON COUNTY

Crocker Lake
Leland Lake

KING COUNTY

Ames Lake
Beaver Lake
Desire Lake
Joy Lake
Meridian Lake
Morton Lake
North Lake
Pine Lake
Shadow Lake
Shady Lake
Star Lake
Steel Lake
Wilderness Lake

KITSAP COUNTY

Horsehoe Lake
Island Lake
Kitsap Lake
Mission Lake
Scout Lake
Tiger Lake
Wildcat Lake

MASON COUNTY

Aldrich Lake
Benson Lake
Cady Lake
Clara Lake
Devereaux Lake
Haven Lake
Isabella Lake
Lost Lake
Nahwatzel Lake
Panther Lake
Phillips Lake
Spencer Lake
Tiger Lake
Trails End Lake
Trask Lake
Twin Lake
U Lake
Wooten Lake

PACIFIC COUNTY

Loomis Lake

PIERCE COUNTY

Bay Lake
Clear Lake (Eatonville)
Crescent Lake

SAN JUAN COUNTY

Hummel Lake

SKAGIT COUNTY

Beaver Lake
Cavanaugh Lake
Clear Lake
Hart Lake
Pass Lake

SNOHOMISH COUNTY

Bosworth Lake
Crabapple Lake
Flowing Lake
Goodwin Lake
Ki Lake
Loma Lake
Martha Lake (Alderwood Manor)
Martha Lake (Warm Beach)
Roesiger Lake
Serene Lake (Hwy. 99)
Shoecraft Lake
Silver Lake
Storm Lake
Wagner Lake

THURSTON COUNTY

Clear Lake (Bald Hills)
Deep Lake
Hicks Lake
Lawrence Lake
Summit Lake
Ward Lake

WHATCOM COUNTY

Silver Lake

STREAMS

Bogachiel River
Chehalis River
Cowlitz River
Dosewallips River
Duckabush River
Dungeness River
Elochoman River
Grays River
Green River
Hoh River
Humptulips River
Kalama River
Lewis River & forks
Newaukum River
Nisqually River
Nooksack River
Puyallup River
Salmon River
Satsop River
Skagit River
Skokomish River
Skykomish River
Snohomish River
Snoqualmie River
Sol Duc River
Soos River
Stillaguamish River
Tahuya River
Tilton River
Tolt River
Toutle River
Union River
Washougal River
Willapa River
Wind River
Wynooche River

(b) The authorization to kill mergansers, as contained in this order shall terminate on April 10, 1964: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of common mergansers (American mergansers) as permitted under this order will be terminated earlier by publication of an order of revocation in the FEDERAL REGISTER.

(c) Common mergansers (American mergansers) killed under the provisions of this order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph because of their unfitness for human consumption may be completely destroyed.

2. This order does not permit the killing of common mergansers (American mergansers) in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 31, 1963.

[F.R. Doc. 64-100; Filed, Jan. 6, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1598]

CHATTANOOGA UNION STOCK YARDS

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 November 22, 1963, authorizing the respondent, Chattanooga Union Stock Yards, Chattanooga, Tennessee, to assess the current temporary schedule of rates and charges to and including January 31, 1964, unless modified or extended by further order before the latter date.

By documents filed on November 8 and December 10, 1963, the respondent requested authority to modify the current temporary schedule of rates and charges so as to provide for the assessment of full commission and yardage charges on livestock which has been offered for sale but the consignor has rejected the bid. The present tariff provision reads as follows:

Section No. 6—No sales:

When a consignor rejects the bid for livestock which has been offered for auction, the following charges will apply in place of the regular charges:

	Per head	
	Commission	Yardage
Cattle (300 lbs. and over)	$1.00	$0.00
Calves (under 300 lbs.)	.50	.00
Hogs	.50	.00
Sheep, lambs, goats	.30	.00

The proposed provisions reads as follows:

Section No. 6—No sales:

When a consignor rejects the bid for livestock which has been offered for auction, the charges will be the same as shown in sections 1, 2, 3, and 4 for regular sales.

The modification, 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 the contents thereof 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, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 2d day of January 1964.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-122; Filed, Jan. 6, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, AND CAPITAL EXPENDITURES

Notice of Determination To Continue Survey

Pursuant to the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published November 30, 1963 (28 F.R. 12773), I have determined that certain 1963 annual data for retail trade establishments are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted in previous years for collecting data covering year-end inventories, annual sales, and number of retail stores operated as of the end of the year. In addition, information on cash and credit sales and capital expenditures will be collected in connection with the 1963 Census of Business; these items are not duplicated in the 1963 Census of Business. The data are not publicly available from non-governmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 64-84; Filed, Jan. 6, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15252]

THOMAS BROWN, JR.

Order To Show Cause

In the matter of Thomas Brown, Jr., Roslyn, Pennsylvania, Docket No. 15252; order to show cause why there should not be revoked the license for radio station WC-4468 aboard the Vessel "Sea Jeep III."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated September 16, 1963, alleging violation of §§ 8.102(a) and 8.367 (b) of the Commission's rules (now §§ 83.102(a) and 83.367(b) of the Commission's rules)."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §1.89 of the Commission's rules; and

It further appearing, that the violations of §1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued.

It is ordered, This 30th day of December 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at 1139 Bradfield Road, Roslyn, Pa., and 5239 Jefferson Street, 2d Floor, Philadelphia, Pa.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-129; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15240]

JAMES P. BRYANT

Order To Show Cause

In the matter of James P. Bryant, Lynchburg, Virginia, Docket No. 15240; order to show cause why there should not be revoked the license for Radio Station KCI-6404 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 12, 1963, alleging violation of §§ 19.61(a), 19.61(f), 19.61(g), and 19.62 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated June 27, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 960 Brooks Street, Lynchburg, Virginia.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-130; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15247; FCC 63M-1367]

FRANKLIN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re application of Franklin Broadcasting Company (Transferor) and William F. Johns, Sr. and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303; for transfer of control of WLOD, Inc., licensee of Station WLOD, Pompano Beach, Florida.

It is ordered, This 26th day of December 1963, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1964, in Washington, D.C.: *And it is further ordered*, That a pre-hearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., January 31, 1964.

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-131; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket Nos. 15225, 15226; FCC 63M-1369]

GUADALUPE VALLEY TELECASTING CO., INC., AND VICTORIA TELEVISION

Order Continuing Prehearing Conference

In re applications of Guadalupe Valley Telecasting Co., Inc., Victoria, Texas, Docket No. 15225, File No. BPCT-3153; Marjorie S. Frels and Rubin S. Frels d/b as Victoria Television, Victoria, Texas, Docket No. 15226, File No. BPCT-3163; for construction permits for New Television Broadcast Stations.

The Chief Hearing Examiner having under consideration a petition in behalf of Marjorie S. Frels and Rubin S. Frels, d/b as Victoria Television, filed December 24, 1963, requesting that the prehearing conference heretofore scheduled for January 6, 1964, in the above-entitled proceeding, be postponed for a period of one week;

It appearing, that good cause is shown in support of the instant pleading, and that Guadalupe Valley Telecasting Co., Inc., and the Commission's Broadcast Bureau, the only other parties to the proceeding, do not interpose objection to a grant of the relief sought by petitioner:

It is ordered, This 27th day of December 1963, that the petition is granted, and that the prehearing conference heretofore scheduled to commence January 6, 1964, in the above-entitled proceeding, is hereby continued to January 13, 1964, and will be held in the offices of the Commission, Washington, D.C.

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-132; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15251]

LUCILLE H. LONG

Order To Show Cause

In the matter of Lucille H. Long, Powder Springs, Georgia, Docket No. 15251; order to show cause why there should not be revoked the license for Radio Station KDD-1812 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, on June 8, July 29, September 25, and October 31, 1963, Citizens Radio Station KDD-1812 was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that on July 29 and September 25, 1963, a two minute silent period was not observed in the operation of Citizens Radio Station (Class D) KDD-1812 following communications by that station with other Citizens Radio stations, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that the violations of the Commission's rules as set forth above, were brought to the licensee's attention by the issuance of official notices of violation on June 11, July 30, September 26, and November 1, 1963.

It further appearing, that notwithstanding the licensee's receipt of the above-mentioned notices advising her of the violations of the Commission's rules described therein, the licensee continued to violate such rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.81(a) and 95.81(f) of the Commission's rules; and

It further appearing, that the foregoing facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 31st day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at her last known address of P.O. Box 67, Powder Springs, Georgia.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-133; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15241]

PEASE BROTHERS CO.

Order To Show Cause

In the matter of R. W. & W. L. Pease d/b as Pease Brothers Company, Vernal, Utah, Docket No. 15241; order to show cause why there should not be revoked the license for Radio Station KON-559 in the Business Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 21, 1963, alleging violation of § 11.64(a)(b)(1) (2) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 30, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the

said licensee at his last known address of 120 East Main Street, Vernal, Utah.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-134; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15243]

PAULS HOME IMPROVEMENTS

Order To Show Cause

In the matters of Paul Schmal d/b as Pauls Home Improvements, Atlantic City, New Jersey, Docket No. 15243; order to show cause why there should not be revoked the license for Radio Station KCC-4362 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commmission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dater June 20, 1963, alleging violation of § 19.61 (a), (c), and (f) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 2809 Atlantic Avenue, Atlantic City, New Jersey.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-135; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15253]

MITCHEL D. PHARES AND CECIL B. HUTTO

Order To Show Cause

In the matter of Mitchel D. Phares and Cecil B. Hutto, San Diego, California,

Docket No. 15253; order to show cause why there should not be revoked the license for Radio Station WR-8506 aboard the Vessel "Starlite."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated October 7, 1963, alleging violation of §§ 8.33, 8.367(b) and 8.368(e) (now §§ 83.33, 83.367(b) and 83.368(e)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 22, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 30th day of December 1963, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 5538 Trinidad Way, San Diego, California.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-136; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15239]

PLATO P. POWERS

Order To Show Cause

In the matter of Plato P. Powers, Atlanta, Georgia, Docket No. 15239; order to show cause why there should not be revoked the license for Radio Station 6W6454 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated March 22, 1963, alleging violation of §§ 19.61(a), 19.61(f), and 19.62 of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated April 8, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 31st day of December 1963, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 56 Stratford Drive, Atlanta, Georgia, and 829 Hall N.W., Atlanta, Georgia, 30318.

Released: January 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-137; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15242]

A. J. RUFFIN

Order To Show Cause

In the matter of A. J. Ruffin, Atlantic Beach, Florida, Docket No. 15242; order to show cause why there should not be revoked the license for Radio Station WD-5304 aboard the vessel "Mollie and Me II."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 10, 1963, alleging violation of § 8.367(b) of the Commission's rules."

It further appearing, that said licensee did not reply to such communica-

tion or to a follow-up letter dated July 11, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 98 Church Road, Atlantic Beach, Florida.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-138; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket Nos. 15254, 15255; FCC 63-1191]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for New Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 29, Buffalo, New York; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on the information contained in the application of Ultravision Broadcasting Company, it appears that cash in the amount of approximately $202,000 will be required for the construction and initial operation of the proposed station. The applicant's plan for financing is based upon approximately $3,000 in cash, a loan of $60,000 from Mr. Burczynski, new capital of $35,000 to be furnished by Mr. Lund, and a proposed bank loan of $150,000. The letter from Manufacturers and Traders Trust Company with reference to the $150,000 loan, however, contains no terms and appears to be conditional. Accordingly, it cannot be determined that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue to be specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

It further appearing, that, except as indicated above, Ultravision Broadcasting Company is legally, technically and otherwise qualified to construct, own and operate the proposed television station; and that WEBR, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, and WEBR, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Ultravision Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programing services proposed in each of the above-captioned applications.

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

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

It is further ordered, That to avail themselves of the opportunity to be heard, Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, and WEBR, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-139; Filed, Jan. 6, 1964; 8:50 a.m.]

[Docket 15254, 15255; FCC 63M-1377]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Scheduling Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

It is ordered, This 31st day of December 1963, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m., March 16, 1964, in Washington, D.C.; that the initial prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., February 5, 1964, in Washington, D.C.; and that counsel for all parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss to the fullest extent applicable, in the light of the governing issues, all of the pertinent points enumerated in § 1.251 of the Commission's rules of practice and procedure.

Released: January 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-140; Filed, Jan. 6, 1964; 8:50 a.m.]

[Canadian List No. 183]

CANADIAN BROADCAST STATIONS

Table of Assignments, Miscellaneous Amendments

DECEMBER 16, 1963.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
CKCN	Sept Iles, Province of Quebec.	5	DA-1	U	III	NIO.
		570 kilocycles				
CFWH	Whitehorse, Yukon Territory.	1	ND	U	III	Do.
		630 kilocycles				
CKRC	Winnipeg, Manitoba	10	DA-2	U	III	NIO with increased power.
		680 kilocycles				
New	Central Newfoundland, Newfoundland.	10	DA-2	U	II	EIO 12-15-64.
		710 kilocycles				
Do	Grand Bank, Newfoundland.	1	DA-1	U	II	Do.
		900 kilocycles				
CKTS (PO: 900 kc 1 kw DA-N).	Sherbrooke, Province of Quebec.	10 D/2.5 N	DA-2	U	II	Do.
		980 kilocycles				
CKNW (PO: 980 kc 10 kwD/5 kw N D A-1).	New Westminster, British Columbia.	50	DA-1	U	III	Do.
		1240 kilocycles				
CFWH	Whitehorse, Yukon Territory.	1	ND	U	IV	Delete assignment vide 570 kc.
		1270 kilocycles				
CJCB	Sydney, Nova Scotia	10	DA-N	U	III	NIO with increased power.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-128; Filed, Jan. 6, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7146]

SOUTH CAROLINA ELECTRIC & GAS CO.

Order To Show Cause

DECEMBER 30, 1963.

The respondent, South Carolina Electric & Gas Company (Company) operates and maintains the Stevens Creek hydroelectric project in Georgia and South Carolina on the Savannah River, about 8.7 miles upstream from Augusta, Georgia. Under the provisions of an Act of Congress approved August 5, 1909 (36 Stat. 180), as extended by the Act of March 5, 1912 (37 Stat. 72) and the General Dam Act of June 23, 1910 (36 Stat. 593), the War Department issued a permit on July 20, 1910 to the Company's predecessors.

The permit was amended from time to time and the Stevens Creek project was constructed in 1913-1914. It appears, therefore, that the fifty-year permit term prescribed by the General Dam Act of 1910 has expired and the Company is operating and maintaining the Stevens Creek project works without a valid federal permit issued prior to June 10, 1920 or a license under the Federal Power Act in violation of section 23(b) of that Act (16 U.S.C. 817). The Savannah River is a navigable water of the United States. See United States v. Twin City Power Company, 350 U.S. 222.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 4(e), 4(g) and 23 thereof, that South Carolina Electric & Gas Company show cause why it should not apply for and secure a license.

The Commission orders: South Carolina Electric & Gas Company shall show cause, under oath, within 60 days from the receipt of a copy of this order, why it should not apply for and secure a license under section 4(e) of the Federal Power Act, and the Commission's regulations, for its project works on the Savannah River in the vicinity of Stevens Creek.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-95; Filed, Jan. 6, 1964; 8:46 a.m.]

[Docket No. G-7223]

STANDARD OIL COMPANY OF TEXAS AND CALIFORNIA OIL CO.

Findings and Order, etc.; Correction

DECEMBER 20, 1963.

In the Findings and Order Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Numbers, Accepting and Redesignating Related Rate Schedules for Filing, Dismissing Application, Severing and Consolidating Proceeding, issued November 29, 1963 and Published in the FEDERAL REGISTER December 11, 1963 (F.R. Doc. 63-12670; 28 F.R.-13411-13416), insert "Docket No. G-7223" in paragraph (6) of the findings and Ordering paragraph (E).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-96; Filed, Jan. 6, 1964; 8:46 a.m.]

[RI64-451—RI64-481]

AZTEC OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 26, 1963.

Aztec Oil & Gas Company, Docket No. RI64-451; Ainslie Perrault (Operator), et al., Docket No. RI64-452; Delhi-Taylor Oil Corporation, Docket No. RI64-453; The Atlantic Refining Company, Docket No. RI64-454; Petroleum Corporation of Texas (Operator), et al., Docket No. RI64-455; American Petrofina Company of Texas, Docket No. RI64-456; Robert P. Tinnin, et al., Docket No. RI64-457; James A. Brown, et al., Docket No. RI64-458; Great Lakes Natural Gas Corporation, Docket No. RI64-459; El Paso Natural Gas Products Company, Docket No. RI64-460; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. RI64-461; Southwest Production Company, Docket No. RI64-462; Sinclair Oil & Gas Company, Docket No. RI64-463; Southwest Production Company (Operator), et al., Docket No. RI64-464; Sinclair Oil & Gas Company (Operator), et al., Docket No. RI64-465; Mountain States Natural Gas Corporation, Docket No. RI64-466; D. H. Bolin, Docket No. RI64-467; El Paso Natural Gas Products Company (Operator), et al., Docket No. RI64-468; Frank A. Shultz, et al., Docket No. RI64-469; Frank A. Shultz, Docket No. RI64-470; J. Glenn Turner, Docket No. RI64-471; C. W. Murchison, Docket No. RI64-472; William G. Webb, Docket No. RI64-473; H. H. Phillips, et al., Docket No. RI64-474; Compass Exploration, Inc. (Operator), et al., Docket No. RI64-475; Laurence C. Kelly, et al., Docket No. RI64-476; Joseph E. Seagram & Sons, Inc., Docket No. RI64-477; Val R. Reese & Associates, Inc., Docket No. RI64-478; La Plata Gathering System, Inc., Docket No. RI64-479; Thomas J. Quigley, et al., Docket No. RI64-480; W. P. Carr, Docket No. RI64-481.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are 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.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-451	Aztec Oil and Gas Co., 920 Mercantile Securities Bldg., Dallas 1, Tex.	1	6	El Paso Natural Gas Co. (Mesa Verde Formation, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area).	$15,717	11-26-63	[2] 1-1-64	6-1-64	[5] 13.0508	[3,4,5,6] 14.0551	RI64-34.
	Aztec Oil and Gas Co.	3	21	do	6,407	11-26-63	[2] 1-1-64	6-1-64	[5] 13.0508	[3,4,5,6] 14.0551	RI64-34.
	do	10	7	El Paso Natural Gas Co. (Basin-Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	6,446	11-26-63	[2] 1-1-64	6-1-64	[5] 13.0495	[3,4,5,6] 14.0536	RI64-34.
	do	14	4	do	1,456	11-26-63	[2] 1-1-64	6-1-64	[5] 13.0495	[3,4,5,6] 14.0536	RI64-34.
RI64-452	Ainslie Perrault (Operator), et al., 810 Mobil Bldg., Tulsa, Okla.	1	1	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	936	11-19-63	[2] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
	Ainslie Perrault (Operator), et al.	[7] 2	1	do	90	11-19-63	[2] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-453	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	54	2	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	720	11-27-63	[2] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-454	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex., Attn: Mr. Stuart J. Scott.	178	4	El Paso Natural Gas Co. (Aztec, Ballard, and South Blanco Fields, San Juan County, N. Mex.) (San Juan Basin Area).	903	11-22-63	[2] 1-1-64	6-1-64	[5] 13.0495	[3,4,5,6] 14.0536	RI64-269.
	The Atlantic Refining Co.	179	4	El Paso Natural Gas Co. (Aztec and South Blanco Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	3,090	11-22-63	[2] 1-1-64	6-1-64	[5] 13.0495	[3,4,5,6] 14.0536	RI64-269.
	do	180	9	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	6,882	11-22-63	[2] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
	do	192	2	El Paso Natural Gas Co. (Bisti-Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	290	11-22-63	[2] 1-1-64	6-1-64	13.0536	[3,4,6] 14.0577	RI64-269.
	do	279	4	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	187	11-22-63	[2] 1-1-64	6-1-64	[7] 13.0412	[3,4,6,7,9] 14.0454	RI64-275.
RI64-455	Petroleum Corporation of Texas (Operator), et al, P.O. Box 752, Breckenridge, Tex., Attn: C. R. Anderson, attorney.	1	2	do	722	11-26-63	[2] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-456	American Petrofina Co. of Texas, P.O. Box 2159, Dallas 21, Tex. Attn: Walker W. Smith, attorney.	16	17	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,299	12-2-63	[10] 1-2-64	6-2-64	[5] 13.0	[3,4,5] 14.0	
	American Petrofina Co. of Texas.	22	4	El Paso Natural Gas Co. (San Juan Basin Field, San Juan County, N. Mex.) (San Juan Basin Area).	101	12-2-63	[10] 1-2-64	6-2-64	[5] 13.0	[3,4,5] 14.0	
	do	23	4	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	508	12-2-63	[10] 1-2-64	6-2-64	[5] 13.0	[3,4,5] 14.0	
	do	24	5	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	171	12-2-63	[10] 1-2-64	6-2-64	[5] 13.0	[3,4,5] 14.0	
	do	26	14	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	284	12-2-63	[10] 1-2-64	6-2-64	[5] 13.0	[3,4,5] 14.0	
	do	17	4	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,011	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4] 14.0	
RI64-457	Robert P. Tinnin, et al., P.O. Box 896, Albuquerque, N. Mex.).	1	2	El Paso Natural Gas Co. (Canyon Largo Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	114	12-2-63	[10] 1-2-64	6-2-64	[5,11] 13.0	[3,4,5,11] 14.0	
RI64-458	James A. Brown, et al., Room 2107, 150 Broadway, New York, N.Y.	1	2	do	228	11-29-63	[2] 1-1-64	6-1-64	[5,11] 13.0	[3,4,5,11] 14.0	
RI64-459	Great Lakes Natural Gas Corp., 417 South Hill Street, Los Angeles 13, Calif.	1	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,100	12-5-63	[10] 1-5-64	6-5-64	[5] 13.0	[3,4,5] 14.0	
RI64-460	El Paso Natural Gas Products Co., P.O. Box 1161, El Paso 99, Tex.	8	8	El Paso Natural Gas Co. (Dakota and Gallup Formations, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	36,647	11-29-63	[2] 1-1-64	6-1-64	[5] 13.0495	[3,4,5,6] 14.0536	RI64-142.
	El Paso Natural Gas Products Co., Attn: Mr. John A. Woodward.	4	3	El Paso Natural Gas Co. (Dakota Formation, San Juan Basin Area, San Juan County, N. Mex.) (San Juan Basin Area).	827	11-29-63	[12] 1-1-64	6-1-64	[5,6] 13.0495	[3,4,5,6] 14.053625	RI64-139.
RI64-461	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017.	313	7	El Paso Natural Gas Co. (Ignacio Gas Field, La Plata County, Colo.).	1,935	11-27-63	[2] 1-1-64	6-1-64	[13] 13.0	[3,4,13] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-462	Southwest Production Co., 3108 Southland Center, Dallas, Tex., 75201, Attn: Mr. Joseph P. Driscoll.	9	1	El Paso Natural Gas Co. (various leases, Basin-Dakota field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,015	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	Southwest Production Co.	1	1	do	508	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	3	1	do	508	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	5	1	do	381	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	6	1	do	688	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	7	1	do	1,587	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	8	1	do	381	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	4	1	do	508	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0578	
	do	11	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	688	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0577	
	do	15	1	do	1,195	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0577	
RI64-463	Sinclair Oil and Gas Company, P.O. Box 521, Tulsa, Okla., 74102.	51	14	Northern Natural Gas Co. (Southeast Lea County, N. Mex.) (Permian Basin Area).	10,866	11-29-63	[10] 12-30-63	5-30-64	[15] 10.7020	[3,14,15] 11.7212	
	Sinclair Oil and Gas Co.	166	3	Northern Natural Gas Co. (Ketchum Mountain (plant 33) Irion County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	3,737	11-29-63	[10] 12-30-63	5-30-64	12.25	[3,14] 13.25	
RI64-464	Southwest Production Co. (Operator), et al., 3108 Southland Center, Dallas, Tex., 75201.	13	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	508	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.0577	
RI64-465	Sinclair Oil and Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla., 74102.	90	3	Northern Natural Gas Pipeline Co. (plant No. 23 (Eldorado) Hulldale Field, Schleicher County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	20,511 114,874	11-29-63	[10] 12-30-63	5-30-64	[11] 10.75 [17] 11.25	[3,14,16] 11.75 [17] 12.25	
RI64-466	Mountain States Natural Gas Corp., P.O. Box 1362, Tulsa, Okla.	2	3	El Paso Natural Gas Co. (Basin-Dakota Field, La Plata County, Colo.).	800	11-26-63	[12] 1-1-64	6-1-64	13.0	[3,4] 14.0	
	do	6	2	do	2,000	11-26-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-467	D. H. Bolin, 1120 Oil and Gas Building, Wichita Falls, Tex.	1	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	938	11-26-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-468	El Paso Natural Gas Products Co. (Operator), et al.	6	5	El Paso Natural Gas Co. (Bisti Pool, San Juan County, N. Mex.) (San Juan Basin Area).	6,547	11-29-63	[12] 1-1-64	6-1-64	13.0	[3,4,6] 14.05775	
RI64-469	Frank A. Schultz, et al., 706 Fidelity Union Tower, Dallas, Tex.	5	12	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	587	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
	Frank A. Schultz, et al.	8	9	El Paso Natural Gas Co. (Blanco, Mesa Verde, and Basin-Dakota Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	8,937	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-470	Frank A. Schultz	7	12	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	734	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-471	J. Glenn Turner, 1900 Mercantile Dallas Bldg., Dallas, Tex.	7	18	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	6,140	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[4,5] 14.0	
RI64-472	C. W. Murchison, 1201 Main St., Dallas, Tex.	1	4	El Paso Natural Gas Co. (Blanco, Mesa Verde, and Basin-Dakota Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	355	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-473	William G. Webb, 1900 Mercantile Dallas Bldg., Dallas, Tex.		18	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	323	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-474	H. H. Phillips, et al., Milan Bldg., San Antonio, Tex.	1	2	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex. and La Plata and Archuleta Counties, Colo.) (San Juan Basin Area).	58	12-2-63	[10] 1-2-64	6-2-64	[5] 12.0	[3,4,5] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI64-475	Compass Exploration, Inc. (Operator), et al., 101 University Blvd., Denver, Colo., 80206.	1	5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	$3,073	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,18] 14.0075	
	Compass Exploration, Inc. (Operator), et al.	2	1	Southern Union Gathering Co. (Ignacio-Blanco (Mesaverde) Field, La Plata County Colo.).	4,026	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,18] 14.001575	
	do	3	10	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	9,684	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.05775	
	do	4	5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	3,360	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,13] 14.0	
	do	5	8	do	4,987	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,18] 14.0075	
	do	6	2	do	403	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,18] 14.0075	
	do	7	8	El Paso Natural Gas Co. (Basin-Dakota and Largo-Gallup Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	15,390	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,6,13] 14.05775	
	do	8	7	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,703	12-2-63	[10] 1-2-64	6-2-64	[6,13] 13.0	[3,4,6,13] 14.05775	
	do	9	3	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,972	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,6] 14.05775	
	do	10	2	do	476	12-2-63	[10] 1-2-64	6-2-64	13.0	[3,4,6] 14.05775	
RI64-476	Laurence C. Kelly, et al., 309 Bank of America Building, 9470 Santa Monica Blvd., Beverly Hills, Calif.	1	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	36	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3,4,13] 14.0	
	do	1	4	do	2,274	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-477	Joseph E. Seagram and Sons, Inc., P.O. Box 747, Dallas 21, Tex., Attn: Mr. Stanley F. Davis, Jr.	22	8	El Paso Natural Gas Co. (Blanco, Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	86	11-29-63	[12] 1-1-64	6-1-64	[5,6] 13.0495	[3,4,5,6] 14.0536	RI63-439.
	Joseph E. Seagram and Sons, Inc.	23	5	El Paso Natural Gas Co. (Aztec Pictured Cliffs Formation, San Juan County, N. Mex.) (San Juan Basin Area).	41	11-29-63	[12] 1-1-64	6-1-64	[6] 13.0536	[3,4,6] 14.0577	RI63-435.
RI64-478	Val R. Reese and Associates, Inc., 2620 Central Avenue SE., Albuquerque, N. Mex.	3	2	El Paso Natural Gas Co. (acreage in Rio Arriba County, N. Mex.) (San Juan Basin Area).	2,030	11-29-63	[12] 1-1-64	6-1-64	[5,19] 13.0	[3,4,5,19] 14.0	
RI64-479	La Plata Gathering System, Inc., 1900 Mercantile Dallas Bldg., Dallas 1, Tex.	3	3	El Paso Natural Gas Co. (Basin-Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	70	11-29-63	[12] 1-1-64	6-1-64	[5] 13.0	[3,4,5] 14.0	
RI64-480	Thomas J. Quigley, et al., 17066 Bollinger Drive, Pacific Palisades, Calif.	1	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	222	11-29-63	[12] 1-1-64	6-1-64	[5,20] 13.0	[3,4,5,20] 14.0	
RI64-481	W. P. Carr, 6700 Forest Lane, Dallas 30, Tex.	3	10	El Paso Natural Gas Co. (Bondad-Mesa Verde Field, La Plata County, Colo.).	497	12-5-63	[10] 1-5-64	6-5-64	13.0	[3,4] 14.0	

[2] Contractually provided effective date.
[3] Periodic rate increase.
[4] Pressure base is 15.025 psia.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[6] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[7] Formerly designated Wilshire Oil Co. of Texas (Operator) et al., FPC Gas Rate Schedule No. 2.
[8] Subject to deduction of 3.0 cents per Mcf (for construction of gathering pipeline) until Nov. 1, 1964, or earlier liquidation of Atlantic's share of $7,200 obligation.
[9] Tax reimbursement computed on basis of 11.0 cents per Mcf.
[10] The stated effective date is the first day after expiration of the required statutory notice.
[11] Applicable to gas produced below the top of the Mesa Verde formation.
[12] The stated effective date is the effective date requested by Respondent.
[13] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[14] Pressure base is 14.65 psia.
[15] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[16] For residue from gas connected to plant at date of initial delivery.
[17] Residue from gas connected to plant after initial delivery.
[18] Includes partial reimbursement for increase in Colorado Conservation Tax.
[19] For gas not produced into low pressure gathering system (250 psig).
[20] This price is for gas produced from the Mesa Verde formation.

The rate filings of certain of the Respondents listed herein, and who are more particularly identified by a footnote reference as shown in the attached tabulation, provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). The proposed rate increases filed by El Paso Natural Gas Products Company and El Paso Natural Gas Products Company (Operator), et al., are also suspended because they relate to sales made to their affiliate, El Paso Natural Gas Company.

The proposed changed rates and charges 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 proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commmission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 5, 1964.

By the Commission.

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

[F.R. Doc. 64-14; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. E-7143]

ARKANSAS POWER & LIGHT CO.

Notice of Application; Correction

DECEMBER 26, 1963.

In the Notice of Application issued December 20, 1963 and published in the FEDERAL REGISTER December 28, 1963 (F.R. Doc. 63-13405; 28 F.R. 14451) correct the protest date to read "January 20, 1964 in lieu of January 20, 1963".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-89; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G-12254 etc.]

PWC OIL CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Number, Accepting and Redesignating Related Rate Schedules for Filing

DECEMBER 26, 1963.

In the matters of the applicants listed herein:

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on December 20, 1963, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-12254, G-12455, G-15530, G-16030, G-18828, CI60-283, CI61-1810, CI62-1116 and CI62-1195 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules as designated or redesignated in the tabulation herein, should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude

the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-15530 and CI61-1810 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. G-12455 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI62-1301.

(G) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-12254, G-18828, CI60-283, CI62-1116 and CI62-1195 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G-16030 is hereby amended so as to provide as follows:

1. That deliveries to Transwestern from the Sitter Plant during the period January 1, 1964, to July 1, 1964, shall be limited to the amount of gas available in excess of the amount contracted to Columbian Carbon Company during said period.

2. From and after July 1, 1964, the terms and provisions of Warren's FPC Gas Rate Schedule No. 51 will apply in determining the quantity of gas which Warren is obligated to deliver and Transwestern is obligated to receive from the Sitter Plant.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G-3239, G-10573, G-10891, G-10892, G-12971 and G-18478 are hereby terminated.

(K) Docket No. CI63-1012 is hereby cancelled.

(L) All FPC Gas Rate Schedules relating to the abandonment of service and the deletion of acreage permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(M) The respective related rate schedules as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the date indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	Number	Supplement
G-12254 E 10-31-63	The PWC Oil Co. (Operator), et al. (successor to Walter Kuhn (Operator), et al).	Colorado Interstate Gas Co., Hugoton Gas Field, Hamilton County, Kans.	Walter Kuhn (Operator), et al., FPC GRS No. 41.	3	-------
			Supplemental Nos. 1 and 2.	3	1 and 2.
			Notice of succession 10-29-63.	-------	-------
			Assignment 8-1-58 [1]	3	3
			Assignment 8-1-58.[2] Effective Date: Date of assignment.	3	4
G-15530 C 6-24-63	Texaco, Inc.	West Lake Natural Gasoline Co., South Lake Trammell Field, Nolan County, Tex.	Amendment 3-6-63. Effective Date: 7-25-63.	[3] 277	4
G-16030 9-16-63 [4]	Warren Petroleum Corp.	Transwestern Pipeline Co. and Columbian Carbon Co., Sitter Gasoline Plant, Wheeler County, Tex.	Amendatory Agreement [3] 6-24-63. Effective Date: 10-17-63.	51	7
G-18828 E 11-4-63	Smith, Frankhauser, Voight & York, Agent for F. M. Anderson, et al. (successor to Richard King, Inc., et al.).	South Texas Natural Gas Gathering Co., Acreage in Hidalgo County, Tex.	Richard King, Inc., et al., FPC GRS No. 1.	1	-------
			Notice of succession 10-24-63.	-------	-------
			Article of Amendment 10-25-60.[5]	1	1
			Letter 8-13-62 [6]	1	2
			Title of ownership 6-12-62.[7]	1	3
CI60-283 E 10-21-63	Miller & Fox Minerals Corp. (Operator), et al. (successor to Gulf Coast Minerals Management Corp. (Operator), et al.).	Hydrocarbon Transmission Co., Miller and Fox Field Area, DuVal County, Tex.	Gulf Coast Minerals Management Corporation (Operator), et al., FPC GRS No. 2	4	-------
			Notice of succession 10-15-63.	-------	-------
			Assignment 1-2-63 [7]	4	1
CI61-1810 C 11-4-63	Continental Oil Co.	El Paso Natural Gas Co., Northwest Haynes Area, Mesa Verde Formation, Rio Arriba County, N. Mex.	Supplemental Agree- 10-16-63.[8]	198	2
CI62-1116 E 11-6-63	Dorothy Collett, agent for Raymond Oil Co. (successor to A. H. Reber).	Hope Natural Gas Co., Union District, Tyler County, W. Va.	A. H. Reber, FPC GRS No. 2.	1	-------
			Notice of succession 10-30-63.	-------	-------
			Assignment 10-10-63 [7]	1	1
CI62-1301 (G-12455) A 2-7-63 [9]	Rhea H. Owens (Operator), et al. (successor to Ridgeway & Morrison).	Panhandle Eastern Pipe Line Co., Acreage in Beaver County, Okla.	Ridgeway & Morrison, FPC GRS No. 6.	1	-------
			Notice of succession 2-5-63.	-------	-------
			Assignment 9-10-62	1	1
			Assignment 11-8-62	1	2
			Assignment 11-9-62 [10, 11]	1	3
CI63-1012 (CI62-1195) A 2-7-63 [13]	do	Panhandle Eastern Pipe Line Co., L. Taylor Lease, Beaver County, Okla.	Ridgeway & Morrison, FPC GRS No. 5.	2	-------
			Supplemental No. 1	2	1
			Notice of succession 2-5-63.	-------	-------
			Assignment 9-10-62	2	2
			Assignment 11-8-62	2	3
			Assignment 11-9-62 [12]	2	4
CI64-370 (G-12971) B 9-23-63	Barnwell Drilling Co., Inc.	Texas Eastern Transmission Corp., Fort Lynn Field, Miller County, Ark.	Notice of cancellation 9-19-63.[14, 15]	1	10
CI64-381 (G-3239) B 9-27-63	The Hunter Co., Inc.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Notice of cancellation 11-12-63.[14, 15]	4	7
CI64-527 A 10-31-63	W. H. Mossór, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 7-16-63 [12]	61	-------
CI64-528 A 10-31-63	Ferrell L. Prior, et al. d.b.a. Prior Oil Co.	Hope Natural Gas Co., Collins Settlement District, Lewis County, W. Va.	Contract 8-23-63 [12]	34	-------
CI64-529 A 10-31-63	Hays and Co., Agent for Jumbo Oil & Gas Co.	Hope Natural Gas Co., Warren District, Upshur County, W. Va.	Contract 8-22-63 [12]	23	-------
CI64-530 A 10-31-63	George T. Hill, Agent for Riggall-Griffith Oil & Gas Co.	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Statement 8-22-63 [12]	1	-------
CI64-531 A 10-31-63	Roy Fulks, et al. d.b.a. Harmon Gas Co.	Hope Natural Gas Co., Baileysville District, Wyoming County, W. Va.	Contract 1-9-63 [12]	1	-------
CI64-532 A 10-31-63	Gerald D. Jones, et al.	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	Statement 9-4-63 [12]	2	-------
CI64-536 A 11-1-63	Thomas J. Blaho, Jr., et al.[16]	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 9-9-63 [12]	8	-------
CI64-538 (G-10891) B 11-1-63	Justin R. Querbes, Jr.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	Notice of cancellation 10-63.[14, 15]	1	2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	Number	Supplement
CI64-538 (G-10892) B 11-1-63	Estate of C. W. Robinson.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish La.	Notice of cancellation 10-63.[14] [15]	1	2
CI64-540 A 11-4-63 [13]	Jake L. Hamon	Arkansas Louisiana Gas Co., North Spiro Field, Haskell County, Okla.	Contract 10-15-63 [12]	39	--------
CI64-542 A 11-4-63	N. M. Welch	Cabot Corp., Clay District, Wirt County, W. Va.	Statement (undated) [12]	1	--------
CI64-545 A 11-4-63	Sinclair Oil & Gas Co.	Natural Gas Pipeline Co. of America, Thomas Plant, Thomas Area, Dewey and Custer Counties, Okla.	Contract 10-2-63 [12]	262	--------
CI64-546 A 11-4-63	do	Northern Natural Gas Co., Follett and Kiowa Creek Fields, Lipscomb and Ochiltree Counties, Tex.	Contract 9-25-63 [12]	263	--------
CI64-547 A 11-4-63	Pioneer Production Corp. (Operator), et al.	Northern Natural Gas Co., Mammoth Creek, North (Cleveland) and Lipscomb Tonkawa Fields, Lipscomb County, Tex.	Contract 8-28-63 [12]	23	--------
CI64-548 A 11-1-63	Philip Lemon, Agent for Franz Nickolich, et al.	Cabot Corp., Murphy District, Ritchie County, W. Va.	Contract 9-20-61 [12]	15	--------
CI64-549 A 11-5-63	Paul F. Starr, Agent for B. W. Moore, et al.	Hope Natural Gas Co., Tygart District, Wood County, W. Va.	Statement (undated) [12]	4	--------
CI64-550 A 11-5-63	Ferrell L. Prior d.b.a. Prior Oil Co.	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	Contract 9-12-63 [12]	35	--------
CI64-551 A 11-5-63	L. E. Haught, et al. d.b.a. Michael Haught Oil & Gas Co.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 9-20-63 [12]	1	--------
CI64-552 A 11-5-63	Richard J. Wright, et al.	do	Contract 9-10-63 [12]	1	--------
CI64-553 A 11-5-63	Peoples Petroleum Corp., et al.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 9-11-63 [12]	1	--------
CI64-555 A 11-6-63	Sunray DX Oil Co.	Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla.	Contract 9-18-63 [12]	240	--------
CI64-558 (G-10573) B 11-7-63	Western Natural Gas Co.	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	Notice of cancellation 11-4-63.[12]	[17] 21	7
CI64-560 (G-18478) B 11-7-63	Gulf Oil Corp.	Texas Eastern Transmission Corp., John C. Robbins Field, Rusk County, Tex.	Notice of cancellation (undated).[12]	164	7

[1] Assignment from Walter Kuhn to "PWC".
[2] Assignment from William S. Millener to "PWC".
[3] Rate in effect subject to refund in Docket No. RI60-445.
[4] Amendment filed by Applicant proposes to sell the amount of gas available from its Sitter Plant in the excess of the amount contracted for by Transwestern Pipeline Co. to Columbian Carbon Co.
[5] Change in corporate name from Richard King, Inc. to Valley Ventures, Inc.
[6] Designates Smith, Frankhauser, Voight & York as operator of the properties involved.
[7] Effective Date: Date of transfer of property.
[8] Effective Date: Date of initial delivery.
[9] Originally assigned Docket No. CI63-992 which has been cancelled.
[10] Acquired acreage from Texaco, Inc. in Docket No. G-12455.
[11] Effective Date: Date of transfer of property which corresponds with the date of initial delivery.
[12] Supra.
[13] Application in Docket No. CI63-1012 will be treated as an amendment to the certificate issued in Docket No. CI62-1195 to reflect the transfer of interest. Docket No. CI63-1012 will be cancelled.
[14] Source of gas depleted.
[15] Effective Date: Date of this order.
[16] Erroneously noticed as Blaho & Willfuehr.
[17] Rate pursuant to settlement offer in Docket No. G-14737, et al., accepted by order issued 1-29-63.

[F.R. Doc. 64-18; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. CP63-296 etc.]

EL PASO NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

Order Issuing Certificates of Public Convenience and Necessity and Severing Proceedings

DECEMBER 16, 1963.

El Paso Natural Gas Company, Docket No. CP63-296 (Phase I), CP63-296 (Phase II); Transwestern Pipeline Company, Docket No. CP64-34.

On May 6, 1963, as supplemented on May 28, 1963, and October 4, 1963, El Paso Natural Gas Company (El Paso) filed, in Docket No. CP63-296, an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act (Act) authorizing the sale, in interstate commerce, of natural gas to Southern California Gas Company and Southern Counties Gas Company of California (jointly referred to as Southern) and the construction and operation of certain compression facilities. On August 2, 1963, Transwestern Pipeline Company (Transwestern) filed, in Docket No. CP64-34, an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Act authorizing the sale, in interstate commerce, of natural gas to Pacific Lighting Gas Supply Company (Pacific Lighting).

In its application in Docket No. CP63-296, El Paso proposed to sell and deliver to Southern at its existing points of delivery near Blythe, California, and near Topock, Arizona, up to 100,000 Mcf per day[1] of natural gas, on a firm basis, for a limited term ending November 1, 1965, or upon commencement of the receipt of gas by Southern at the Arizona-California boundary under either the Rock Springs project[2] or some other permanent arrangement, whichever is the earlier. The proposed daily deliveries of 100,000 Mcf which will be sold under a new rate schedule, Rate Schedule G-1, were to be in addition to daily deliveries by El Paso to Southern of its current maximum contracted daily demand of 1,130,000 Mcf under El Paso's Rate Schedule G. The rate proposed for the new service was to be the commodity rate (currently 22.48 cents per Mcf) in effect from time to time under El Paso's Rate Schedule G. The proposal carried an obligation on the part of Southern to take or pay for an annual average quantity of 40,000 Mcf per day during 1964 and 65,000 Mcf per day during 1965. Of the volumes proposed to be delivered, 60,000 Mcf per day could be delivered through previously authorized El Paso facilities, without the construction of additional facilities.

In order to deliver the additional 40,000 Mcf per day of natural gas, El Paso proposed to construct and operate, at an estimated cost of $3,481,000, certain additional compressor stations and appurtenant facilities on its San Juan mainline in New Mexico and Arizona. These facilities would add 13,690 compressor horsepower to El Paso's system. Upon termination of the interim sales for which authorization was sought, El Paso stated that it would use the facilities to sell and deliver natural gas to its customers located east of California.

In its application in Docket No. CP64-34, Transwestern proposed to sell and deliver to Pacific Lighting at its existing delivery point near Needles, California, up to 410,000 Mcf per day of natural gas on an annual average basis. Of these volumes, 350,000 Mcf per day would be at a rate of 39.6 cents per Mcf under Transwestern's Rate Schedule CDQ-1 and 60,000 Mcf per day would be at a rate of 21 cents per Mcf under Rate Schedule LX. Transwestern is presently authorized to sell and deliver to Pacific Lighting up to 345,000 Mcf per day of natural gas on an annual average basis, of which 300,000 Mcf per day are sold under Rate Schedule CDQ-1 at 42 cents per Mcf and additional volumes are sold under Rate Schedule LX at 21 cents per Mcf. The deliveries proposed in the application in Docket No. CP64-34 can be made without the construction of additional facilities by Transwestern's reducing its delivery pressure from 800 psig to 690 psig.

By order issued October 21, 1963, the Commission consolidated the applications in the above-named dockets for the

[1] In El Paso's proposal, all volumes are at 14.9 psia at a temperature of 60° F. In Transwestern's proposal all volumes are at 14.73 psia at a temperature of 60° F.

[2] The applications behind that project were denied in El Paso Natural Gas Co., et al., Opinion No. 393, 30 FPC —, issued July 12, 1963.

purpose of hearing. Hearing was commenced on November 18, 1963, and on December 4, 1963, two separate proposed stipulations and agreements entered into by the parties to the proceeding were received into evidence without objection. On December 6, 1963, the presiding examiner certified these two stipulations and agreements to the Commission.

In brief, the stipulation and agreement relating to El Paso's application filed in Docket No. CP63-296 provides that:

(1) That docket shall be divided into two phases. Phase I shall relate to the sale and delivery of up to 60,000 Mcf per day for which no additional facilities are required and Phase II shall relate to the sale of up to an additional 40,000 Mcf per day and the facilities as proposed to be constructed and operated in El Paso's application in Docket No. CP63-296, as supplemented and heretofore filed with the Commission.

(2) With respect to Phase I, the parties stipulated and agreed to the following, in addition to other matters:

(a) A permanent certificate should be issued to El Paso, effective on or before December 31, 1963, to sell and deliver to Southern up to 60,000 Mcf per day for a limited period.

(b) El Paso shall have a firm obligation to deliver, upon advance operating arrangements, all or any portion of such volumes of gas as are requested by Southern but Southern shall have no obligation to take such volumes.

(c) The rate for all gas so delivered shall be the commodity charge in effect from time to time under El Paso's Rate Schedule G.

(d) If any portion of the years 1964 and 1965 are included in any test year in a future rate proceeding involving El Paso, El Paso agrees not to use any revenue deficiency accruing from the sale of this 60,000 Mcf per day as support for increased rates.

(3) With respect to Phase II, the parties stipulated and agreed, in addition to other matters:

(a) The issuance of a permanent certificate relating to the sale and delivery of gas described in Phase I of the stipulation and agreement shall not prejudice El Paso with respect to pursuing its application for the construction and operation of new facilities to enable it to sell and deliver an additional 40,000 Mcf per day to Southern.

(b) In the event a certificate is granted authorizing the construction of the facilities described in Phase II, the sale and delivery of up to 40,000 Mcf per day will terminate on November 1, 1965, or upon the commencement of any new service which results from any order issued by the Commission in Docket No. CP63-204, et al., whichever is the earlier.

(4) Rate Schedule G-1 shall be made available to any buyer purchasing natural gas in the State of California under El Paso's Rate Schedule G.

In brief, the stipulation and agreement relating to Transwestern's application in Docket No. CP64-34, provides, in addition to other matters:

(1) A limited term certificate of public convenience and necessity should be issued to Transwestern in Docket No. CP64-34 authorizing it to sell and deliver to Pacific Lighting up to 410,000 Mcf of gas per day on an annual average basis, and its maximum daily demand quantity shall be increased to 410,000 Mcf per day under the delivery conditions provided in its February 7, 1958, contract with Pacific Lighting as amended.

(2) The certificate shall provide for the filing of a superseding and acceptable tariff revision, appropriate service agreement and rate schedule to be effective January 1, 1964, similar to, and in place of, Transwestern's existing Rate Schedule LX which will provide a rate of 24 cents per Mcf for the sale of the first 50,000 Mcf per day sold thereunder and 21 cents per Mcf for volumes sold thereunder in excess of 50,000 Mcf per day. The daily contract demand volumes shall be the 300,000 Mcf now provided for in Transwestern's existing Rate Schedule CDQ-1 and the presently effective service agreement with Pacific Lighting.

In addition, both stipulations and agreements provide generally that the certificates shall be for a limited period ending November 1, 1965, or upon commencement of any new service which results from any order issued by the Commission in Docket Nos. CP63-204, et al., whichever is the earlier and that no part of either stipulation and agreement shall be binding unless the order to be issued by this Commission shall provide that it is without prejudice to the applications in Docket Nos. CP63-204, CP63-223, CP64-76 and CP64-91.

Counsel for El Paso and Transwestern moved for waiver of the intermediate decision procedure pursuant to § 1.30(c) of the Commission's rules of practice and procedure. No party objected to the motions.

No additional facilities need be installed in order to render the service for which authorization is requested in either Docket No. CP63-296 (Phase I) or Docket No. CP64-34. The gas to be sold pursuant to the authorization to be granted herein is not required to meet the needs of any domestic and commercial resale customers and will not be required to meet these needs immediately after November 1, 1965. Therefore, we find that the public convenience and necessity require that permanent certificates issue for the limited term of up to November 1, 1965, under the terms of the stipulations and agreements entered into by the parties to the proceeding.

The Commission further finds:

(1) Applicant, El Paso Natural Gas Company, a Delaware Corporation having its principal place of business in El Paso, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Applicant, Transwestern Pipeline Company, a Delaware corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales and deliveries of natural gas as proposed by Applicants, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) Public convenience and necessity require that the certificates issued hereinafter and the rights granted thereunder should be conditioned upon Applicants' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c)(3) and (e) of § 157.20 of such regulations.

The Commission orders:

(A) The stipulations and agreements entered into and submitted to this Commission by El Paso Natural Gas Company and by Transwestern Pipeline Company and entered into the record on December 4, 1963, in Docket Nos. CP63-296, et al., are hereby accepted and approved.

(B) The proceeding in El Paso Natural Gas Company, Docket No. CP63-296, is hereby divided into two phases. Phase I shall hereafter relate to the sale and delivery of up to 60,000 Mcf of natural gas per day to Southern California Gas Company and Southern Counties Gas Company of California (Southern) for which no additional facilities are required. Phase II shall hereafter relate to the sale and delivery of up to an additional 40,000 Mcf of natural gas per day to Southern and the construction and operation of the facilities proposed in that docket.

(C) A certificate of public convenience and necessity is hereby issued authorizing El Paso Natural Gas Company to sell and deliver to Southern California Gas Company and Southern Counties Gas Company of California up to 60,000 Mcf of natural gas per day for a limited period ending November 1, 1965, or upon the commencement of any new service which results from any order issued by this Commission in Transwestern Pipeline Company, et al., Docket Nos. CP63-204, et al., whichever is the earlier.

(D) El Paso shall have a firm obligation to deliver, upon advance operating arrangements, any portion of such volumes of gas as are requested by Southern, but Southern shall have no obligation to take such gas, as provided in the stipulation and agreement herein approved.

(E) The rate for all gas so delivered by El Paso shall be the commodity charge in effect from time to time under Rate Schedule Gas contained in El Paso's FPC Gas Tariff Original Volume No. 1.

(F) If, in the future, all or any portions of the years 1964 or 1965 are included in any test year in a future rate proceeding involving El Paso, then any deficiency accruing from the sale of this 60,000 Mcf of natural gas per day during such period will not be used as support for increased rates.

(G) El Paso shall promptly file acceptable and appropriate tariff sheets required to implement its stipulation and agreement. The Commission, pursuant to § 154.51 of its regulations under the Natural Gas Act, for good cause shown hereby waives its 30-day notice require-

ment as set out in § 154.22 of the regulations.

(H) The certificate issued by paragraph (C) above and the rights granted thereunder shall in no way prejudice El Paso with respect to pursuing its application for the construction and operation of facilities and the sale and delivery of natural gas which now constitutes Phase II of Docket No. CP63-296.

(I) A certificate of public convenience and necessity is hereby issued authorizing Transwestern Pipeline Company to sell and deliver to Pacific Lighting Gas Supply Company up to 410,000 Mcf of natural gas per day on an annual average basis, and its maximum daily demand quantity is increased to 410,000 Mcf of natural gas per day under the delivery conditions provided in its February 7, 1958, contract, as amended, with Pacific Lighting. Said certificate is limited for a period ending November 1, 1965, or upon the commencement of any new service with results from any order issued by this Commission in Transwestern Pipeline Company, et al., Docket No. CP63-204, et al., whichever is the earlier.

(J) Transwestern shall promptly file an acceptable tariff revision, appropriate service agreement, and rate schedule similar to, and in place of, its existing Rate Schedule LX, providing a rate of 24 cents per Mcf for the sale of the first 50,000 Mcf per day sold thereunder and 21 cents per Mcf for volumes sold thereunder in excess of 50,000 Mcf per day, all such volumes to be computed on an annual average basis. The rate and purchase obligation for the contract demand volumes shall be that now provided in Transwestern's existing Rate Schedule CDQ-1 and presently effective service agreement. All such rates shall remain subject to change as now provided in its tariff and service agreement with Pacific Lighting. The Commission, pursuant to § 154.51 of its regulations under the Natural Gas Act, for good cause shown, hereby waives its 30-day notice requirement as set out in § 154.22 of the regulations.

(K) The certificates issued in paragraphs (C) and (I) above shall be without prejudice to the applications in Docket Nos. CP63-204, CP63-223, CP64-76 and CP64-91.

(L) The certificates issued in paragraphs (C) and (I) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c)(3) and (e) of § 157.20 of the regulations.

(M) The sale and delivery of natural gas authorized in paragraphs (C) and (I) above shall commence, as provided by paragraph (b) of § 157.20 of the Commission's regulations under the Natural Gas Act, within one month from the date on which this order issues.

(N) A hearing on Phase II of El Paso's application in Docket No. CP63-296, as amended, will be held on January 8, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of this Commission, 441 G Street NW., Washington, D.C. All testimony and exhibits in support of Phase II shall be served in writing on all parties and the Commission staff on or before January 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-90; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G-5991, etc.]

JOSEPH E. SEAGRAM & SONS, INC., TEXAS PACIFIC COAL AND OIL CO.

Order Amending Order Issuing Certificate of Public Convenience and Necessity, Amending Certificates, Substituting Applicant in Certificate Applications, Accepting and Redesignating Related Rate Schedules for Filing

DECEMBER 30, 1963.

The order of the Commission issued on December 2, 1963, in the above-entitled matter inadvertently omitted acceptance of the rate filings relating to the pending certificate applications in Docket Nos. G-19512, CI62-438, CI63-469, CI63-649 and CI63-667.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order issued December 2, 1963, in Docket Nos. G-5991, et al., be amended as hereinafter ordered.

The Commission orders:

(A) The rate filings made by Joseph E. Seagram & Sons, Inc., to succeed Texas Pacific Coal and Oil Company relating to the pending certificate applications in Docket Nos. G-19512, CI62-438, CI63-469, CI63-649 and CI63-667, are hereby redesignated and accepted for filing, subject to the applicable Commission regulations under the Natural Gas Act, to be effective November 1, 1963, as indicated in the tabulation herein.

(B) In all other respects the aforesaid order issued December 2, 1963, in Docket Nos. G-5991, et al., shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Purchaser	Field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-19512 [1] E 9-25-63	Southern Natural Gas Co.	Dexter Field, Marion County, Miss.	Texas Pacific Coal and Oil Co., FPC GRS No. 22.	30	--------
			Supplement No. 1	30	1
			Notice of succession 9-20-63	--------	--------
			Agreements 5-21-63 and 9-6-63	[2] 30	2
CI62-438 [3] E 9-25-63	El Paso Natural Gas Co.	Haley South Field, Winkler County, Tex.	Texas Pacific Coal and Oil Co., FPC GRS No. 57.	65	--------
			Supplement Nos. 1-2	65	1-2
			Notice of succession 9-20-63	--------	--------
			Agreements 5-21-63 and 9-6-63	65	3
CI63-469 [4] E 9-25-63	Southern Natural Gas Co.	South Barataria Field, Jefferson Parish, La.	Texas Pacific Coal and Oil Co., FPC GRS No. 64.	72	--------
			Notice of succession 9-20-63	--------	--------
			Agreements 5-21-63 and 9-6-63	72	1
CI63-649 [5] E 9-25-63	El Paso Natural Gas Co.	Sawyer Field, Lea County, N. Mex.	Texas Pacific Coal and Oil Co., FPC GRS No. 65.	73	--------
			Notice of succession 9-20-63	--------	--------
			Agreements 5-21-63 and 9-6-63	73	1
CI63-667 [5, 6] E 9-25-63	do	do	Texas Pacific Coal and Oil Co., FPC GRS No. 66.	74	--------
			Notice of succession 9-20-63	--------	--------
			Agreements 5-21-63 and 9-6-63	74	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

[1] Permanent certificate not issued. Temporary certificate issued 10-13-59.
[2] Rate in effect subject to refund in Docket No. RI63-183.
[3] Permanent certificate not issued. Temporary certificate issued 12-11-61 conditioned price to 16.0 cents.
[4] Permanent certificate not issued. Temporary certificate issued 11-1-62.
[5] Permanent certificate not issued. Temporary certificate issued 4-26-63 conditioned the initial rate to 12.8 cents per Mcf, after deductions for shrinkage subject to refund to a floor rate of 10.1 cents per Mcf.
[6] et al.

[F.R. Doc. 64-92; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. CP63-222]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Presiding Examiner's Continuance of Hearing in Excess of Thirty Days

DECEMBER 30, 1963.

The Presiding Examiner's referral of continuance of the hearing herein for more than 30 days was submitted December 10, 1963, pursuant to § 1.13(e) of the Commission's rules of practice and procedure.

Upon the completion of cross-examination of Applicant's witnesses, a motion was made by Public Service Electric and Gas Company for a continuance of 60 days in which to file the prepared testimony of its expert witnesses. After objections, the Presiding Examiner ruled, subject to approval of the Commission, that the prepared testimony should be filed on December 27, 1963, and that the hearing should reconvene on January 7, 1964.

Thereafter, on December 9, 1963, Applicant requested the Presiding Examiner to adopt the following revised schedule in lieu of the schedule previously established on the record:

(1) The evidence of the interveners in opposition to be mailed on or before January 7, 1964;

(2) The hearing to be resumed for direct and cross-examination of interveners' cases on January 28, 1964.

As grounds for said request, Applicant represented that the proposed revised schedule "would not materially delay the ultimate disposition of this proceeding since the additional time can be used profitably in preparation for the remaining steps which must be taken to bring this case to a conclusion". All parties who have entered an appearance herein have agreed to said request.

Subject to approval of the Commission, the Presiding Examiner on December 10, 1963, adopted said revised schedule.

The Commission finds: Good cause has been shown for the approval of the continuance of the hearing herein for more than 30 days.

The Commission orders: Continuance of the hearing in the above-entitled case until January 28, 1964, be and the same is hereby approved.

By the Commission.

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

[F.R. Doc. 64-99; Filed, Jan. 6, 1964; 8:46 a.m.]

[Docket No. G-2861 etc.]

H. F. SEARS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications [1]

DECEMBER 24, 1963.

H. F. Sears, and other applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 20, 1964.

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 without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-2861 D 12-13-63	H. F. Sears	Phillips Petroleum Co., Acreage in Hutchinson County, Tex.	(1)	-------
G-4695, et al.	(See pp. 4 and 5).			
G-10122 C 12-16-63	Continental Oil Co	Tennessee Gas Transmission Co., West Delta Area, Offshore, La.	19.0	15.025
G-10133 E 12-16-63	Abaca Oil Company (successor to Producing Properties, Inc.).	Colorado Interstate Gas Co., West Panhandle Field, Hutchinson County, Tex.	16.0	14.65
G-10133 E 12-16-63	Mapco Production Co. (successor to to Abaca Oil Co.).	do	16.0	14.65
G-10272 D 12-16-63	The Pure Oil Co	Colorado Interstate Gas Co., Acreage in Beaver County, Okla.	(10)	-------
G-11230 C 12-12-63	Monsanto Chemical Co	United Gas Pipe Line Co., Acreage in Victoria County, Tex.	15.6	14.65
G-14864, et al.	(See p. 6).			
G-20317 C 12-16-63	Standard Oil Co. of Texas, a division of California Oil Co.	El Paso Natural Gas Co., East Bisti Unit, San Juan County, N. Mex.	13.2486	15.025
CI60-691 C&D 12-9-63	Continental Oil Co	Acreage in Woods, Alfalfa, Dewey and Major Counties, Okla.	[2] 15.0	14.65
CI61-1072 C 12-12-63	Marathon Oil Co	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	14.65
CI61-1151 C 12-13-63	Panhandle Development Co., Inc	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	16.0	14.65
CI64-689 A 12-13-63	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	El Paso Natural Gas Co., Crosby-Devonian Field, Lea County, N. Mex.	15.8574	14.65
CI64-690 A 12-13-63	Jumbo Oil & Gas Co	Hope Natural Gas Co., Bank District, Upshur County, W. Va.	25.0	15.325
CI64-691 A 12-13-63	Prior Oil Co	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI64-692 A 12-13-63	The Charles L. Hickman, et al. Oil Co.	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI64-693 A 12-13-63	S. A. Story	Banquete Gas Co., a division of Crestmont Consolidated Corp., Plymouth and East Taft Fields, San Patricio County, Tex.	9.0	14.7
CI64-694 A 12-12-63	Logue and Patterson, et al	Banquete Gas Co., Acreage in San Patricio County, Tex.	10.0	14.65
CI64-695 A 12-9-63	Pan American Petroleum Corp. (sucessor to Joseph E. Seagram & Sons, Inc.) (partial succession).	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
CI64-696 B 12-13-63	Socony Mobil Oil Co., Inc	Transcontinental Gas Pipe Line Corp., Pointe Au Fer Field, Terrebonne Parish, La.	(3)	-------
CI64-697 A 12-16-63	Shell Oil Co	New York State Natural Gas Corp. and The Manufacturers Light & Heat Co., Artemas Pool, Bradford County, Pa.	27.5	15.325
CI64-698 A 12-16-63	Texaco, Inc	Northern Natural Gas Co., South Kermit Gasoline Plant, Winkler County, Tex.	16.0	14.65
CI64-699 A 12-16-63	Shell Oil Co	Cities Service Gas Co., Northeast Waynoka Area, Woods County, Okla.	13.0	14.65
CI64-700 A 12-16-63	Prior Oil Co	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI64-701 A 12-16-63	Marathon Oil Co	Southern Union Gathering Co., La Plata River Area, San Juan County, N. Mex.	13.0	15.025
CI64-702 A 12-17-63	American Natural Gas Production Co.	Hope Natural Gas Co., Perry Field, Vermilion Parish, La.	20.625	15.025
CI64-703 A 12-17-63	Shell Oil Co	Natural Gas Pipeline Co. of America, Willamar Field, Willacy County, Tex.	16.0	14.65
CI64-704 A 12-16-63	Robbins Petroleum Corp. (Operator), et al.	Lone Star Gas Co., Peatown (North Pettit 'E' and Peatown Pettit 'A' Reservoir Fields, Gregg County, Tex.	12.42	14.65
CI64-705 A 12-16-63	Pan American Petroleum Corp	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	17.0	14.65
CI64-706 A 12-16-63	Shell Oil Co	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
CI64-707 A 12-16-63	Pan American Petroleum Corp. (successor to Cities Service Oil Co.) (Partial Succession).	Colorado Interstate Gas Co., Mocane Gas Area, Beaver County, Okla.	18.4	14.65
CI64-708 A 12-16-63	Gulf Oil Corp	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	13.5	14.65
CI64-709 A 12-16-63	A. W. Rutter, et al. (successor to M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator), et al.) (Partial Succession).	El Paso Natural Gas Co., Acreage in Upton County, Tex.	14.12	14.65
CI64-710 A 12-17-63	BTA Oil Producers (Operator) et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
CI64-711 B 12-16-63	A. C. Radford and Walter Fredericks.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	(11)	-------
CI64-712 B 12-17-63	Inland Natural Gasoline	El Paso Natural Gas Co., Acreage in Ector County, Tex.	(12)	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4695, et al. E 11-15-63	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Arkansas Louisiana Gas Co., Ruston Field, Lincoln Parish, La.	13.27	15.025
G-4696	do	Texas Eastern Transmission Corp., Delhi Field, Franklin, Madison and Richland Parishes, La.	[4] 16.6212	15.025
G-4697	do	Texas Eastern Transmission Corp., Delhi Field, Richland Parish, La.	[4] 16.6212	15.025
G-4698 and G-4709	do	Southern Natural Gas Co., Bear Creek-Bryceland Field, Bienville Parish, La.	10.8	15.025
G-4699	Murphy Oil Corp. (successor to Murphy Corp.).	Mississippi River Fuel Corp., Sligo Field, Bossier Parish, La.	14.1667	15.025
G-4700 and G-4711	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Mississippi River Fuel Corp., Ruston Field, Lincoln Parish, La.	14.037	15.025
G-4701	do	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	14.32	15.025
G-4703	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Arkansas Louisiana Gas Co., Simsborn Field, Lincoln Parish, La.	13.703	15.025
G-4705	Murphy Oil Corp. (successor to Murphy Corp.).	El Paso Natural Gas Co., Spraberry Field, Upton Reagan, Glasscock and Midland Counties, Tex.	11.1056	14.65
G-4706	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak and McMullin Counties, Tex.	9.5209	14.65
G-4707	do	Arkansas Louisiana Gas Co., Bear Creek Field, Bienville Parish, La.	12.37	15.025
G-4710	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Texas Eastern Transmission Corp., Bryceland Field, Bienville Parish, La.	[5] 16.0058	15.025
G-9176 and G-15140.	do	Arkansas Louisiana Gas Co., Greenwood-Waskom Field, Caddo Parish, La.	12.525	15.025
G-12024	Murphy Oil Corp. (successor to Murphy Corp.).	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	12.5252	15.025
G-12025	do	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	[6] 16.0058	15.025
G-12888	do	Texas Gas Transmission Corp., Sligo Field, Bossier Parish, La.	15.25	15.025
G-14135	do	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	[7] 16.0058	15.025
G-19139	do	Texas Gas Transmission Corp., Sligo Field, Bossier Parish, La.	15.25	15.025
CI60-487	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	18.75	15.025
CI63-701	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Arkansas Louisiana Gas Co., Lick Creek Field, Claiborne Parish, La.	13.5	15.025
G-14864, et al. E 11-5-63	Amerada Petroleum Corp. (successor to Texoma Production Co.).	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	[8] 13.0	14.65
CI60-704 [9]	do	Michigan-Wisconsin Pipe Line Co., Laverne Field, Harper County.	17.0 17.0	14.65 14.65
CI61-1059	do	Transwestern Pipeline Co., Luther Hill Field, Ellis County, Okla.	17.0	14.65
CI61-525 [9]	do	Transwestern Pipeline Co., South Chaney Field, Ellis County, Okla.	17.0	14.65
CI61-1526	do	Transwestern Pipeline Co., Catesby Field, Ellis County, Okla.	17.0	14.65
CI61-1527	do	do	17.0	14.65
CI61-1528 [9]	do	Transwestern Pipeline Co., Shattuck Field, Ellis County, Okla.	17.0	14.65
CI61-1531 [9]	do	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	17.0	14.65
CI61-1532 [9]	do	Transwestern Pipeline Co., North Linscott Field, Ellis County, Okla.	17.0	14.65
CI61-1533	do	Transwestern Pipeline Co., Northwest Ivanhoe Field, Beaver County, Okla.	17.0	14.65
CI63-1042 [9]	do	Michigan-Wisconsin Pipe Line Co., Lenora Field, Dewey County, Okla.	15.0	14.65
CI64-134	do	Panhandle Eastern Pipe Line Co., West Taloga Area, Dewey County, Okla.	15.0	14.65

[1] Amendment to delete acreage insofar as Whittenberg No. 4 well, from which gas is no longer being produced in interstate commerce.
[2] Acreage deleted per Agreement between parties dated Sept. 3, 1963.
[3] By assignment subject to an overriding royalty which subsequently proved to be nonproductive acreage.
[4] Includes 1.35 cents per Mcf handling charge deducted by the purchaser.
[5] Supplement No. 11, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-145 until 4-1-61 and until made effective subject to refund.
[6] Supplement No. 8, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-146 until 4-1-61 and until made effective subject to refund.
[7] Supplement No. 9, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-146 until made effective subject to refund.
[8] Rate in effect subject to refund in Docket No. G-20552.
[9] Pending Certificate—temporary certificate issued.
[10] Assigned.
[11] Declined in pressure.
[12] Uneconomical.

[F.R. Doc. 64-20; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G-17987]

FERGUSON ET AL.

Order Substituting Respondent, Making Increased Rate Effective Subject To Refund Under Successor's Agreement and Undertaking, and Redesignating Proceeding

DECEMBER 31, 1963.

Ferguson Oil Company (Operator), et al. (Successor to Rupp-Ferguson Oil Company (Operator), et al.), Docket No. G-17987.

On September 30, 1963, Ferguson Oil Company (Operator), et al. (Ferguson), filed a motion requesting that the rate suspended in Docket No. G-17987 be made effective as of the date of filing of the motion. The motion is also construed as a request that Ferguson be substituted for Rupp-Ferguson Oil Company (Operator), et al. (Rupp-Ferguson) in the above-captioned rate proceeding. This proceeding relates to an increase in rate from 15 cents per Mcf to 16 cents per Mcf contained in Supplement No. 24 to Rupp-Ferguson's FPC Gas Rate Schedule No. 3 [1] for the sale of natural gas to Colorado Interstate Gas Company, from Greenwood (Sparks) Field, Morton County, Kansas which was suspended by the Commission's order issued herein on March 20, 1959, until September 1, 1959, and thereafter until such further time as it might be made effective in the manner prescribed by the Natural Gas Act. Rupp-Ferguson has not filed a motion pursuant to Section 4 of the Natural Gas Act to make the suspended rate effective.

On September 30, 1963, Ferguson also filed its agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

By Commission order dated November 18, 1963, the certificate issued to Rupp-Ferguson in G-12783 was amended to show the succession and Rupp-Ferguson's FPC Gas Rate Schedule No. 3, as supplemented, was redesignated as Ferguson's FPC Gas Rate Schedule No. 7, as supplemented.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Ferguson be substituted for Rupp-Ferguson in the above-captioned rate proceeding, that the proceeding be redesignated accordingly, that the successor's agreement and undertaking filed by Ferguson be accepted for filing, and that the suspended rate in Docket No. G-17987 be made effective subject to refund as of September 30, 1963.

The Commission orders:

(A) Ferguson Oil Company (Operator), et al. is substituted as respondent for Rupp-Ferguson Oil Company (Op-

[1] Rate schedule redesignated as Ferguson's FPC Gas Rate Schedule No. 7.

erator), et al. in Docket No. G-17987, and the proceeding is redesignated accordingly.

(B) The agreement and undertaking submitted by Ferguson on September 30, 1963, is hereby accepted for filing.

(C) The rate, charge, and classification set forth in Supplement No. 24 to Ferguson's FPC Gas Rate Schedule No. 7, is effective, subject to refund, as of September 30, 1963.

(D) Ferguson shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

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

[F.R. Doc. 64-91; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. RI64-339]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 30, 1963.

On December 3, 1963, Socony Mobil Oil Company, Inc. (Operator), et al. (Socony)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 28, 1963.
Purchaser and producing area: Northern Natural Gas Company (Eunice Field, Lea County, New Mexico) [Permian Basin].
Rate schedule designation: Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17.
Effective date: January 3, 1964.[2]
Amount of annual increase: $19,356.
Effective rate: 10.5445 cents.[3]
Proposed rate: 11.7212 cents per Mcf.[3,4]

Socony requests that the above submittal be substituted for the periodic increase of 1.0042 cents per Mcf from 10.5445 cents to 11.5487 cents per Mcf submitted October 30, 1963, which was suspended by order issued November 29, 1963, until May 1, 1964, in Docket No. RI64-339. Socony also requests that the suspension period for the subject filing be made to expire as of May 1, 1964. The proposed superseding filing includes reimbursement based on the total New Mexico School Tax of 2.55 percent, whereas the earlier filing only included reimbursement based on a tax rate of .55 percent. We will permit Socony to make the superseding filing. However, good cause has not been shown for suspending the superseding filing for less than the five month suspension period authorized under section 4(e) of the Act.

The proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17.

(B) Pending such hearing and decision thereon, Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17 is hereby suspended and the use thereof deferred until June 3, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

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

[F.R. Doc. 64-93; Filed, Jan. 6, 1964; 8:46 a.m.]

[1] Address is: 150 East 42d Street, New York, N.Y., 10017.

[2] The stated effective date is the first day after expiration of the required 30 days' notice.

[3] Rates shown at Permian Basin Area Pressure Base of 14.6 psia in lieu of contract pressure base of 15.025 psia.

[4] Periodic and tax reimbursement increase.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

Designation

The officers appointed to the following listed positions in the Office of the Director for Northwest Operations, Region VI, are hereby designated to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director for Northwest Operations, with all the powers, functions, and duties redelegated or assigned to the Director, provided that no officer is authorized to serve as Acting Director for Northwest Operations unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

(a) Deputy Director for Northwest Operations.

(b) Area Finance Officer.

This designation supersedes the designation effective August 31, 1962 (27 F.R. 8751, August 31, 1962). (Housing and House Finance administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962).)

Effective as of the 7th day of January 1964.

[SEAL] J. G. MELVILLE, *Regional Administrator, Region VI.*

[F.R. Doc. 64-117; Filed, Jan. 6, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-517]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Certificate

DECEMBER 30, 1963.

American Research and Development Corporation ("American Research"), 200 Berkeley Street, Boston, Massachusetts, a closed-end, non-diversified management investment company, registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order of this Commission certifying to the Secretary of the Treasury prior to December 31, 1963, pursuant to section 851(e) of the Internal Revenue Code of 1954 ("Code"), that American Research is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available ("development corporations").

American Research proposes to qualify as a "regulated investment company" under section 851(e) of the Code for the fiscal year ending December 31, 1963. In order for American Research to so qualify, it is required, among other things, that this Commission enter an order making the certification requested.

The following table shows the composition of the total assets of American Research as of the calendar quarters ended March 31, 1963, June 30, 1963 and September 30, 1963:

Assets (at market value)	Mar. 31, 1963	June 30, 1963	Sept. 30, 1963
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available	$24,809,139	$26,946,976	$30,689,197
Investments in corporations whose status has not been determined for purposes of Section 851(e) of the Code	185,916	464,305	464,305
Other investments	1,506,044	897,019	944,119
Total investments	26,501,099	28,308,300	32,097,621
Cash awaiting permanent investment or temporarily invested:			
Certificates of deposit and corporate short term notes	4,376,289	4,639,585	5,651,406
Other assets	201,856	179,942	182,335
Total assets	31,079,244	33,127,827	37,931,362

American Research has submitted in support of its application, which incorporates by reference similar applications made by American Research in 1955 and subsequent years, a detailed description of each of the companies whose securities are held in its portfolio and which it alleges to be a development corporation.

On the basis of an examination of the reports and information filed by American Research with the Commission pursuant to the provisions of the Investment Company Act and rules and regulations promulgated thereunder, as well as the data and information contained in American Research's applications for certificates pursuant to section 851(e) of the Internal Revenue Code of 1954 filed in previous years and in the instant application, it appears to the Commission that American Research is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Internal Revenue Code of 1954.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Internal Revenue Code of 1954, that American Research and Development Corporation, a closed-end nondiversified management investment company registered under the Investment Company Act of 1940, is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-105; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

DECEMBER 31, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 2, 1964 through January 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-106; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 2-6320]

GAFFERS & SATTLER CORP.

Notice of Application for Exemption

DECEMBER 27, 1963.

Notice is hereby given that Gaffers and Sattler Corporation, a California Corporation (Applicant) has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) for an order exempting it from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that Section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission upon application and subject to appropriate terms and conditions to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of its Applicant's outstanding securities are held of record, as therein defined, and the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The Applicant states in its application that it has 652,830 shares of common stock outstanding of which 651,419 shares, representing 99.784 percent of the total outstanding, are held by Republic Corporation and the balance of 1,411 shares are held by 28 holders of record. The Applicant has undertaken to furnish all record holders of its common stock the annual and interim reports of Republic Corporation and to furnish financial information of the Applicant upon request.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after February 3, 1964 unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than January 27, 1964, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-107; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 31, 1963.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security,

otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 2, 1964 through January 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-108; Filed, Jan. 6, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1963 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1963.

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada [1]
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon [1]
Idaho	Pennsylvania
Illinois	Rhode Island [1]
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington [1]
Michigan	West Virginia [1]
Minnesota	Wisconsin
Mississippi	Wyoming [1]
Missouri	

JOHN F. HENNING, *Acting Secretary of Labor.*

DECEMBER 31, 1963.

[F.R. Doc. 64-103; Filed, Jan. 6, 1964; 8:47 a.m.]

[1] No reduced rates were allowed to employers for taxable year 1963 under the unemployment compensation laws of these States.

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Puerto Rico
Indiana	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Texas
Maine	Utah
Maryland	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1963.

JOHN F. HENNING, *Acting Secretary of Labor.*

DECEMBER 31, 1963.

[F.R. Doc. 64-104; Filed, Jan. 6, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 920]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 2, 1964.

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

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

No. MC-FC 66407. By order of December 31, 1963, the Transfer Board approved the transfer to Essex Van and Storage, Inc., Baltimore, Md., of certificate in No. MC 44017, issued August 4, 1953, to Charles H. Chatham, Salisbury, Md., authorizing the transportation of: Agricultural commodities, coal, poultry, holly and holly wreaths, groceries, fertilizer, and household goods, from, to, or between specified points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, North Carolina, West Virginia, and the District of Columbia. Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157, representative for applicants.

No. MC-FC 66493. By order of December 31, 1963, the Transfer Board approved the transfer to Denny Motor Freight, Inc., New Albany, Ind., of permits in Nos. MC 104201 (Sub-29), MC 104201 (Sub-32), MC 104201 (Sub-34), MC 104201 (Sub-35), and MC 104201 (Sub-38), issued June 28, 1949, December 22, 1949, December 23, 1949, June 21, 1951 and August 29, 1955, respectively, to Merle S. Denny, doing business as Denny Motor Freight, New Albany, Ind., authorizing the transportation, over irregular routes, of prefabricated buildings, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, component parts thereof and equipment and materials, incidental to the erection and completion of such buildings, from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois; flavoring syrup, liquid sugar, and invert sugar, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; farm machinery and farm implements when transported in special equipment, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., attorney for applicants. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., attorney for applicants.

No. MC-FC 66499. By order of December 31, 1963, the Transfer Board approved the transfer to Albert C. Davidson, Harbeson, Delaware, of certificate in No. MC 73511, issued April 24, 1956, to Harding Trucking Co., Inc., Lincoln, Delaware, authorizing the transportation, over irregular routes, of lumber, from Hebron and Salisbury, Md., to Trenton and Burlington, N.J., points in Delaware, Maryland, and those in that part of Pennsylvania east of U.S. Highway 111, and south of U.S. Highway 22, and those in that part of New Jersey south of a line beginning at Camden, N.J., and extending east along New Jersey Highway 70 (formerly New Jersey Highway 40) to Lakehurst, N.J., and

thence along New Jersey Highway 37 to the Atlantic Ocean, including points on the indicated portions of highways specified; lumber and forest products, from points in Wicomico and Somerset Counties, Md., and Sussex County, Del., to points in Pennsylvania east of the Susquehanna River and on and south of U.S. 22, those in New Jersey on and south of U.S. 22 and those in New York, N.Y., commercial zone as defined by the Commission (except those on and south of U.S. 22); from points in Sussex County, Del., to Baltimore, Md.; fruit and vegetable containers, from Hebron and Salisbury, Md., to Bridgeton, Rosenhayn, and Landisville, N.J., New York, N.Y., and points in Accomac and Northhampton Counties, Va., and those in Delaware and Maryland; building materials, from Philadelphia, Pa., and Wilmington, Del., to Hebron, Salisbury, and Fruitland, Md.; and agricultural commodities, from points in Wicomico County, Md., within 15 miles of Hebron, Md., to Philadelphia, Pittsburgh, Scranton, and Wilkes-Barre, Pa., to New York, N.Y. Albert C. Davidson, Harbeson, Del., representative for applicants.

No. MC-FC 66507. By order of December 31, 1963, the Transfer Board approved the transfer to R. W. Weaver, doing business as Weaver Truck Line, Osawatomie, Kans., of certificates in Nos. MC 109411 and MC 109411 (Sub-No. 1), issued July 21, 1948 and September 16, 1952, respectively, in the name of Dan F. Williams, Osawatomie, Kans., authorizing the transportation of: Agricultural machinery, agricultural implements, agricultural products, and emigrant movables, between Osawatomie, Kans., and points within 10 miles thereof, on the one hand, and, on the other, points in Missouri within 25 miles of the Missouri-Kansas State line; lumber, millwork, roofing materials, cement, plaster, sheet metal, building blocks, clay products, hardware, paints, varnishes, wallboard, and reinforcing steel, from Kansas City and North Kansas City, Mo., to Osawatomie, Kans.; and building blocks, clay products, and stone, from Carthage and Neosho, Mo., and points within 10 miles of each, to Osawatomie and points within 10 miles thereof. Erle W. Francis, 214 West Sixth Street, Topeka 3, Kans., attorney for applicants.

No. MC-FC 66511. By order of December 31, 1963, the Transfer Board approved the transfer to Sally Brazdon, Rosenhayn, Cumberland County, N.J., of a portion of permit in No. MC 114332, issued July 29, 1958, to Rayburn Trucking, Inc., Philadelphia, Pa., authorizing the transportation of canned goods, over irregular routes, from points in that part of Maryland east of the Chesapeake Bay to Philadelphia, Pa. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., attorney for applicants.

No. MC-FC 66513. By order of December 31, 1963, the Transfer Board approved the transfer to Dewey Tangwall, doing business as Tangwall Trucking, Sarona, Wis., of the certificate in No. MC 29834, issued June 4, 1957, to George Bergren and Guilford M. Bergren, a partnership, doing business as Bergren Bros., Birchwood, Wis., authorizing the transportation of: Livestock, from points as specified in Barron County, Wis., to South St. Paul and Newport, Minn.; and general commodities, excluding household goods, commodities in bulk and other specified commodities, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to specified points in Barron County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., practitioner for applicants.

No. MC-FC 66518. By order of December 31, 1963, the Transfer Board approved the transfer to Merchant's Delivery Moving & Storage, Inc., 249 Piney Forest Road, Danville, Va., of certificate in No. MC 27455, issued May 13, 1955, to Eli Craven Gerringer, doing business as Merchants Delivery, 249 Piney Forest Road, Danville, Va., authorizing the transportation of: Household goods, between points in Pittsylvania County, Va., on the one hand, and, on the other, points in North Carolina.

No. MC-FC 66522 and 66522-A. By order of December 31, 1963, the Transfer Board approved the transfer to New-mark-Hurwitz Trucking Corp., a corporation, New York, N.Y., of corrected certificate in No. MC 124311, issued February 20, 1963, to Harold Levenson, doing business as H. Levenson Trucking Co., New York, N.Y., authorizing the transportation, over regular routes, of cut piece-goods, and trimmings, from New York, N.Y., to Perth Amboy, N.J., serving all intermediate points; and men's, ladies', and children's garments, from Perth Amboy, N.J., to New York, N.Y., serving all intermediate points; and of corrected permit in No. MC 124058, issued February 20, 1963, to Harold Levenson, New York, N.Y., authorizing the transportation, over irregular routes, of children's dresses and cut goods, piece goods, zippers, buttons, bindings, lace, and trimmings, which are used in the manufacture of children's dresses, between the plant site of Princess Dale Fashions, Inc., at East Newark, N.J., and New York, N.Y. Jerome G. Greenspan, 92 Liberty Street, New York 6, N.Y., attorney for applicants.

No. MC-FC 66528. By order of December 31, 1963, the Transfer Board approved the transfer to George Olson, doing business as Olson Truck Line, Oklee, Minn., of certificates in Nos. MC 109705 and MC 109705 (Sub-No. 2), issued October 22, 1948 and October 13, 1949, respectively, in the name of Ingvald Olson, Oklee, Minn., authorizing the transportation of general commodities, excluding household goods, over irregular routes, from Fargo, West Fargo, Union Stockyards (near West Fargo), Southwest Fargo, and Grand Forks, N. Dak., to Oklee, Minn.; livestock, from Oklee, Minn., and points within 25 miles of Oklee to Fargo, West Fargo, Union Stockyards (near West Fargo), Southwest Fargo, and Grand Forks; groceries, from Fargo, N. Dak., to Oklee, Minn.; empty containers for groceries, on return. A. R. Fowler, 2288 University Avenue, St. Paul, 55114, Minn., practitioner for applicants.

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

[F.R. Doc. 64-118; Filed, Jan. 6, 1964; 8:47 a.m.]

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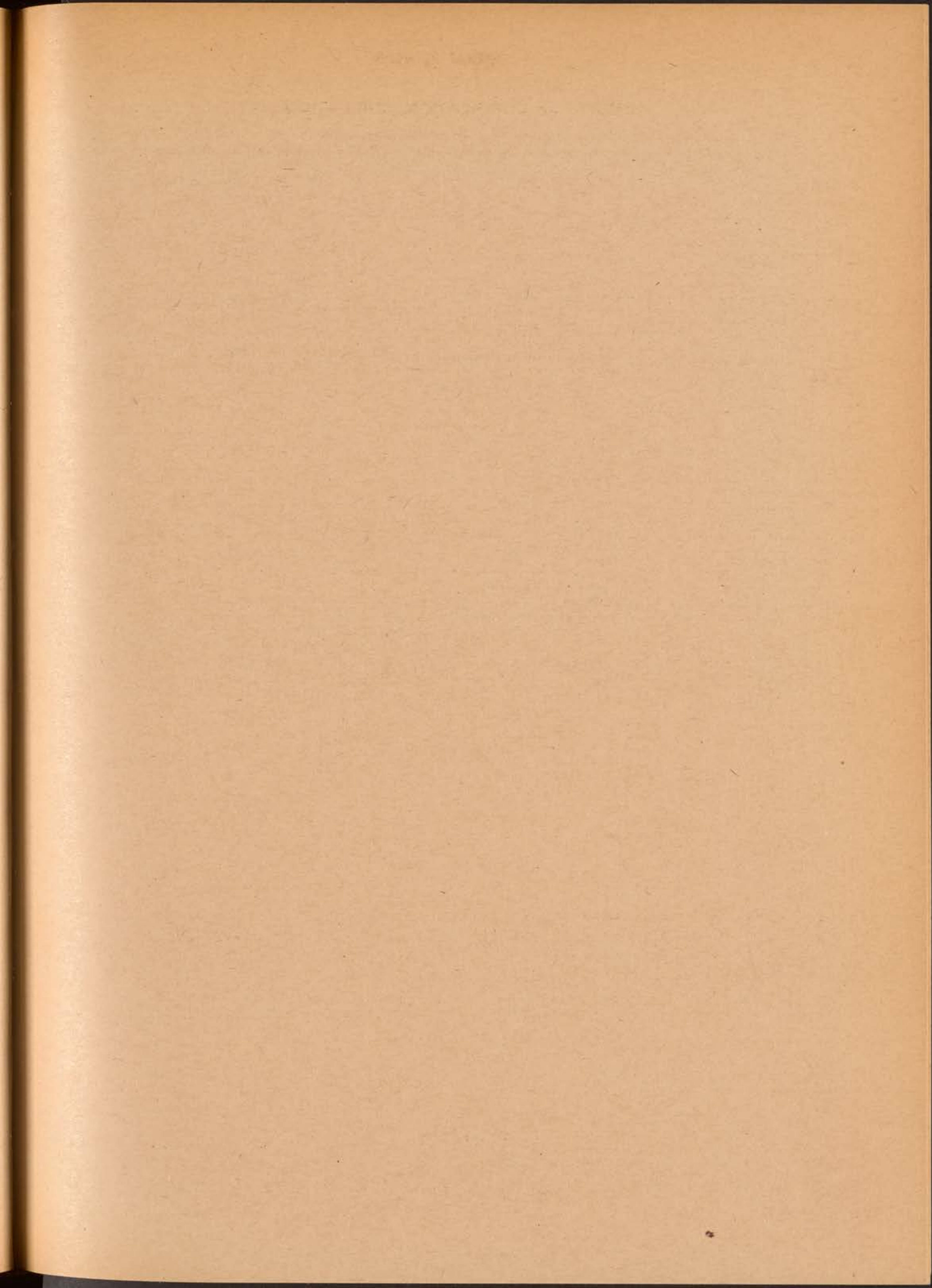

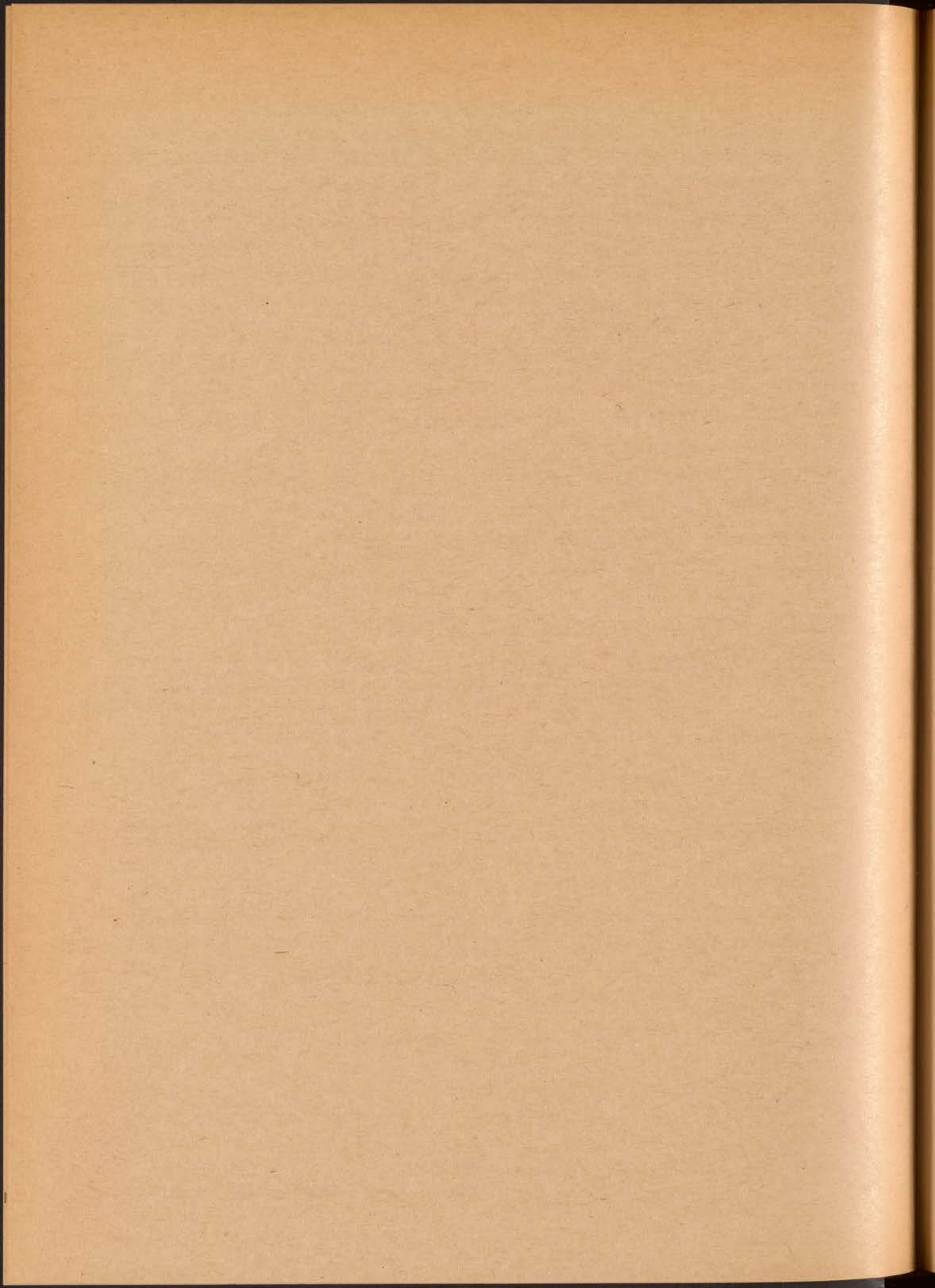

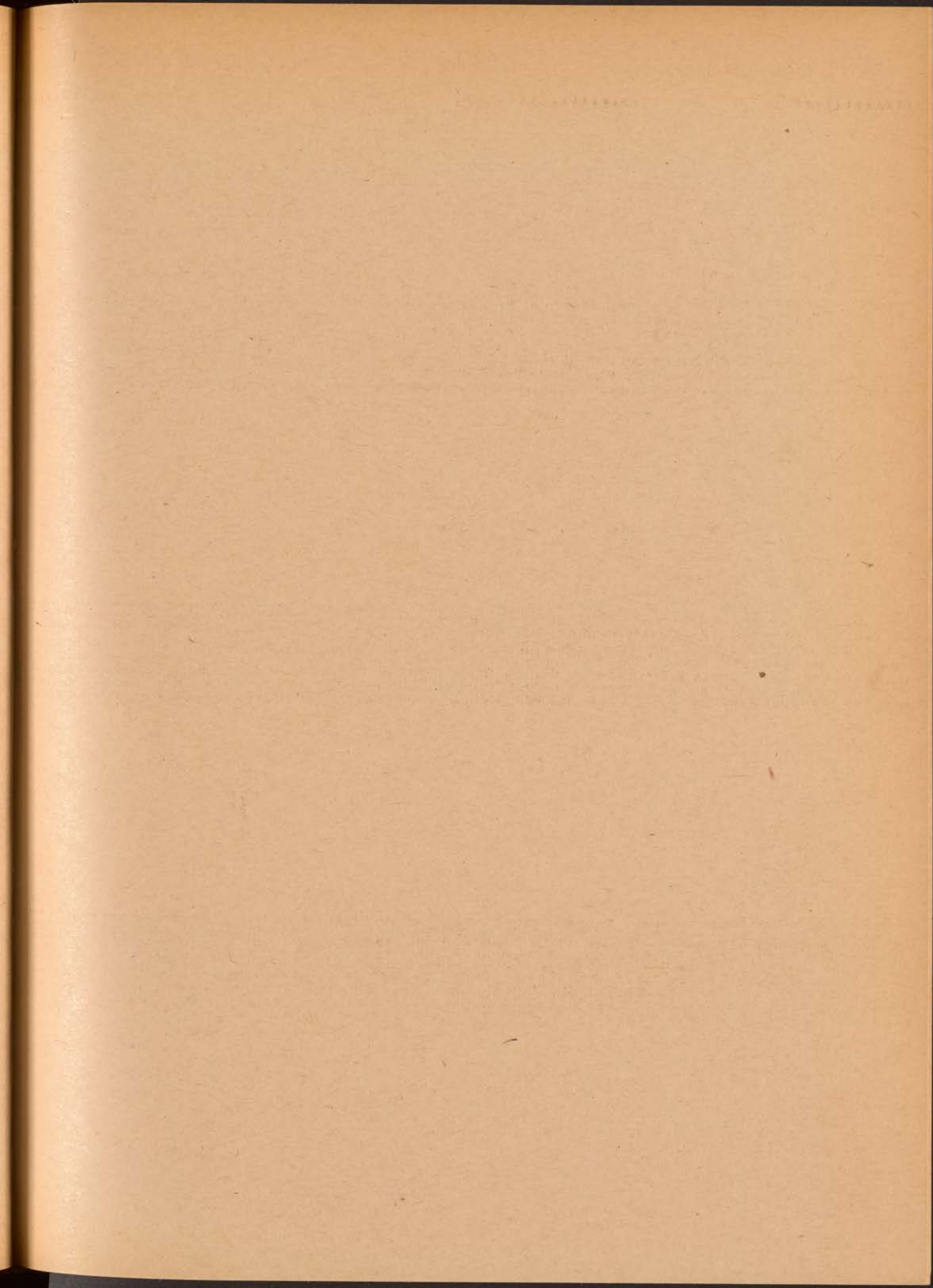

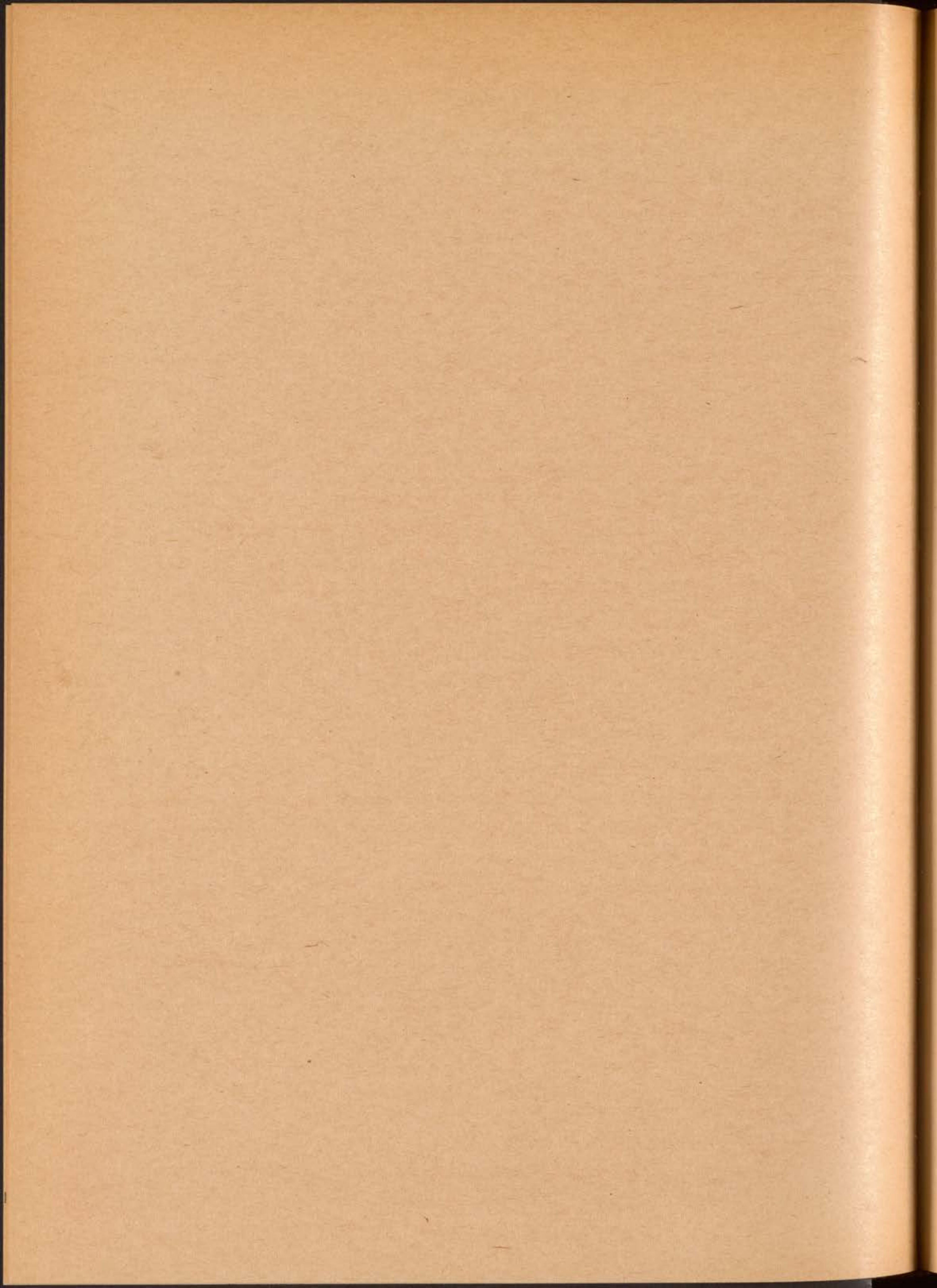

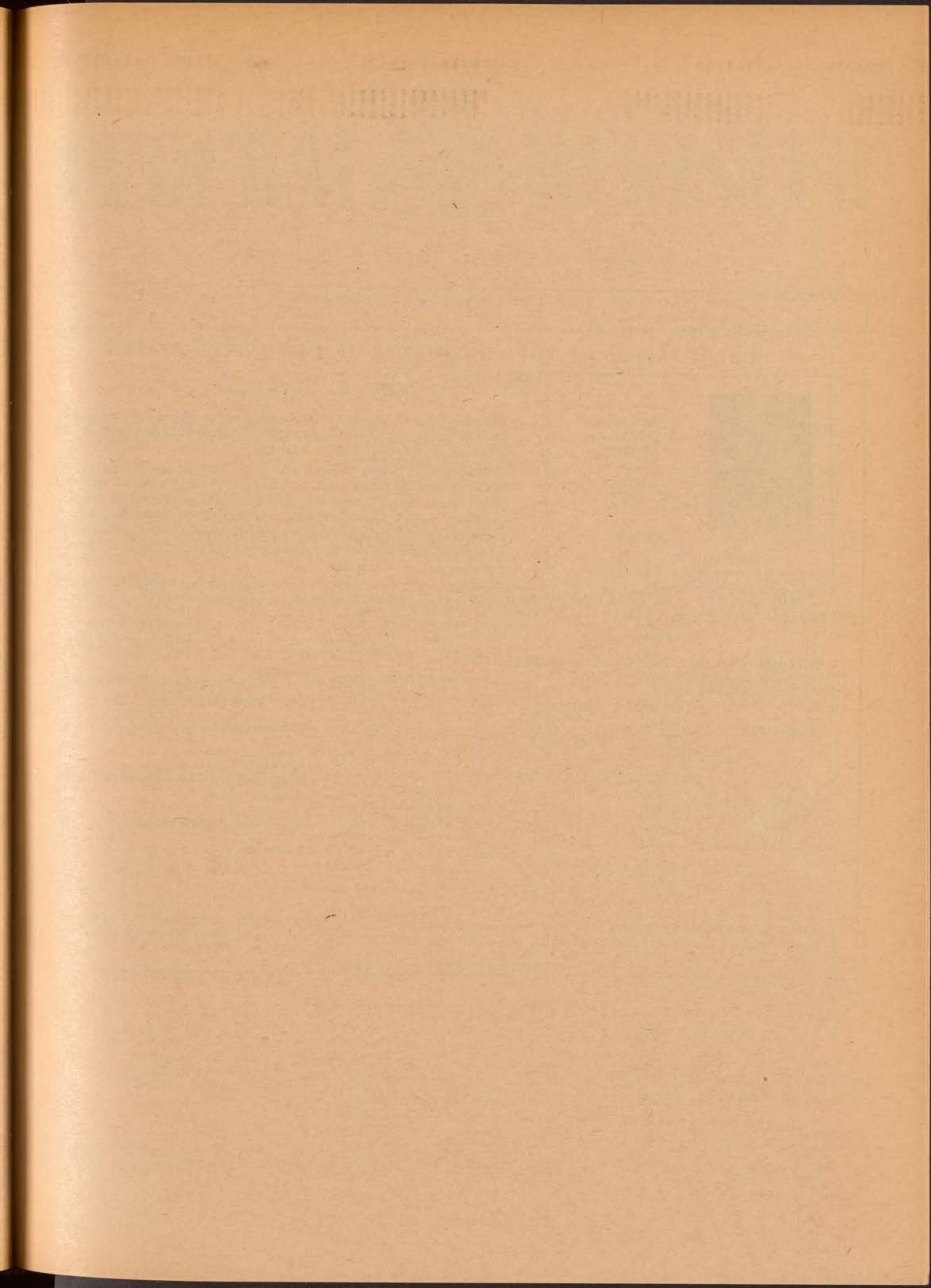

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