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Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 44, Amdt. 1]

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

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, 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), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (iii) of § 907.344 (Navel Orange Regulation 44, 28 F.R. 14490) are hereby amended to read as follows:

- (i) District 1: 600,000 cartons;
- (iii) District 3: 100,000 cartons.

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

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 64-155; Filed, Jan. 7, 1964;
8:46 a.m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER on December 13, 1963 (28 F.R. 13505), that there was under consideration a proposal to revise Subpart—Administrative Rules and Regulations (§§ 984.450 through 984.480) currently in effect under amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on the recommendation of the Walnut Control Board and other available information.

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to final action on the proposal. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that revision of the aforesaid administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (§§ 984.450-984.480) is revised as follows:

A. Add a new section (§ 984.437) reading as follows:

§ 984.437 Method for proposing names of additional candidates to be included on the California independent grower's nomination ballot.

Any ten or more growers, whose orchards are located in California, and who marketed through other than cooperative packers an aggregate of 500 or more tons of walnuts in the preceding marketing year, may petition the Board not later than March 15 of any nomination year (on a form provided by the Board) to include on the ballot the names of a proposed candidate eligible to serve as a member and one as alternate member on the Board to represent the group specified in § 984.35(a) (5). The names proposed by such California independent growers shall be included on the ballot.

B. Revise § 984.471 to read as follows:
§ 984.471 Reports of handler carry-over.

Reports of merchantable walnut carry-over as of August 1, January 1, and April 1 of each marketing year shall be submitted to the Board on WCB Form No.

4 for inshell walnuts and on WCB Form No. 5 for shelled walnuts, on or before August 15, January 15, and April 15, respectively, of such marketing year.

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

Dated: January 2, 1964. To become effective thirty days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-156; Filed, Jan. 7, 1964;
8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Wisconsin except St. Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties

in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following county in Minnesota: Jackson;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-De Baca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add specified counties in the States of Kansas, Minnesota, Pennsylvania, and Wisconsin to the list of infected and eradication areas and delete such counties from the list of free areas as sheep scabies is known to exist in these specified counties. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such counties.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of January 1964.

B. T. SHAW,
Administrator,

Agricultural Research Service.

[F.R. Doc. 64-157; Filed, Jan. 7, 1964; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Industry Employment Size Standards for Purpose of Government Procurement

Correction

In F.R. Doc. 64-8, appearing at page 86 of the issue for Saturday, January 4, 1964, the following correction is made in Schedule B of Part 121: In the entry for Census classification code 3742, the employment size standard should be "750" instead of "50".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-67]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

Correction

In F.R. Doc. 63-13521, appearing at page 4 of the issue for Wednesday, Jan-

uary 1, 1964, the following correction is made in the amendment of R-4205, under § 73.42: In the entry for 8,000 feet MSL, under *Designated altitudes*, the phrase "to flight level 279" should read "to flight level 270".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-398]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Postponement of Effective Date of Amendments Requiring Improved Notice of Warsaw Convention Limit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1964.

The amendments to Part 221 of the Economic Regulations, adopted October 31, 1963 by Regulation ER-395 and published at 28 F.R. 11775, provided, in essence, that effective February 1, 1964 air carriers and foreign air carriers in the United States which avail themselves of the limit on liability to passengers, as provided in Article 22(1) of the Warsaw Convention (49 Stat. 3000), shall (1) publish in their tariffs information on the Warsaw Convention liability limit; (2) deliver to passengers a prescribed notice in writing concerning such limit by one of three alternative means; and (3) post a sign containing the prescribed notice at all ticket counters and agents' offices in the United States.

Article 22(1) of the Convention provides that by special contract the carrier and the passenger may agree to a limit of liability higher than the \$8,290 provided in the Convention. It has come to the Board's attention that in light of the notice requirements adopted by the Board, several air carriers engaged primarily in domestic service are considering waiving the limit of liability under the Convention.

Under the rule as drafted, carriers waiving the limit would still have to furnish the notice statement and post the sign required by the regulation upon delivery of a ticket for a connecting flight on a carrier which has not waived the limit. This results from the fact that the carrier is then acting as agent for such connecting carrier. The question arises whether imposing these requirements on a carrier which has voluntarily waived the Convention limit is an unnecessary burden and whether some other arrangement would be feasible for giving notice to the passenger in this case.

Carriers desiring to waive the Convention limit may wish to file petitions for amendment of the rule so as to relieve them of the burden of giving the notice. In order to permit the filing and consideration of such petitions and to enable carriers desiring to waive the limit to avoid the expense of printing of notices and signs if it should be determined that they need not deliver or post them,

we will postpone the effective date of the amendments of Part 221 from February 1, 1964, to March 1, 1964.

We do not intend to grant further postponements of the effective date in the absence of a timely tangible indication from interested carriers that they intend to amend their tariffs waiving the limit. Accordingly, petitions for rule making, which should contain proposals for specific changes in the regulation to provide an alternate and effective means of advising passengers of the limit and set forth the carriers' plans with respect to tariff amendments, should be submitted to the Board on or before January 24, 1964.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(e), 403, 411, 72 Stat. 754, 758, 769; 49 U.S.C. 1371, 1373, 1381)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-178; Filed, Jan. 7, 1964; 8:48 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 3—Tort Claim Regulations

1. Subpart 3 revised in its entirety as follows:

- 1204.300 Scope of subpart.
- 1204.301 Lawsuits against NASA employees arising out of their operation of motor vehicles in the course of their employment.
- 1204.302 Procedures.
- 1204.303 Other claims—claims against the United States or the National Aeronautics and Space Administration.
- 1204.304 Claimant.
- 1204.305 Form of claim.
- 1204.306 Filing of claims.
- 1204.307 Evidence to be submitted by claimant.
- 1204.308 Investigation of claims.
- 1204.309 Payment of claims.
- 1204.310 Acceptance of award or settlement by claimant.
- 1204.311 Attorney's fees.
- 1204.312 NASA officials authorized to settle tort claims.

AUTHORITY: The provisions of this Subpart 3 issued under 28 U.S.C. 2671-2680 and 42 U.S.C. 2473(b) (13).

§ 1204.300 Scope of subpart.

(a) This subpart establishes procedures for the handling of lawsuits against NASA employees for property damage, or personal injury, including death, resulting from the operation of a motor vehicle by a NASA employee in the scope of his employment and designates NASA officials authorized to receive and process relevant documents in such cases.

(b) This subpart establishes procedures for the submission and settlement of claims against the United States Government for bodily injury, death and property damage or loss cognizable under the Federal Tort Claims Act (28 U.S.C. 2671-2680) or the National Aero-

nautics and Space Act of 1958 (42 U.S.C. 2473(b) (13)) and designates NASA officials authorized to act upon such claims.

§ 1204.301 Lawsuits against NASA employees arising out of their operation of motor vehicles in the course of their employment.

28 U.S.C. 2679, as amended September 21, 1961, provides that the Attorney General of the United States shall defend any civil action which is brought in any court against a Government employee for damage to property or for personal injury, including death, resulting from the operation of a motor vehicle by such Government employee while acting within the scope of his office or employment. In effect, this legislation is designed to protect an employee driving a motor vehicle on Government business by converting such a civil court action against the employee into an action against the United States, provided that the employee was acting within the scope of his employment at the time of the accident. The action against the United States then becomes the plaintiff's exclusive remedy.

§ 1204.302 Procedures.

The following procedures shall be followed in the event that a civil action or proceeding is brought, in any court, against any employee of NASA (or against his estate), for damage to property, or for personal injury or death, resulting from the employee's operation of a motor vehicle while acting within the scope of his office or employment:

(a) After being served with process or pleadings in such an action, the employee (or his personal representative if the action is brought against his estate) shall immediately deliver all such process and pleadings (or an attested true copy thereof) together with a fully detailed report of the circumstances of the accident giving rise to the court action, to the following officials:

- (1) The General Counsel of NASA insofar as actions against employees of NASA Headquarters are concerned; or
- (2) The Chief Counsel of the NASA installation at which the employee is employed, insofar as actions against other than NASA Headquarters employees are concerned.

(b) Upon receipt of such process and pleadings, the General Counsel or the Chief Counsel of the NASA installation receiving the same shall furnish to the United States attorney for the district embracing the place where the action or proceeding is brought and the Chief of the Torts Section, Civil Division, Department of Justice, the following:

(1) Copies of all such process and pleadings in the action or proceeding, promptly upon receipt thereof; and

(2) A report containing a statement of the circumstances of the incident giving rise to the action, and all data bearing upon the question of whether the employee was acting within the scope of his office or employment with NASA at the time of the incident, at the earliest possible date, or within such time as shall be fixed by the United States Attorney upon request.

In addition, the Chief Counsels shall submit copies of all such process, pleadings, reports and other documents submitted by them to the United States Attorney to the General Counsel, NASA Headquarters, who is hereby designated to receive all such documents on behalf of the Administrator, NASA.

§ 1204.303 Other claims—claims against the United States or the National Aeronautics and Space Administration.

Under the authority of 28 U.S.C. 2671-2680 and 42 U.S.C. 2473(b)(13), the National Aeronautics and Space Administration has authority, within specified limits, to settle claims for bodily injury, death and property damage, arising out of the activities of the National Aeronautics and Space Administration. Claims shall be submitted in accordance with the provisions of this subpart.

§ 1204.304 Claimant.

(a) If the property was insured and the insurer has a right of subrogation, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim.

(b) Claims for bodily injury may be filed by the injured person or his agent or attorney.

(c) Claims for death may be filed by the personal representative of the decedent or by the administrator, executor, or guardian. When filed by an agent or attorney, the claim must show the title or capacity of the person representing the claimant and be accompanied with evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

§ 1204.305 Form of claim.

Claims should be prepared on (Standard Form 95) Claim for Damage or Injury. Copies of this form are available on request at NASA Headquarters or the appropriate field installation. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for bodily injury be indicated in the space provided. Claims should be prepared in duplicate and signed.

§ 1204.306 Filing of claims.

(a) Claims covered by this subpart must be filed within two years after the accident or incident or death by the claimant.

(b) Claims should be submitted directly to the NASA installation whose employee is alleged to be responsible for the accident or incident, if known, or if not known, to the Office of General Counsel, National Aeronautics and Space Administration, Washington, D.C., 20546.

§ 1204.307 Evidence to be submitted by claimant.

(a) *General.* The amount claimed on account of damage to or loss of property, or on account of bodily injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like

should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. The original evidence or certified copies thereof should be attached to the original and copy of the claim.

(b) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization, and other relevant matters.

(c) *Damage to property.* In support of claims for damage to property, the claimant should submit:

(1) An itemized receipt in the case of property which has been repaired.

(2) Itemized estimates of the cost of repairs from two reliable parties who specialize in such work, in the case of un-repaired property, or

(3) Corroborative statements from two reliable, qualified persons with respect to the cost, age of the property, and salvage value in the case where the property is not economically repairable.

§ 1204.308 Investigation of claims.

When a claim is received, the official designated in § 1204.312 shall conduct such investigation as may be appropriate for a determination of the validity of the claim. The services of an investigatory group or official at any NASA installation may be obtained to assist in such investigations.

§ 1204.309 Payment of claims.

When a claim is settled, the cognizant legal counsel will prepare Voucher for Payment of Tort Claims (NASA Form 616) or Voucher for Payment Under Federal Tort Claims Act (Standard Form 1145), as appropriate. The properly prepared form will be referred to the appropriate NASA installation fiscal or financial management office.

§ 1204.310 Acceptance of award or settlement by claimant.

The acceptance by the claimant of an award, adjustment, or settlement is final and conclusive on the claimant, and constitutes a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim.

§ 1204.311 Attorney's fees.

As part of any award or settlement, reasonable attorney's fees may be allowed out of, but not in addition to, the amount of the award or settlement. If the award or settlement is \$500 or more, the fee shall not exceed 10 percent of the amount of the award or settlement.

§ 1204.312 NASA officials authorized to settle tort claims.

The following NASA officials are authorized to consider, ascertain, adjust, determine, and settle claims within the limits and to the extent permitted by the

provisions of 28 U.S.C. 2671-2680 and 42 U.S.C. 2473(b)(13):

(a) The General Counsel and Deputy General Counsel, NASA Headquarters, are authorized to consider, ascertain, adjust, determine, and settle any such claim.

(b) The Chief Counsel assigned to a NASA field installation is authorized to consider, ascertain, adjust, determine, and settle any such claim not exceeding \$1,000 arising from the activities of that installation.

(c) In addition, authority to act on claims not exceeding \$1,000 arising at:

(1) The Wallops Station is vested in the Chief Counsel, Langley Research Center.

(2) The Flight Research Center is vested in the Chief Counsel, Western Operations Office.

Effective date. The delegation of authority set forth in this subpart is effective on December 26, 1963.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 64-173; Filed, Jan. 7, 1964; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides Against Deceptive Pricing¹

Introduction. These guides are designed to highlight certain problems in the field of price advertising which experience has demonstrated to be especially troublesome to businessmen who in good faith desire to avoid deception of the consuming public. Since the guides are not intended to serve as comprehensive or precise statements of law, but rather as practical aids to the honest businessman who seeks to conform his conduct to the requirements of fair and legitimate merchandising, they will be of no assistance to the unscrupulous few whose aim is to walk as close as possible to the line between legal and illegal conduct. They are to be considered as guides, and not as fixed rules of "do's" and "don'ts", or detailed statements of the Commission's enforcement policies. The fundamental spirit of the guides will govern their application.

The basic objective of these guides is to enable the businessman to advertise his goods honestly, and to avoid offering the consumer non-existent bargains or bargains that will be misunderstood. Price advertising is particularly effective because of the universal hope of consumers to find bargains. Truthful price advertising, offering real bargains, is a benefit to all. But the advertiser must shun sales "gimmicks" which lure consumers into a mistaken

¹ Inquiries concerning these guides and requests for copies should be addressed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C., 20580.

belief that they are getting more for their money than is the fact.

§ 14.10 Guides against deceptive pricing.

(a) *Former price comparisons.* (1) One of the most commonly used forms of bargain advertising is to offer a reduction from the advertiser's own former price for an article. If the former price is the actual, bona fide price at which the article was offered to the public on a regular basis for a reasonably substantial period of time, it provides a legitimate basis for the advertising of a price comparison. Where the former price is genuine, the bargain being advertised is a true one. If, on the other hand, the former price being advertised is not bona fide but fictitious—for example, where an artificial, inflated price was established for the purpose of enabling the subsequent offer of a large reduction—the “bargain” being advertised is a false one; the purchaser is not receiving the unusual value he expects. In such a case, the “reduced” price is, in reality, probably just the seller's regular price.

(2) A former price is not necessarily fictitious merely because no sales at the advertised price were made. The advertiser should be especially careful, however, in such a case, that the price is one at which the product was openly and actively offered for sale, for a reasonably substantial period of time, in the recent, regular course of his business, honestly and in good faith—and, of course, not for the purpose of establishing a fictitious higher price on which a deceptive comparison might be based. And the advertiser should scrupulously avoid any implication that a former price is a selling, not an asking price (for example, by use of such language as, “Formerly sold at \$_____”), unless substantial sales at that price were actually made.

(3) The following is an example of a price comparison based on a fictitious former price. John Doe is a retailer of Brand X fountain pens, which cost him \$5 each. His usual markup is 50 percent over cost; that is, his regular retail price is \$7.50. In order subsequently to offer an unusual “bargain”, Doe begins offering Brand X at \$10 per pen. He realizes that he will be able to sell no, or very few, pens at this inflated price. But he doesn't care, for he maintains that price for only a few days. Then he “cuts” the price to its usual level—\$7.50—and advertises: “Terrific Bargain: X Pens, Were \$10, Now Only \$7.50!” This is obviously a false claim. The advertised “bargain” is not genuine.

(4) Other illustrations of fictitious price comparisons could be given. An advertiser might use a price at which he never offered the article at all; he might feature a price which was not used in the regular course of business, or which was not used in the recent past but at some remote period in the past, without making disclosure of that fact; he might use a price that was not openly offered to the public, or that was not maintained for a reasonable length of time, but was immediately reduced.

(5) If the former price is set forth in the advertisement, whether accompanied

or not by descriptive terminology such as “Regularly”, “Usually”, “Formerly”, etc., the advertiser should make certain that the former price is not a fictitious one. If the former price, or the amount or percentage of reduction, is not stated in the advertisement, as when the ad merely states, “Sale”, the advertiser must take care that the amount of reduction is not so insignificant as to be meaningless. It should be sufficiently large that the consumer, if he knew what it was, would believe that a genuine bargain or saving was being offered. An advertiser who claim that an item has been “Reduced to \$9.99”, when the former price was \$10.00, is misleading the consumer, who will understand the claim to mean that a much greater, and not merely nominal, reduction was being offered. [Guide I]

(b) *Retail price comparisons; comparable value comparisons.* (1) Another commonly used form of bargain advertising is to offer goods at prices lower than those being charged by others for the same merchandise in the advertiser's trade area (the area in which he does business). This may be done either on a temporary or a permanent basis, but in either case the advertised higher price must be based upon fact, and not be fictitious or misleading. Whenever an advertiser represents that he is selling below the prices being charged in his area for a particular article, he should be reasonably certain that the higher price he advertises does not appreciably exceed the price at which substantial sales of the article are being made in the area—that is, a sufficient number of sales so that a consumer would consider a reduction from the price to represent a genuine bargain or saving. Expressed another way, if a number of the principal retail outlets in the area are regularly selling Brand X fountain pens at \$10, it is not dishonest for retailer Doe to advertise: “Brand X Pens, Price Elsewhere \$10, Our Price \$7.50”.

(2) The following example, however, illustrates a misleading use of this advertising technique. Retailer Doe advertises Brand X pens as having a “Retail Value \$15.00, My Price \$7.50”, when the fact is that only a few small suburban outlets in the area charge \$15. All of the larger outlets located in and around the main shopping areas charge \$7.50, or slightly more or less. The advertisement here would be deceptive, since the price charged by the small suburban outlets would have no real significance to Doe's customers, to whom the advertisement of “Retail Value \$15.00” would suggest a prevailing, and not merely an isolated and unrepresentative, price in the area in which they shop.

(3) A closely related form of bargain advertising is to offer a reduction from the prices being charged either by the advertiser or by others in the advertiser's trade area for other merchandise of like grade and quality—in other words, comparable or competing merchandise—to that being advertised. Such advertising can serve a useful and legitimate purpose when it is made clear to the consumer that a comparison is being made with other merchandise and the other merchandise is, in fact, of essentially

similar quality and obtainable in the area. The advertiser should, however, be reasonably certain, just as in the case of comparisons involving the same merchandise, that the price advertised as being the price of comparable merchandise does not exceed the price at which such merchandise is being offered by representative retail outlets in the area. For example, retailer Doe advertises Brand X pen as having “Comparable Value \$15.00”. Unless a reasonable number of the principal outlets in the area are offering Brand Y, an essentially similar pen, for that price, this advertisement would be deceptive. [Guide III]

(c) *Advertising retail prices which have been established or suggested by manufacturers (or other non-retail distributors).* (1) Many members of the purchasing public believe that a manufacturer's list price, or suggested retail price, is the price at which an article is generally sold. Therefore, if a reduction from this price is advertised, many people will believe that they are being offered a genuine bargain. To the extent that list or suggested retail prices do not in fact correspond to prices at which a substantial number of sales of the article in question are made, the advertisement of a reduction may mislead the consumer.

(2) There are many methods by which manufacturers' suggested retail or list prices are advertised: large scale (often nation-wide) mass-media advertising by the manufacturer himself; pre-ticketing by the manufacturer; direct mail advertising; distribution of promotional material or price lists designed for display to the public. The mechanics used are not of the essence. These Guides are concerned with any means employed for placing such prices before the consuming public.

(3) There would be little problem of deception in this area if all products were invariably sold at the retail price set by the manufacturer. However, the widespread failure to observe manufacturers' suggested or list prices, and the advent of retail discounting on a wide scale, have seriously undermined the dependability of list prices as indicators of the exact prices at which articles are in fact generally sold at retail. Changing competitive conditions have created a more acute problem of deception than may have existed previously. Today, only in the rare case are all sales of an article at the manufacturer's suggested retail or list price.

(4) But this does not mean that all list prices are fictitious and all offers of reductions from list, therefore, deceptive. Typically, a list price is a price at which articles are sold, if not everywhere, then at least in the principal retail outlets which do not conduct their business on a discount basis. It will not be deemed fictitious if it is the price at which substantial (that is, not isolated or insignificant) sales are made in the advertiser's trade area (the area in which he does business). Conversely, if the list price is significantly in excess of the highest price at which substantial sales in the trade area are made, there is a clear and serious danger of the consumer being misled by an advertised reduction from this price.

(5) This general principle applies whether the advertiser is a national or regional manufacturer (or other non-retail distributor), a mail-order or catalog distributor who deals directly with the consuming public, or a local retailer. But certain differences in the responsibility of these various types of businessmen should be noted. A retailer competing in a local area has at least a general knowledge of the prices being charged in his area. Therefore, before advertising a manufacturer's list price as a basis for comparison with his own lower price, the retailer should ascertain whether the list price is in fact the price regularly charged by principal outlets in his area.

(6) In other words, a retailer who advertises a manufacturer's or distributor's suggested retail price should be careful to avoid creating a false impression that he is offering a reduction from the price at which the product is generally sold in his trade area. If a number of the principal retail outlets in the area are regularly engaged in making sales at the manufacturer's suggested price, that price may be used in advertising by one who is selling at a lower price. If, however, the list price is being followed only by, for example, small suburban stores, house-to-house canvassers, and credit houses, accounting for only an insubstantial volume of sales in the area, advertising of the list price would be deceptive.

(7) On the other hand, a manufacturer or other distributor who does business on a large regional or national scale cannot be required to police or investigate in detail the prevailing prices of his articles throughout so large a trade area. If he advertises or disseminates a list or pre-ticketed price in good faith (i.e., as an honest estimate of the actual retail price) which does not appreciably exceed the highest price at which substantial sales are made in his trade area, he will not be chargeable with having engaged in a deceptive practice. Consider the following example:

(8) Manufacturer Roe, who makes Brand X pens and sells them throughout the United States, advertises his pen in a national magazine as having a "Suggested Retail Price \$10," a price determined on the basis of a market survey. In a substantial number of representative communities, the principal retail outlets are selling the product at this price in the regular course of business and in substantial volume. Roe would not be considered to have advertised a fictitious "suggested retail price". If retailer Doe does business in one of these communities, he would not be guilty of a deceptive practice by advertising, "Brand X Pens, Manufacturer's Suggested Retail Price, \$10.00, Our Price, \$7.50".

(9) It bears repeating that the manufacturer, distributor or retailer must in every case act honestly and in good faith in advertising a list price, and not with the intention of establishing a basis, or creating an instrumentality, for a deceptive comparison in any local or other trade area. For instance, a manufac-

turer may not affix price tickets containing inflated prices as an accommodation to particular retailers who intend to use such prices as the basis for advertising fictitious price reductions. [Guide III]

(d) *Bargain offers based upon the purchase of other merchandise.* (1) Frequently, advertisers choose to offer bargains in the form of additional merchandise to be given a customer on the condition that he purchase a particular article at the price usually offered by the advertiser. The forms which such offers may take are numerous and varied, yet all have essentially the same purpose and effect. Representative of the language frequently employed in such offers are "Free", "Buy One—Get One Free", "2-For-1 Sale", "Half Price Sale", "1¢ Sale", "50% Off", etc. Literally, of course, the seller is not offering anything "free" (i.e., an unconditional gift), or ½ free, or for only 1¢, when he makes such an offer, since the purchaser is required to purchase an article in order to receive the "free" or "1¢" item. It is important, therefore, that where such a form of offer is used, care be taken not to mislead the consumer.

(2) Where the seller, in making such an offer, increases his regular price of the article required to be bought, or decreases the quantity and quality of that article, or otherwise attaches strings (other than the basic condition that the article be purchased in order for the purchaser to be entitled to the "free" or "1¢" additional merchandise) to the offer, the consumer may be deceived.

(3) Accordingly, whenever a "free", "2-for-1", "half price sale", "1¢ sale", "50% off" or similar type of offer is made, all the terms and conditions of the offer should be made clear at the outset. [Guide IV]

(e) *Miscellaneous price comparisons.* The practices covered in the provisions set forth above represent the most frequently employed forms of bargain advertising. However, there are many variations which appear from time to time and which are, in the main, controlled by the same general principles. For example, retailers should not advertise a retail price as a "wholesale" price. They should not represent that they are selling at "factory" prices when they are not selling at the prices paid by those purchasing directly from the manufacturer. They should not offer seconds or imperfect or irregular merchandise at a reduced price without disclosing that the higher comparative price refers to the price of the merchandise if perfect. They should not offer an advance sale under circumstances where they do not in good faith expect to increase the price at a later date, or make a "limited" offer which, in fact, is not limited. In all of these situations, as well as in others too numerous to mention, advertisers should make certain that the bargain offer is genuine and truthful. Doing so will serve their own interest as well as that of the public. [Guide V]

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

These guides supersede the guides against deceptive pricing adopted October 2, 1958.

Adopted: December 20, 1963.

Effective: January 8, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-160; Filed, Jan. 7, 1964;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56084]

PART 14—APPRAISEMENT

Hardboard From Sweden; Antidumping

DECEMBER 30, 1963.

After due investigation, it has been found that as of December 30, 1963, hardboard from Sweden is no longer being, or likely to be, sold in the United States at less than its fair value by any of the exporters of hardboard from Sweden as to whom the finding of dumping has not yet been revoked.

The finding of dumping made August 26, 1954, as modified by T.D.'s 54168, 54199, 55006, 55019, 55115, and 55213, is accordingly revoked in its entirety.

Section 14.13(b) of the Customs Regulations is amended by deleting the following from the list of findings of dumping currently in effect:

Merchandise	Country	T.D.	Modified by—
Hardboard.....	Sweden.....	53567	54168 54199 55006 55019 55115 55213

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-170; Filed, Jan. 7, 1964;
8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1714—INTERIM EMERGENCY MANAGEMENT OF RESOURCES

Section 103 of the National Security Act of 1947 (Public Law 253, 80th Congress, as amended) is the authority for the regulations in this part.

Sec.
1714.1 Purpose.
1714.2 Eligibility.
1714.3 Agreements.
1714.4 Supervision of the studies, research, and planning.

Sec.	
1714.5	Costs and reimbursements.
1714.6	Advances.
1714.7	Return of unexpended funds.
1714.8	Reports.

AUTHORITY: The provisions of this Part 1714 issued under sec. 103, National Security Act of 1947; P.L. 253, 80th Congress, as amended.

§ 1714.1 Purpose.

In the event of a nuclear attack, the Federal Government will act as promptly as possible to exercise its responsibility for the management of the Nation's resources and the stabilization of the economy. However, it is possible that Federal direction may be interrupted during a nuclear attack, and, consequently, State and local governments must develop a capability to manage resources and stabilize the local economy until Federal direction and control is feasible. The regulations in this part prescribe the procedures and conditions under which the Office of Emergency Planning shall provide funds to the States for the development of plans for this purpose.

§ 1714.2 Eligibility.

(a) A State, in order to participate in the program under the regulations in this part, shall appoint a State Emergency Planning Director, establish a State Emergency Resource Planning Committee, and designate supporting Task Groups for the State Emergency Resource Planning Committee.

(b) A State, in order to participate in the program under the regulations of this part, shall submit a proposal to the Office of Emergency Planning in accordance with the Administrative Manual for the Development of State Emergency Resources Management Plans.

(c) Personnel whose salaries are paid from Federal funds shall be employed under a State Merit System in accordance with the Federal Standards for a Merit System for Personnel Administration and in accordance with non-discrimination in employment practices as described in E.O. 10925, as amended.

§ 1714.3 Agreements.

Each eligible State shall negotiate and enter into a written agreement with the Office of Emergency Planning. This agreement shall cover the scope of the studies, research, and planning for the State management of resources and stabilization of the economy during the interim period following a nuclear attack. This agreement shall also contain the maximum cost under the agreement, specify the schedule of performance, and require that performance thereunder be conducted in accordance with the procedures and criteria set forth in the Administrative Manual for the Development of State Emergency Resources Management Plans.

No. 5—2

§ 1714.4 Supervision of the studies, research, and planning.

Agreements entered into under the regulations in this part shall be performed under the supervision and guidance of the Office of Emergency Planning. Each participant shall agree to make full use of the technical staffs and other personnel of appropriate agencies of State and local governments, and shall agree to keep its emergency planning current after the project is completed and to submit completed plans for periodic review or testing.

§ 1714.5 Costs and reimbursements.

(a) *Amount.* The reimbursable costs of any project shall not exceed the actual costs nor the amount stipulated in the project agreement.

(b) *Retroactive.* No costs shall be approved, of whatsoever nature, which were contracted for, obligated, or incurred prior to the execution of the contract.

(c) *Personnel and other expenses.* (1) Approved costs under a project shall include salaries or other compensation paid to staff or technical personnel engaged in work under the project agreement and travel, telephone communications and printing costs necessary or incident to the work, as set out in OEP Administrative Manual for the Development of State Emergency Resources Management Plans, or as acceptable to the Director, OEP.

(2) State travel regulations shall apply except that, in the absence of such regulations, travel expense shall be in accordance with Standardized Government Travel Regulations.

(d) *Salaries of employees.* (1) Salaries of regularly employed full-time personnel of a State or political subdivision shall not be reimbursed except when such personnel may be detailed to work on an approved project on a full-time basis of thirty (30) consecutive working days duration, or longer.

(2) Salaries of regularly employed full-time personnel of a State or political subdivision whose salaries are paid all or in part from Federal funds under other programs shall not be reimbursed if this involves a dual payment to the individual or a dual payment to State agencies by the Federal Government for such salaries.

(3) Salaries of the State and Local Emergency Planning Director, members of the State or Local Emergency Resource Planning Committee or task groups shall not be reimbursed.

(4) Salaries of personnel not employed in accordance with § 1714.2(c) shall not be reimbursed.

(e) *Reimbursement procedures.* Reimbursement shall be made to eligible participants for approved costs under a project upon the presentation by the eligible participants of vouchers duly executed in accordance with the applicable provisions of OEP Administrative Manual for the Development of State Emergency Resources Management Plans.

§ 1714.6 Advances.

(a) Upon execution by OEP of a project agreement and upon application by the State involved, up to three (3) months' estimated operating costs not to exceed 25 percent of the estimated cost of the project may be advanced to establish a working fund to be used solely in accordance with the regulations of this part, the provisions of the project agreement against which the advance was made, and the Administrative Manual for the Development of State Emergency Resources Management Plans.

(b) In accepting an advance of Federal funds, a State must agree to:

(1) Deposit the monies advanced in a separate fund or account under the sole custody of the treasurer or comparable fiscal officer of the State. This person is to be a bonded official.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the allowable costs covered by the contract against which the advance was made.

(3) Keep such records and accounts as are in accordance with accepted and prescribed methods of accounting, showing the receipt and expenditures of Federal funds advanced. Representatives of OEP or its designee and the General Accounting Office shall be granted ready access to such records and accounts.

§ 1714.7 Return of unexpended funds.

The State shall, upon completion of its studies, research, and planning pursuant to an agreement under the regulations in this part, return to the Federal Government within thirty (30) days any funds not obligated under the agreement.

§ 1714.8 Reports.

Each eligible participant shall submit quarterly progress reports of work accomplished under its agreement, such additional reports as OEP may require and a final report including actual emergency plans, organizational arrangements and operating procedures adopted for each State. The quarterly reports shall include and identify funds utilized from State sources and authorized or received from other Federally assisted programs which are not reimbursable under the regulations of this part but have been used in accomplishing the work of this program. The final product shall be an Emergency Economic and Resource Management Action Plan meeting the requirements of the "Organization and Planning Guide for State and Local Emergency Management of Resources," subject to the review and approval of the Office of Emergency Planning.

Dated: December 28, 1963.

EDWARD A. McDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-218; Filed, Jan. 7, 1964;
10:33 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAIN AND RELATED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1963 Price Support Programs

Unless earlier demand is made by CCC, warehouse-storage loans under 1963 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASCS county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value

which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Producer's Note and Loan Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate ASCS county office.

under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of midnight December 31, 1963.

Commercial Union Insurance Company of New York, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to agreement of merger dated June 24, 1963, effective midnight December 31, 1963, and approved by the Superintendent of Insurance of the State of New York, October 10, 1963, Columbia Casualty Company, New York, New York, is merged into Commercial Union Insurance Company of New York, New York, New York, the surviving company. Commercial Union Insurance Company of New York acquires all of the assets and assumes all of the liabilities of Columbia Casualty Company. A copy of the agreement of merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by Columbia Casualty Company pursuant to the certificate of authority issued to the Company by the Secretary of the Treasury.

As a result of the merger, an underwriting limitation of \$3,835,000.00 has been established for Commercial Union Insurance Company of New York, New York, New York, by the Treasury Department, effective January 1, 1964, under the company's certificate of authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-171; Filed, Jan. 7, 1964; 8:47 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. No. 18]

NORTH BRITISH AND MERCANTILE INSURANCE CO. LTD.

Termination of Authority To Qualify As Reinsuring Company Only on Federal Bonds

JANUARY 2, 1964.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, under Treasury Department Circular No. 297, July 5, 1922, as

	Maturity date	Final date for repayment
Barley—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Arizona and California. In all other States.	1964 Feb. 29	1964 Mar. 2
Corn—in all States.	Mar. 10	Mar. 10
Dry edible beans ¹ .	Apr. 30	Apr. 30
Flaxseed—in Arizona and California. In all other States.	July 31	July 31
Grain sorghums—in all States.	Apr. 30	Apr. 30
Oats—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. In all other States.	Jan. 31	Jan. 31
Rice—in all States.	Mar. 31	Mar. 31
Rye—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. In all other States.	Feb. 29	Mar. 2
Soybeans—in all States.	Apr. 30	Apr. 30
Wheat—in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. In all other States.	Apr. 30	Apr. 30
Tung nuts—in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.	Apr. 30	Apr. 30
	July 31	July 31
	Feb. 29	Mar. 2
	Mar. 31	Mar. 31
	Oct. 31	Nov. 2

¹In the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana and west thereof, if prior to Apr. 30, 1964, the producer requests June 30, 1964, as a maturity date, the maturity date and final date for repayment shall be June 30, 1964. Otherwise, the maturity date and final date for repayment shall be Apr. 30, 1964.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: January 2, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-123; Filed, Jan. 7, 1964; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 17]

COLUMBIA CASUALTY CO.

Termination of Authority To Qualify As Surety on Federal Bonds

JANUARY 2, 1964.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to Columbia Casualty Company, New York, New York,

amended, 31 CFR 223, to qualify as a reinsuring company only on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated effective as of midnight December 31, 1963.

The Mercantile Insurance Company of America, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to a domestication agreement and an instrument of transfer and assumption, dated June 24, 1963 and effective midnight December 31, 1963, approved by the Superintendent of Insurance of the State of New York, October 22, 1963, The Mercantile Insurance Company of America, New York, New York, acquires all of the business and assets and assumes all of the liabilities of North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, United States Branch. Copies of these documents are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of consummation of the domestication agreement and the terms of the instrument of transfer and assumption, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, United States Branch, pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

As a result of the domestication and transfer, an underwriting limitation of \$2,902,000.00 has been established for The Mercantile Insurance Company of America, New York, New York, by the Treasury Department, effective January 1, 1964, under the company's certificate of authority to act as an acceptable surety on Federal bonds.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-172; Filed, Jan. 7, 1964;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-914]

**NUCLEONICA S.p.A. AND
FERNANDO CARONNA**

**Order Denying Export Privileges for
an Indefinite Period**

In the matter of Nucleonica S.p.A. and Fernando Caronna, Rome, Italy, Respondents.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period

because of the failure of said respondents to furnish answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows and I find that the respondent Nucleonica, S.p.A. is a firm located in Rome, Italy, and is engaged in the manufacture and sale of radio and electronic equipment; that the respondent Fernando Caronna is the individual primarily responsible for the conduct and operations of said firm; that the aforesaid Investigations Division is conducting an investigation into the facts surrounding the exportation from the United States of certain commodities, including electronic equipment, known to have been delivered to said respondents and into the disposition of said commodities by said respondents. It is impracticable to subpoena the respondents and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Control Regulations. Said respondents have failed to furnish answers to said interrogatories as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical

data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

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

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. During the time when any respondent corporation or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 31, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-169; Filed, Jan. 7, 1964;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1964, the latest completion date specified in Construction Permit No. CPPR-8 for the construction of a 203 megawatt (thermal) controlled recirculation boiling water nuclear reactor to be located at a site approximately five and one-half miles northeast of Sioux Falls, South Dakota.

Copies of the Commission's order and of the application by Northern States Power Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of December, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of
Licensing and Regulation.

[F.R. Doc. 64-144; Filed, Jan. 7, 1964;
8:45 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 17 to License No. 4-3766-1 which amends the license in the following respects:

1. Increases the quantity of byproduct material which the licensee may possess at any one time at its facility near Beatty, Nevada, to 50,000 curies.

2. Increases the quantity of special nuclear material which the licensee may possess at its facility near Beatty, Nevada, to 500 grams of Uranium 235, 300 grams of Uranium 233, and 300 grams of Plutonium under conditions and limitations specified in the license.

3. Provides for the burial of packages as received by the licensee at its facility near Beatty, Nevada, provided the packages contain only solid radioactive material.

4. Prohibits the removal of solid radioactive material from containers as received by the licensee at its facility near Beatty, Nevada.

The licensee requested authority to remove byproduct and special nuclear materials from containers and to bury such material without further repackaging. The licensee did not furnish sufficient information concerning such operations. Accordingly, the authority requested cannot be granted at this time. The requested operations will be given further consideration upon the licensee's submission of additional information to correct the deficiencies in its application.

In its application Nuclear Engineering Company, Inc. requested authority to

transport radioactive wastes in intrastate commerce in any containers which may be approved in the future by the Bureau of Explosives of the American Association of Railroads. The Interstate Commerce Commission has statutory authority to delegate such regulatory power to the Bureau of Explosives. The Atomic Energy Commission does not have such authority. Accordingly, this request must be denied.

The Commission has determined pursuant to the provisions of 10 CFR Part 2, 30 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations, and orders issued by the Commission. The Commission has also determined that prior public notice is not required because the license amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The application dated September 19, 1963, and amendment thereto dated October 30, 1963, and a memorandum prepared by the Division of Licensing

and Regulation which summarizes the considerations evaluated prior to the issuance of this licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the memorandum referenced above may be obtained by request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Secretary.

The text of the amendment is set forth below.

Dated at Bethesda, Md., December 31, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of
Licensing and Regulation.

[License No. 4-3766-1 (C64) Amdt. 17]

In accordance with application dated September 19, 1963, and amendment thereto dated October 30, 1963, License No. 4-3766-1 is amended as follows:

Condition 1.A.(2) is amended to read as follows:

1.A.(2) 50,000 curies of byproduct material at the facility near Beatty, Nevada. Condition 1.C. is amended to read as follows:

1.C.(1) 450 grams of special nuclear material, of which not more than 20 grams shall be Plutonium or Uranium 233—at each of the licensee's facilities located at Cowell, California, and Kearny, New Jersey.

(2) 500 grams of Uranium 235, 300 grams of Uranium 233 and 300 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity—at its facility near Beatty, Nevada. Unity shall be determined by the following formula:

$$\frac{\text{Grams contained U 235}}{500} + \frac{\text{Grams contained U 233}}{300} + \frac{\text{Grams contained Pu}}{300} = 1$$

The following conditions are added:

21. Notwithstanding any restriction or limitation on the levels of radiation emanating from containers, as set forth in the application dated October 6, 1961, which has been incorporated by reference into this license in Condition 18, the licensee may bury such containers at its facility near Beatty, Nevada, provided that:

1. The containers contain only solid radioactive material.

2. Radiation levels at accessible approaches to a burial trench do not exceed 100 mr/hr except during the placement of containers.

22. The licensee shall not remove solid radioactive wastes from containers; only liquid radioactive wastes may be solidified and repackaged as required by Conditions 12 and 18 of this license. Any package prepared by the licensee for land burial shall meet the specifications set forth in the application dated October 6, 1961.

23. Containers containing special nuclear material placed in a burial trench shall be so spaced so that there is a minimum of eight inches of earth separating each container.

Condition 15 is hereby deleted.

Date of issuance: December 31, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director,
Division of Licensing and Regulation.

MEMORANDUM BY THE DIVISION OF LICENSING
AND REGULATION

By application dated September 19, 1963, and amendment thereto dated October 30, 1963, Nuclear Engineering Company, Inc., Box 594, Walnut Creek, California, requested amendment of Byproduct, Source and Special Nuclear Material License No. 4-3766-1.

This amendment provides for the following changes in the license:

1. Increases the quantity of byproduct material which the licensee may possess at any one time at its facility near Beatty, Nevada, from 2,000 curies to 50,000 curies.

2. Increases the quantity of special nuclear material which the licensee may possess at its facility near Beatty, Nevada, from a total of 450 grams, of which not more than 20 grams shall be Plutonium or Uranium 233, to 500 grams of Uranium 235, 300 grams of Uranium 233, and 300 grams of Plutonium provided that the quantity of each special nuclear material to the quantity of such material specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{Grams contained U 235}}{500} + \frac{\text{Grams contained U 233}}{300} + \frac{\text{Grams contained Pu}}{300} = 1$$

3. Provides for the burial of packages as received by the licensee at its facility near Beatty, Nevada, provided the packages contain only solid radioactive material.

4. Prohibits the removal of solid radioactive material from containers as received by the licensee at its facility near Beatty, Nevada.

With respect to the increase in the quantities of byproduct and special nuclear material which the licensee may possess at any one time at its Nevada facility, there is no significant hazards considerations different from those previously evaluated. The total quantities of radioactive material do not constitute a hazard to health or property as long as the material is in approved containers. The licensee has adequate facilities and procedures for the receipt and storage of the packaged radioactive wastes. The detailed analysis is contained in the memorandum references in the Commission's Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License dated August 16, 1962, and published in the FEDERAL REGISTER on August 21, 1962.

The licensee was formerly limited to burying packages with radiation levels at the surface of the container of not more than 200 mr/hr. The license amendment grants authority to the licensee to bury any container as received at its facility near Beatty, Nevada, provided the container has in it only solid radioactive material. The licensee has appropriate equipment and procedures to handle such containers to assure that personnel will not receive doses of radiation in excess of the limits specified in 10 CFR Part 20.

The licensee also requested authority to remove byproduct and special nuclear materials from approved containers and to bury such material without further repackaging. On the basis of the information provided by the licensee, the Commission could not determine that the licensee possesses adequate facilities, equipment, and general procedures to handle safely as much as 50,000 curies of any type of byproduct material in an un-packaged form and that the licensee could achieve satisfactory separation of the special nuclear material, i.e., a minimum of eight inches of earth between burials, if the special nuclear materials were in the forms of fines or easily dispersible material. Accordingly, the license amendment prohibits the removal of solid radioactive materials from containers. The licensee may provide further information concerning its facilities, equipment, and procedures in a subsequent application.

In view of the foregoing and information regarding the licensee's equipment, facilities, and procedures previously submitted by the licensee and to the extent authorized by the license amendment, the Atomic Energy Commission has found that:

A. The applicant's equipment, facilities and procedures are adequate to protect health and minimize danger to life and property.

B. The applicant is qualified by training and experience to carry out the operations described above in such a manner as to protect health and minimize danger to life or property.

C. The issuance of the amendment is not inimical to the common defense and security or the health and safety of the public.

[F.R. Doc. 64-145; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. DPR-7 as set forth below. The license authorizes the Pacific Gas and Electric Company ("the licensee") to operate its nuclear reactor located in Humboldt County, California. The amendment deletes the second paragraph of Section 4.a. of the license which authorized the licensee to conduct a 15-day test program to demonstrate power operation of the Humboldt Bay Unit No. 3 reactor at power levels up to 230 megawatts (thermal).

The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the Pacific Gas and Electric Company may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Md., this 27th day of December, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of
Licensing and Regulation.

[License No. DPR-7, Amdt. 6]

1. Provisional Operating License No. DPR-7 issued to Pacific Gas and Electric Company for its reactor located in Humboldt County, California, is hereby amended by deleting the second paragraph of section 4.a. thereof, which paragraph was added to Provisional Operating License DPR-7 by Amendment No. 5 dated December 3, 1963.

2. This amendment is effective as of the date of issuance.

Date of issuance: December 19, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 64-146; Filed Jan. 7, 1964; 8:45 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed fol-

lowing publication of a notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-78 to the Trustees of Columbia University in the City of New York, authorizing construction of a TRIGA Mark II-type nuclear reactor on the campus of the University at Morningside Heights, Manhattan, New York, New York.

The license as issued was set forth in the Notice of Proposed Issuance of Construction Permit published in the FEDERAL REGISTER on December 11, 1963, 28 F.R. 13410.

Dated at Bethesda, Md., this 30th day of December 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor
Safety Branch, Division of
Licensing and Regulation.

[F.R. Doc. 64-147; Filed, Jan. 7, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-435-RI64-450]

ROSS W. COE, JR., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates*

DECEMBER 27, 1963.

Ross W. Coe, Jr., et al., Docket No. RI64-435; Skelly Oil Company, Docket No. RI64-436; Schermerhorn Oil Corporation (Operator) et al., Docket No. RI64-437; Allied Materials Corporation (Operator) et al., Docket No. RI64-438; J. M. Huber Corporation, Docket No. RI64-439; Sunray DX Oil Company, Docket No. RI64-440; Apache Corporation, Docket No. RI64-441; Graridge Corporation (Operator) et al., Docket No. RI64-442; Hamilton, Frederick C. and Ferris F. d.b.a. Hamilton Brothers, Ltd., Docket No. RI64-443; Rycade Oil Corporation, Docket No. RI64-444; Christie, Mitchell and Mitchell Company, Docket No. RI64-445; Christie, Mitchell and Mitchell Company (Operator) et al., Docket No. RI64-446; Stephen C. Clark, et al., Docket No. RI64-447; Sun Oil Company, Docket No. RI64-448; Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Company, Docket No. RI64-449; General American Oil Company of Texas, Docket No. RI64-450.

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:

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

NOTICES

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 No.
									Rate in effect	Proposed increased rate	
RI64-435...	Ross W. Coe, Jr., et al., 209 Little Bldg., Ardmore, Okla.	1	2	Colorado Interstate Gas Co. (Keyes Field, east Cimarron and west Texas Counties, Okla.) (Panhandle Area).	\$899	11-29-63	1-1-64	6-1-64	\$ 15.0	13 4 17.0	
RI64-436...	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	93	1	Panhandle Eastern Pipe Line Co. (Hugoton Field, Hansford County, Tex.) (R.R. District No. 10).	1,483	12-6-63	1-6-64	6-6-64	11.0	13 12.0	
RI64-437...	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 289, Tulsa, Okla.	16	1	Zenith Gas System, Inc. (Davis Ranch Field, Barber County, Kans.).	1,337	12-4-63	2-1-64	7-1-64	12.0	13 13.0	
RI64-438...	Allied Materials Corp. (Operator), et al., 5101 North Pennsylvania, Oklahoma City, Okla.	1	3	Northern Natural Gas Co. (Bernstein (Morrow Upper) and South Bernstein Fields, Hansford County, Tex.) (R.R. District No. 10).	3,200	12-4-63	1-4-64	6-4-64	\$ 16.5	13 17.5	
RI64-439...	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	3	4	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	1,908	12-5-63	1-5-64	6-5-64	\$ 16.21888	13 4 17.23256	G-17318.
	do.	18	10	Colorado Interstate Gas Co. (Greenwood (Sparks) Field, Morton, and east Stanton Counties, Kans.).	9,837	12-4-63	1-4-64	6-4-64	\$ 16.34224	13 4 17.36363	G-17318.
RI64-440...	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	212	5	Michigan Wisconsin Pipe Line (Edith South Field, Woodward Harper Counties, Okla. (Panhandle Area), and Woods County, Okla.) (Oklahoma other area).	0	12-9-63	1-10-64	6-10-64	\$ 10 15.0	13 9 19.5	CI61-1201, CI61-1201.
	do.	212	6		272	12-9-63	1-9-64	6-9-64	\$ 10 17.0	13 9 19.5	
	do.	116	9	Colorado Interstate Gas Co. (Greenwood (Sparks) Field, Stanton County, Kans.).	2,116	12-4-63	1-4-64	6-4-64	\$ 16.0	13 4 17.0	G-17524.
RI64-441...	Apache Corp., 823 South Detroit, Tulsa 20, Okla.	15	1	Northern Natural Gas Co. (Hansford (Lower Morrow) Field, Hutchinson County, Tex.) (R.R. District No. 10).	645	12-10-63	1-10-64	6-10-64	16.5	13 17.5	
RI64-442...	Graridge Corp. (Operator), et al., P.O. Box 752, Breckenridge, Tex.	17	5	Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma other area).	656	12-5-63	1-5-64	6-5-64	11.0	13 12.0	
RI64-443...	Hamilton, Frederick C. and Ferris F. d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver 2, Colo.	9	3	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	630	12-6-63	1-6-64	6-6-64	\$ 16.0	13 17.0	
	do.	18	4	Colorado Interstate Gas Co. (unnamed field, Morton County, Kans.).	7,594	12-6-63	1-6-64	6-6-64	\$ 16.631	13 8 17.070	
RI64-444...	Rycade Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex.	2	6	Tennessee Gas Transmission Co. (Nelsonville Field, Austin County, Tex.) (R.R. District No. 3).	3,923	12-2-63	1-2-64	6-2-64	\$ 16.16947	13 14 19.33333	G-17364.
RI64-445...	Christie, Mitchell and Mitchell Co., 12th Floor Houston Club Bldg., Houston 2, Tex.	3	15	Tennessee Gas Transmission Co. (New Ulm Field, Austin County, Tex.) (R.R. District No. 3).	474	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17728.
	do.	5	10	Tennessee Gas Transmission Co. (Nada Field, Colorado County, Tex.) (R.R. District No. 3).	4,113	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17682.
	do.	6	8	Tennessee Gas Transmission Co. (North Keeran Field, Victoria County, Tex.) (R.R. District No. 2).	16,080	11-29-63	1-1-64	6-1-64	\$ 16.1533333	13 14 18.0	G-17682.
RI64-446...	Christie, Mitchell and Mitchell Co. (Operator), et al.	4	9	Tennessee Gas Transmission Co. (Decker's Prairie and Tomball Fields, Montgomery and Harris Counties, Tex.) (R.R. District No. 3).	31,892	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17592.
	do.	14	5	Tennessee Gas Transmission Co. (Huffsmith Field, Harris County, Tex.) (R.R. District No. 3).	4,392	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17681.
RI64-447...	Stephen C. Clark, et al., 12th Floor Houston Club Bldg., Houston 2, Tex.	1	4	Tennessee Gas Transmission Co. (North Garwood Field, Colorado County, Tex.) (R.R. District No. 3).	9,966	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17680.
	do.	2	3	Tennessee Gas Transmission Co. (Columbus Field, Colorado County, Tex.) (R.R. District No. 3).	3,860	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17680.
RI64-448...	Sun Oil Co., P.O. Box 2880, Dallas, Tex., 75221, Attn: R. L. Sullivan.	12	10	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	3,200	11-29-63	1-1-64	6-1-64	15.33333	13 18.0	G-17274.
	Sun Oil Co., Box 2831, Beaumont, Tex., 77704, Attn: Buford R. Koehler.	27	26	Transcontinental Gas Pipe Line Corp. (North Markam and North Bay City Fields, Matagorda County, Tex.) (R.R. District No. 3).	139,103	11-29-63	1-1-64	6-1-64	\$ 14.0	13 17 15.70629	
	Sun Oil Co., P.O. Box 2880, Dallas, Tex., 75221, Attn: R. L. Sullivan.	33	6	Tennessee Gas Transmission Co. (Heyser Field, Victoria County, Tex.) (R.R. District No. 2).	19,200	11-29-63	1-1-64	6-1-64	15.33333	13 18.0	G-17274.
	Sun Oil Co., P.O. Box 2831, Beaumont, Tex., 77704, Attn: Buford R. Koehler.	70	6	Tennessee Gas Transmission Co. (Nelsonville Field, Austin County, Tex.) (R.R. District No. 3).	41,572	11-29-63	1-1-64	6-1-64	\$ 16.16947	13 14 19.33333	G-17354.
	Sun Oil Co., P.O. Box 2831, Beaumont, Tex., 77704.	63	13	United Gas Pipe Line Co. (East Gibson Field, Terrebonne Parish, La.).	2,760	11-29-63	1-1-64	6-1-64	\$ 22.25	13 18 22.75	RI61-276.

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	
RI64-449...	Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Co., P.O. Box 747, Dallas 21, Tex.	3	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	\$161,673	11-29-63	12-30-63	5-30-64	17 18.3	21 21.1	
RI64-450...	General American Oil Co. of Texas, Meadows Bldg., Dallas 6, Tex.	43	5	United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.).	1,205	12-4-63	1-4-64	6-4-64	20 22.25	21 22.75	CI61-1230.

¹ The pressure base is 14.65 psia.
² The pressure base is 15.025 psia.
³ Subject to upward and downward Btu adjustment.
⁴ Renegotiated increase.
⁵ Periodic increase.
⁶ Includes 1.0 cent per Mcf charge for liquefiable hydrocarbons.
⁷ Includes base rate of 16.0 cents per Mcf plus upward Btu adjustment.
⁸ Includes base rate of 17.0 cents per Mcf plus upward Btu adjustment.
⁹ Applicable to acreage in Woods County, Okla., under Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 212.
¹⁰ Subject to upward Btu adjustment.
¹¹ Applicable to acreage in Harper and Woodward Counties, Okla., under Supplement No. 9 to Sunray's FPC Gas Rate Schedule No. 212.
¹² Subject to downward Btu adjustment.
¹³ Redetermined increase.
¹⁴ Rate subject to deduction of buyer's systemwide charge of 0.21931 cent per Mcf for nondehydrated gas.
¹⁵ Nondehydrated gas delivered to buyer.
¹⁶ Dehydrated gas delivered to buyer.
¹⁷ Includes 0.21931 cent per Mcf dehydration allowance paid to seller by buyer.
¹⁸ Includes 2.05 cents per Mcf tax reimbursement.
¹⁹ Includes 1.5 cents per Mcf tax reimbursement.
²⁰ Includes 1.75 cents per Mcf tax reimbursement.
²¹ The proposed effective date is the first day after expiration of the required statutory notice or, if later, the date requested by Respondent.

The filing by Ross W. Coe, Jr., et al., in Docket No. RI64-435 supersedes an earlier increased rate filing which was suspended in Docket No. G-18096. Since the earlier increased rate was never made effective subject to refund, it was superseded by the filing in Docket No. RI64-435, and will be terminated by a separate order. Allied Materials Corporation (Operator), et al., J. M. Huber Corporation, Sunray DX Oil Company, Apache Corporation, Graridge Corporation (Operator), et al., Hamilton, Frederick C. and Ferris F., d.b.a. Hamilton Brothers, Ltd., Rycade Oil Corporation, and General American Oil Company of Texas, proposed early effective dates, but good cause was not shown therefor.

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 increased rates and charges 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 hearings concerning the lawfulness of the several pro-

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

(B) Pending hearings and decisions thereon, 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 Commission, 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 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
 Secretary.
 [F.R. Doc. 64-56; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. RI64-482]

DELHI-TAYLOR OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 27, 1963.

On November 27, 1963, Delhi-Taylor Oil Corporation (Delhi-Taylor)¹ tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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	
RI64-482...	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	19	4	El Paso Natural Gas Co., (Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	\$1,987	11-27-63	¹ 1-1-64	¹ 1-2-64	² 11.2104	³ 12.2295	RI64-89.
	do.	23	4	do.	224	11-27-63	¹ 1-1-64	¹ 1-2-64	² 11.2104	³ 12.2295	RI64-89.
	do.	47	5	El Paso Natural Gas Co., (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	49	11-27-63	¹ 1-1-64	¹ 1-2-64	² 11.2104	³ 12.2295	RI64-89.
	do.	52	4	do.	84	11-27-63	¹ 1-1-64	¹ 1-2-64	² 11.2104	³ 12.2295	RI64-105.
	do.	53	3	do.	84	11-27-63	¹ 1-1-64	¹ 1-2-64	² 11.2104	³ 12.2295	RI64-89.

¹ Contractually provided effective date.
² The suspension period is limited to 1 day.
³ Periodic rate increase.
⁴ Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
⁵ Reflects 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement.

Delhi-Taylor's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso)

has protested Delhi-Taylor's rate filings. El Paso questions the right of Delhi-Taylor under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent.

While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, El Paso claims there is controversy as to whether

¹ Address is: Fidelity Union Tower, Dallas 1, Texas.

or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearing provided for herein with respect to Delhi-Taylor's rate filings shall concern itself with the contractual basis of the proposed rate increases. Since the proposed increases reflect tax reimbursement, the suspension period for each may be shortened to one day from January 1, 1964, the contractually provided effective date.

The proposed increased rates and charges are below the area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56), but are suspended because of El Paso's aforementioned protest.

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 a hearing concerning the contractual basis for Delhi-Taylor's proposed rate filings which El Paso has protested, 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, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis for Delhi-Taylor's proposed rate filings which El Paso has protested.

(B) Pending a hearing and decision 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: *Provided, however,* That the supplements to the rate schedules filed by Delhi-Taylor, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Delhi-Taylor shall file under Docket No. RI64-482 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Delhi-Taylor is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed

of or until the 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 Commission, 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 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-57; Filed, Jan. 7, 1964;
8:45 a.m.]

[Docket Nos. G-8488 etc.]

SOHIO PETROLEUM CO.

Order Conditionally Approving Rate Settlement Proposal, Terminating Proceedings, and Requiring Refunds

DECEMBER 30, 1963.

There is before us for consideration a petition for approval of settlement proposal and termination of proceedings filed on July 8, 1963, by Sohio Petroleum Company (Sohio) encompassing the rates for 47 of Sohio's currently effective FPC gas rate schedules.¹

Comments have been filed by some of the participants in the settlement negotiations, all of which have been given due consideration.

In summary, the settlement proposal as submitted by Sohio provides:

(1) Settlement rates, including tax reimbursement, are equal to or less than the Commission's applicable area ceilings, with two exceptions hereinafter discussed.

(2) Sohio waives the right to file for contractually authorized increased rates until January 8, 1966. Sohio reserves the right to file for any increased rate, if contractually authorized, up to the applicable area-rate levels determined through area hearings or by amendment of the Commission's Statement of General Policy No. 61-1, or any contractually authorized increase in tax reimbursement.

(3) Amendment of Sohio's Rate Schedule Nos. 1, 3, 4, 6 and 28 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein.

(4) Refunds, with interest at the applicable rates, under each rate schedule where rates were charged subject to refund and those which would have been collected at the settlement rate, in each instance, commencing with September 1, 1961, to the date of the issuance of this order, with the interest obligation heretofore provided for terminating on July 31, 1963.

(5) Exclusion from the settlement proposal of all Permian Basin sales, sales related to previous offers of settlement accepted by the Commission, one sale consolidated with Amerada Petroleum

Corp., et al., Docket Nos. CI62-1544, et al., and all sales for which deliveries commenced after April 1, 1963.

In support of its proposal, Sohio states that the settlement rates, refunds, moratorium period and other provisions thereof, some of which are not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences have utilized cost-of-service studies and revenues based on contract rates to determine Sohio's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after September 1, 1961, to the date of issuance of this order, with applicable interest to August 31, 1963.

In past settlements of this type we have required interest on refunds to the date of actual refunds. However, we in this case are approving the termination of Sohio's interest obligation on August 31, 1963, because if the question of the distribution of refunds in Sinclair Oil and Gas Company settlement Docket Nos. G-9291, et al., precedent case had been resolved the order approving Sohio's proposal could have been issued on or about that date. The refunds will be approximately \$1,600,000, exclusive of interest. Sohio's future revenues will be decreased approximately \$700,000 annually as a result of the settlement.

Sohio's proposal contemplated full refunds to each purchaser of amounts collected, subject to refund, for the period from September 1, 1961, to date. Objections have been filed to this proposal and action has been withheld on the settlement proposal pending determination of a similar problem in the settlement of Sinclair Oil & Gas Company, Docket Nos. G-9291, et al. For the reasons set forth in our Sinclair order issued today, we shall order distribution of refunds by the same method as in Sinclair.

Sohio's total refund obligation under the settlement shall be computed as hereinbefore described. For the purpose of distributing the total refund amount, Sohio shall compute: (1) The excess revenue collected (subject to refund) above the settlement rate under each rate schedule to the date of this order; (2) The total of all excess revenues collected under (1) above. The total refund amount shall be refunded to each purchaser (where collections have been made subject to refund) in the proportion that each rate schedule's excess revenue computed under (1) above bears to the total excess revenue computed under (2) above. When the refund obligation is determined, such refund shall be first applied to Sohio's sales in the most recent month and then to each preceding month until the full refund amount under that rate schedule is made.

For the reasons set forth in our order in Hunt Oil Co., Docket Nos. G-9065, et al., Order issued July 16, 1963, ----- FPC -----, we shall condition our ap-

¹ The additional dockets involved herein are set forth in Appendices A and B hereto.

² Sohio filed amendments to its settlement proposal on Sept. 6 and 13, 1963.

approval of this settlement proposal to require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Sohio and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such sums on to their customers, why they believe they are entitled to retain such funds.

Exceptions to the applicable area ceilings are proposed by Sohio with respect to two sales: one a sale to Tennessee Gas Transmission Company (TGT) in southern Louisiana commonly known as Sohio's six parish sale, and the second is a sale in the Oklahoma Panhandle to Panhandle Eastern Pipe Line Company (Panhandle). The sale to TGT is made under Sohio's FPC Gas Rate Schedule No. 20 and was initiated under a contract dated May 2, 1949, whereby Sohio dedicated 93,000 acres to TGT spread through six south Louisiana parishes. Throughout the term of this contract Sohio has made substantial additional dedications of acreage. For example, during the 1955-1961 period, approximately 42,000 acres were added to the contract, and approximately 26,000 of these additional acres were added in 1959 or thereafter, subsequent to the date when the sales price under this contract had escalated to 22.8 cents per Mcf. The addition of acreage resulted in increased annual deliveries under this contract. The proposed settlement rate of 17.75 cents per Mcf exceeds the increased rate ceiling but is below the initial rate ceiling. In view of the above circumstances, we find the settlement rate for this sale to be proper, and approve the same.

As to the sale to Panhandle, made under Sohio's FPC Gas Rate Schedule No. 31, the proposed settlement rate is 12.2827747 cents per Mcf. This rate is the result of a periodic rate increase which was accepted for filing. However, it is above the applicable area increased rate ceiling, and for the reasons set forth in our order issued on April 25, 1963, in Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., 29 F.P.C. 837, we shall condition our approval of this settlement proposal so as to require Sohio to reduce its rate under its FPC Gas Rate Schedule No. 31 to 11.3894829 cents per Mcf, which was the initial rate under said contract. Refunds under the rate schedule shall be computed as the difference between the presently effective rate, subject to refund, and 12.2827747 cents per Mcf.

We shall not approve the proposed settlement of the rate under Sohio's FPC Gas Rate Schedule No. 30 which covers a sale of natural gas in Texas Railroad District No. 3 to Union Texas Petroleum, since this rate is by contract related to that of the producer purchaser from Sohio, the purchaser's rate also being subject to suspension proceedings. Therefore, we shall exclude this sale from the settlement proposal.

The settlement proposal includes five sales for which issuance of related permanent certificates is pending. The certificate applications in Docket Nos. G-17791, G-19421 and G-20101 involve upward Btu price provisions, and are presently consolidated for hearing in the proceedings in Sunray DX Oil Company, et al., Docket Nos. G-4281, et al., relating to the Btu adjustment provisions. Accordingly, permanent certificates should be issued in such proceedings, and not through the abridged hearing procedure. We shall, however, condition our approval of the settlement proposal to require that the total rates in Docket Nos. G-19421 and G-20101 not exceed the applicable area ceiling (17 cents per Mcf) regardless of the Btu adjustment clauses contained in each of the respective rate schedules. Because most of the sales being made under temporary authority in Docket No. G-17791 are under refund condition based on the applicable area ceiling, we do not deem it necessary to further condition such authority.

Included in the settlement proposal is one sale being made under a temporary certificate, issued in Docket No. CI62-826, at 17.24 cents per Mcf in Texas Railroad Commission District No. 4 under Sohio's FPC Gas Rate Schedule No. 72 to TGT. We presently have under consideration in Amerada Petroleum Company, et al., Docket Nos. CI62-1544, et al., the issue of the proper initial in-line rate in District No. 4 subsequent to September 28, 1960. We shall approve the present settlement proposal conditioned on Sohio's agreement that the rate under such rate schedule shall be subject to the final determination in the Amerada proceeding. If by final order in the Amerada proceeding a lower rate is established than that set forth in the settlement proposal, Sohio shall make further refunds from the date of this order of the difference between the settlement rate and the rate ordered in the Amerada proceeding.

The settlement rates conditionally approved herein, shall be applicable, during the moratorium period herein provided for, to all sales of natural gas from all acreage dedicated as of the date of the issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Sohio, its successors, or assigns.

The foregoing has discussed all of the major comments filed by Long Island Lighting Company and Philadelphia Gas Works. Comments were also filed by Public Service Electric and Gas Company and Northern Natural Gas Company. These latter companies indicated support and approval of the settlement proposal. We believe the instant settlement proposal, as herein modified, and in other particulars not specifically noted or set forth herein, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein does not constitute approval of any future rate increase that

may be filed under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future proceedings, including area rate proceedings, involving Sohio's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on July 8, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be conditionally approved and conditionally made effective subject to the modifications herein-after ordered, and good cause exists for approving the settlement rates.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed July 8, 1963, as herein modified, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in Appendices A and B are approved and such rates shall be effective as of the date of issuance of this order.

(C) The pending certificate proceedings indicated in Appendix B hereto shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing as hereinabove provided in accordance with section 7 of the Natural Gas Act.

(D) Sohio shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the requirement for possible future refunds under its FPC Gas Rate Schedule No. 72.

(E) Within 45 days from the date of this order, Sohio shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal, as modified herein.

(F) Within 45 days from the date of this order, Sohio shall make refunds as hereinabove provided and shall report to the Commission, in writing, the amount of refunds made to each of its purchasers showing the amount paid and the bases for such determinations, together with releases from its purchasers showing receipt of the refunds in conformity with the approved settlement.

(G) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to each of its pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission: *Provided, however*, That United shall not be required to pay interest on such funds.

(H) Any party to these proceedings or the settlement negotiations having ob-

jections to the terms of this order shall, within 30 days from the date of issuance of this order, set forth such objections to the Commission and shall serve copies of such objections on all other parties.

(I) Docket Nos. G-19538, RI61-217, RI62-89, RI62-269, RI62-320, RI62-507, RI63-118, RI63-121 and RI63-147 are hereby severed from the consolidated proceedings in Docket Nos. AR61-2, et al.; Docket Nos. G-12205, G-15399, G-19255, RI60-172, RI60-255, RI61-257, RI61-365, RI61-455, RI62-86, RI62-361, RI62-428, RI62-521 and RI63-174 are

hereby severed from the consolidated proceedings in Docket Nos. AR64-1, et al.; and Docket Nos. G-11512, G-15211, G-16111, G-17133, G-19478, RI60-413, and RI60-424 are hereby severed from the consolidated proceedings in Docket Nos. AR64-2, et al.

(J) Upon full compliance by Sohio with all of the terms and provisions of this order applicable to it, the section 4(e) proceedings listed in Appendices A and B hereof, and the section 5(a) proceeding in Docket No. G-18355 shall terminate.

(K) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Sohio, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Sohio or any other companies, person or parties affected by this order.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

SOHIO PETROLEUM COMPANY—DOCKET NO. G-8488, ET AL.

Rate schedule No.	Area and field	Purchaser	Docket No.		Last accepted rate ¹	Rate in effect ¹	Settlement rate ¹
			Certificate	Sec. 4(e) rate increase			
<i>Texas Railroad Commission District No. 8</i>							
9	El Ebanito, Tex.....	Tennessee Gas Transmission Co.....	G-4419.....	G-19478..... RI60-413	12.12268	17.24347	(?)
28	Nordheim, Tex.....	Texas Eastern.....	G-9491.....	G-15211.....	11.6232	14.3733	* 14.3733
<i>Texas Railroad Commission District No. 3</i>							
1	Deckers Prairie, Tex.....	Tennessee Gas Transmission Co.....	G-4208.....	G-17133.....	13.49751	16.16947	* 14.60
5	Nona Mills, Tex.....	Trunkline Gas Co.....	G-4359.....		8.1924	8.1924	8.1924
19	Fairbanks, Tex.....	Natural Gas Pipeline Co.....	G-4564.....	G-11512..... G-16111	15.1440	17.1531	(?)
<i>Texas Railroad Commission District No. 4</i>							
3	La Reforma, Tex.....	Tennessee Gas Transmission Co.....	G-4361.....	G-19478..... RI60-413	12.12268	17.24347	* 14.60
4	Los Indios, Tex.....	do.....	G-4360.....	G-19478..... RI60-413	12.12268	17.24347	* 14.60
6	Rachal, Tex.....	do.....	G-4267.....	RI60-424.....	12.12268	17.24347	* 15.00
66	Sandia Area, Tex.....	Trunkline Gas Co.....	CI62-1268.....		13.3748	13.3748	13.3748
67	Tiger, Tex.....	Southern Coast Corp.....	CI62-1268.....		8.00	8.00	8.28
68	do.....	do.....	CI62-1268.....		8.00	8.00	8.28
69	do.....	do.....	CI62-1268.....		8.00	8.00	8.28
70	do.....	do.....	CI62-1268.....		7.7625	7.7625	7.7625
<i>Texas Railroad Commission District No. 8</i>							
40	Caledonia, Tex.....	Natural Gas Pipeline Co.....	G-13602.....		13.10	13.10	13.10
<i>South Louisiana area</i>							
14	South Lewisburg, La.....	Texas Gas Trans. Co.....	G-4602.....	G-11884..... RI62-269	11.6467	23.250	15.75
16	do.....	do.....	G-4603.....	G-11884..... RI62-269	11.6467	23.250	15.75
20	Six Parish Area, La.....	Tennessee Gas Trans. Co.....	G-5214.....	G-16601..... RI63-121	10.72633	23.675	17.75
21	South Lewisburg, La.....	Texas Gas Trans. Co.....	G-5213.....	G-11884..... RI62-269	11.6467	23.250	15.75
24	do.....	do.....	G-5668.....	G-11884..... RI62-269	11.6467	23.250	15.75
26	Egan, La.....	Transco. Gas Pipe Line Co.....	G-5928.....	G-8488..... G-12660 G-18098	10.29715	23.550	15.75
26	do.....	do.....	G-5928.....		9.37238	9.37238	9.37238
41	do.....	Texas Gas Trans. Co.....	G-13829.....		12.7964	12.7964	12.7964
42	South Lewisburg, La.....	United Gas Pipeline Co.....	G-14247.....	RI62-320.....	20.25	20.25	* 20.25
43	Ramos, La.....	Texas Gas Trans. Co.....	G-14509.....	RI62-320.....	20.75	21.75	* 20.625
54	Felice Bayou, La.....	Southern Nat. Gas Co.....	CI60-489.....	RI63-147.....	20.625	22.75	20.625
46	Bayou Boullion, La.....	do.....	G-13135.....		23.25	23.25	20.00
49	Gross Tete, La.....	Coastal.....	G-11450.....	RI62-507.....	19.75	20.75	19.75
50	Timballer Bay, La.....	Tennessee Gas Trans. Co.....	G-18043.....	G-19538.....	18.50	23.09167	(?)
52	Calcasieu Pass, La.....	United Fuel Gas Co.....	G-19457.....	RI61-217..... RI62-89 RI63-118	19.50	20.7	19.5
55	South Pecan Lake, La.....	do.....	CI60-501.....		19.50	19.50	19.50
56	Go Around Bayou, La.....	do.....	CI60-522.....		19.50	19.50	19.50
<i>North Louisiana area</i>							
11	Delhi, La.....	Texas Eastern Trans. Co.....	G-4582.....	G-16634.....	15.2712	15.2712	15.2712
13	Hico Knowles, La.....	Mississippi River Fuel Co.....	G-4583.....		13.703	13.703	13.703
35	Greenwood-Waskom, La.....	Texas Eastern Trans. Co.....	G-11668.....	G-14375..... G-16634 G-19772 RI61-365 RI62-263 RI63-106	15.3905	16.6212	15.75
<i>Oklahoma other area</i>							
8	West Edmond, Okla.....	Cities Service Gas Co.....	G-4362.....		10.50	10.50	10.50
58	Northeast Waynoka, Okla.....	do.....	CI61-780.....		13.00	13.00	13.00
<i>Oklahoma Panhandle area</i>							
29	McFarland Unit, Okla.....	Natural Gas Pipeline Co.....	G-10274.....	RI61-257.....	* 15.00	* 15.00	* 15.00
31	Clapp, Okla.....	Panhandle Eastern Pipe Line Co.....	G-10623.....	RI62-86.....	12.2827747	13.1760074	11.3894829

See footnotes at end of table.

APPENDIX A

SOHIO PETROLEUM COMPANY—DOCKET NO. G-8488, ET AL.—continued

Rate schedule No.	Area and field	Purchaser	Docket No.		Last accepted rate ¹	Rate in effect ¹	Settlement rate ¹
			Certificate	Sec. 4(e) rate increase			
<i>Oklahoma Panhandle area—Con.</i>							
32	Wacker Unit, Okla.	Natural Gas Pipeline Co.	G-10773	G-12205 G-19255 RI60-172 RI61-363 RI62-361	16.00	17.20	16.00
33	Robinson Unit, Okla.	do	G-11086	G-12205 G-19255 RI60-172 RI61-365 RI62-361	16.00	17.20	16.00
36	Mocane, Okla.	Colorado Interstate Gas Co.	G-12719	RI62-428	15.00	16.00	15.00
37	Camrick, Okla.	Natural Gas Pipeline Co.	G-12839	G-15399 RI60-255 RI61-455 RI62-428	16.20	17.20	16.2
38	Light, Okla.	Panhandle Eastern Pipe Line Co.	G-13334	RI62-428	15.00	16.00	15.00
39	Loffland, Okla.	do	G-13393	RI62-80	12.282775	13.1760674	12.282775
59	East Camrick, Okla.	Natural Gas Pipeline Co.	C161-1662	RI62-361	17.00	17.20	17.00
61	Mocane, Okla.	Panhandle Eastern Pipe Line Co.	C162-596	RI63-174 ⁴	16.00	16.00	16.00
76	Beaver County, Okla.	Northern Natural Gas Co.	C163-411		17.00	17.00	17.00
<i>Montana-Wyoming area</i>							
2	Manderson, Wyo.	Montana-Dakota Utilities Co.	G-2588		11.65	11.65	11.65

¹ Louisiana and Wyoming rates at 15.025 psia; all other rates at 14.65 psia unless otherwise noted. All rates include tax reimbursement, if any.
² Sohio has not collected any refundable monies under any of these rate schedules subsequent to Sept. 1, 1961, and has either sold or abandoned the properties involved.
³ Sohio shall eliminate the favored-nation and price redetermination provisions contained in these rate schedules.
⁴ Sohio shall eliminate the favored-nation, price redetermination and periodic escalation clauses contained in this rate schedule.

⁴ Refund provisions of this order shall apply to Supplement 6 of Rate Schedule No. 42 and Supplement 3 of Rate Schedule 43 since Sohio was not required to make refunds for these Supplements in the order issued November 13, 1963 in Union Texas Petroleum et al. Docket Nos. G-13221 et al.
⁵ Subject to Btu adjustment.
⁶ Subject to Btu adjustment but not to exceed the applicable area ceiling.
⁷ The proposed increased rate of 17.00 cents per Mcf, which is the subject of this docket, has never been placed in effect, the suspension period having terminated June 1, 1963.

APPENDIX B

PENDING CERTIFICATE APPLICATIONS, SOHIO PETROLEUM COMPANY—DOCKET NO. G-8488, ET AL.

Rate sched. No.	Area and field	Purchaser	Date of contract	Docket No.		Initial rate ¹	Increased rate ¹	Rate in effect ¹	Settlement rate ¹
				Certificate	Sec. 4(e) rate increase				
<i>Oklahoma Panhandle area</i>									
47	Laverne, Okla.	Michigan Wisc. P. L. Co.	12-24-58	G-17791		17.00		17.00	17.00
51	Nocane-Laverne	Northern Nat. Gas Co.	8-1-59	G-19421	RI 62-521	15.00	16.00	16.00	15.00
53	Keyes, Okla.	Colorado Interstate Gas Co.	9-1-59	G-20101		16.00		16.00	16.00
<i>Texas Railroad Commission District No. 4</i>									
72	Lopena, Tex.	Tennessee Gas Trans. Co.	10-3-61	CI62-826		17.24		17.24	17.24

¹ All rates are at 14.65 psia. All rates include tax reimbursements, if any.
² The settlement rate, in each instance, is subject to adjustment for Btu content in accordance with contractual provisions.
³ Maximum rate including upward Btu adjustment shall not exceed 17.0 cents per Mcf.
⁴ Rate shall be subject to the final determination in Amerada Petroleum Corporation Docket Nos. CI62-1544 et al. and to refund the difference between the settlement rate and rate ordered in Amerada from the date of this order.

[F.R. Doc. 64-94; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. G-8969 etc.]

TEXACO INC.

Order Approving Rate Settlement Proposal, Terminating Proceedings and Prescribing Refunds

DECEMBER 30, 1963.

There is before us for consideration a motion for approval of settlement proposal and termination of proceedings filed on November 12, 1963, by Texaco Inc. (Texaco) encompassing the rates for 173 of Texaco's currently effective FPC gas rate schedules.

Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration.

In summary, the settlement proposal as filed by Texaco provides:

¹ The additional dockets involved herein are set forth in Appendices A, B, and C below.

(1) Settlement rates, including tax reimbursement, are equal to or less than the Commission's applicable area ceilings, with four exceptions hereinafter discussed;

(2) Texaco waives the right to file for contractually authorized increased rates until March 1, 1966. Texaco reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Amendment of Texaco's Rate Schedule Nos. 54, 55 (basic acreage), 56, 57, 58, 59, 128, 130, 131, 132, 137, 138, 139, 141, 150, 154, 193, 257, 260, 261, 262 and 263 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein;

(4) Refunds, with interest at the applicable rates, under rate schedules

where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with January 1, 1961, to the date of issuance of this order;

(5) Exclusion from the settlement proposal of all Permian Basin sales, sales related to previous offers of settlement accepted by the Commission, two sales recently certificated in Texaco Seaboard Inc., et al., Docket Nos. CI61-118, et al., Opinion No. 383, issued March 27, 1963, 29 F.P.C. 593, two sales, and three proceedings which only involve added acreage, presently involved in Sunray DX Oil Co., et al., Docket Nos. G-4281, et al., one sale involved in separate settlement negotiations and one involving a sale to another producer whose resale rate is under suspension.

In support of its proposal, Texaco states that the settlement rates, refunds,

moratorium periods and other provisions thereof, not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences have utilized cost of service studies and revenues based on contract rates to determine Texaco's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after January 1, 1961. Texaco proposes, as noted above that refunds be made up to and including the date of issuance of this order, with applicable interest to be paid on the refunds to November 30, 1963. The refunds will be approximately \$7,000,000 inclusive of interest. Texaco's future revenues will be decreased approximately \$2,600,000 annually as a result of the settlement.

Under the refund provisions of this order, Texaco would ordinarily have been required to refund certain sums of monies to Colorado Interstate Gas Company (Colorado Interstate) which may take the position that it is not presently under obligation to flow-through to its jurisdictional customers their proportionate share of the amount it will receive from Texaco. For the reasons set forth in our Order in Hunt Oil Co. Docket Nos. G-9065, et al., order issued July 16, 1963, ----- F.P.C. -----, we shall condition our approval of this settlement proposal to require Texaco to retain (without further interest obligation) the refunds due to Colorado Interstate in a special account and shall direct Colorado Interstate to submit a report setting forth what it intends to do with the refunds if they are made to it, and, if it proposes not to pass them on to its customers, why it believes it was entitled to these funds. Additionally, and for the same reasons, we shall require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Texaco and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such sums on to their customers, why they believe they are entitled to retain such funds.

Settlement rates which are exceptions to the applicable area ceilings are proposed by Texaco for four sales of natural gas made by it in south Louisiana, two covering sales to United and the other two covering sales to United Fuel Gas Company (United Fuel).²

One of the sales made to United is made under Texaco's FPC Gas Rate Schedule No. 223 from the Houma and Hollywood Fields, Terrebonne Parish, Louisiana. Prior to June 2, 1960, this sale was made under an eight-year contract which was to expire in 1960. On

June 2, 1960, the parties entered into a new contract for a twenty-year term, under which Texaco dedicated substantial additional acreage, which resulted in increased annual deliveries under this contract of approximately thirty percent. The current rate for gas sold under the renegotiated contract is 23.25 cents per Mcf, while the settlement rate is 17.5 cents per Mcf. The proposed settlement rate, therefore, exceeds the increased rate ceiling, but is below the initial rate ceiling. In view of the above circumstances surrounding this sale, we find the settlement rate of 17.5 cents per Mcf to be proper and approve the same.³

The second sale to United is made under Texaco's FPC Gas Rate Schedule No. 102 from the Duck Lake Field, St. Mary, and St. Martin Parishes, Louisiana, where the increased rate of 22.95 cents per Mcf, now being charged subject to refund, is proposed to be reduced to 18 cents per Mcf. The initial rate under which this sale was made was 13.5 cents per Mcf, however, this rate was for a period of approximately one year, at which time the contract provided that the rate would escalate to 21.2 cents per Mcf. During that period of time, the Supreme Court issued its opinion in Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672, and when Texaco subsequently filed for the agreed upon 21.2 cents it was suspended by order of the Commission, the Texas Company, Docket No. G-9576 (order issued October 28, 1955). The rate agreed upon by the parties is below the applicable area initial ceiling. We have considered all of the circumstances surrounding this sale and find them to be similar to others where we have in such circumstances, regarding other sales made in the same field, found the increased rate to be in the nature of an initial rate, the Ohio Oil Company, et al., Docket Nos. RI60-92, et al., 27 F.P.C. 1373; Cities Service Company, et al., Docket Nos. G-8921, et al., 28 F.P.C. 1108; R. H. Goodrich, et al., Docket Nos. G-8977, et al., 29 F.P.C. 397; and Hunt Oil Company, Docket Nos. G-9065, et al. (order issued July 16, 1963), ----- F.P.C. -----.

The first sale to United Fuel is made by Texaco under its Rate Schedule No. 2 from ten fields located in four south Louisiana parishes. This sale is made under a contract, dated May 22, 1953, which contained no acreage dedication, but contained a provision for a firm sales commitment of 15,000 Mcf per day. During 1960, Texaco developed additional reserves in the area and contractually increased the minimum contract to 30,000 Mcf per day. Texaco is presently selling and delivering approximately 70,000 Mcf per day to United Fuel at a rate of 20.7 cents per Mcf. Texaco proposes that the rate be reduced to 17.5 cents for the first 15,000 Mcf delivered daily (the initial contract quantity), and 19.9 cents per Mcf (the contract rate when the additional commitment was made) for the remaining daily deliveries.

² See: Shell Oil Co., et al., Docket Nos. G-9446, et al., 28 F.P.C. 257; Gulf Oil Corp., et al., Docket Nos. G-9520, et al., 29 F.P.C. 837; and Sinclair Oil & Gas Co., Docket Nos. G-9291, et al., for similar circumstances where exceptions to the applicable area ceiling were granted.

The assumption by Texaco of this contractual obligation to sell and deliver to United Fuel twice the original daily contract commitment, and the fact that it has been, and is now delivering twice that amount, was regarded by the parties to the settlement negotiations as being in the nature of a dedication of acreage, and an addition thereto. In view of the unique circumstances surrounding this sale, we find the settlement rates to be proper and approve the same.

The second sale to United Fuel is made by Texaco in the Valentine Field, La Fourche Parish, Louisiana. This sale is made under a contract entered into on May 22, 1953 (Texaco's Rate Schedule No. 3) and subsequent additions of acreage dedicated under said contract have substantially increased the dedicated reserves resulting in substantial increases in annual deliveries. For the reasons stated regarding Texaco's Rate Schedule No. 223, supra, and the exception approved for the proposed rate thereunder, and considering the circumstances surrounding this sale, we find Texaco's proposed reduction in rate from 20.7 cents to a settlement rate of 18.5 cents per Mcf to be proper and approve the same.

The settlement proposal also includes other rates for which issuance of related permanent certificates is pending; some of which are for deliveries presently being made under temporary authority.⁴ We propose to set such proceedings for abridged hearing in accordance with section 7 of the Natural Gas Act indicating that the settlement rates, as provided for herein shall be the initial price.

On December 12, 1963, The Public Service Commission of the State of New York (PSC) filed its response to Texaco's settlement proposal. PSC confined its response to four specific features of the proposal. We shall consider them seriatim. First, PSC states that Article III, paragraph 1.(a) " * * * purports to reserve unto Texaco the right to file for increases above the settlement levels if 'at any time' the applicable Statement of General Policy No. 61-1 levels are higher." We interpret this provision as reserving to Texaco only the right, if contractually authorized, to file an increase to the increased rate level provided by order or rule of the Commission and not to have any relation to initial price levels.⁵

Second, PSC notes that the settlement rate for Texaco's Rate Schedule No. 311, covering a sale in Duval County (Railroad District No. 4), Texas, in the Lundell Field is the permanently certificated rate of 16 cents per Mcf. The contract for this sale was entered into on March 3, 1963, and a permanent certificate was issued for this sale consistent with the guide line price established by the Fifth Amendment to our Statement of General Policy No. 61-1, issued August 30, 1962. Since no proceeding has

⁴ See Appendix B below.

⁵ On Dec. 13, 1963, Texaco filed a telegram in answer to PSC's response stating: "Texaco has never considered the referenced language (Article III, Paragraph 1(a)) as granting the right for immediate filing of settlement prices under initial price ceilings and has reserved only the right for increased price filings under the then applicable increased price ceiling."

³ United and United Fuel each had representatives who attended and actively participated in the settlement negotiations herein.

ever been initiated under section 5(a) of the Act against Texaco alone, the only proceeding wherein the subject rate is under review by this Commission is the Texas Gulf Coast Area Proceedings, AR64-2 (order issued November 27, 1963), and the lawfulness of the rate will be determined in that proceeding. Therefore, pending our final determination in that proceeding, we shall accept the settlement rate.

Third, PSC comments upon Texaco's Rate Schedule No. 6 involving a sale to United Fuel from the Erath Field in southern Louisiana. Texaco proposes to reduce its rate for this sale from 23.675 cents to 21.25 cents per Mcf. And, fourth, PSC notes that Texaco proposes to settle its Rate Schedule No. 186, covering a sale to Southern Natural Gas Company from the Felice Bayou Field in southern Louisiana at the permanently certificated price of 20.75 cents per Mcf. In regard to both of these sales it must be emphasized that both are permanently certificated, that the proposed moratorium period will apply to these sales, that the Erath Field settlement rate will result in a reduction in purchased gas cost annually of \$315,000 to United Fuel, that no section 5(a) proceeding respecting these rates is pending against Texaco other than area rate proceeding, Docket No. AR61-2, and, therefore, any action to be taken by this Commission other than approval of the proposed settlement rates must await the outcome of that area proceeding. Consequently, since each of said rates are subject to the outcome of that proceeding, and by approving the proposed settlement rates a substantial and immediate benefit will enure to the consuming public, we find that the proposed rates are proper and approve the same.

Further, PSC notes that in its settlement proposal (Article V, paragraph 3, page 10) Texaco states that by submitting its proposal "Texaco is not to be bound or prejudiced in any proceeding, negotiation or matter as to any principle or method involved or presumed to be involved in determining the settlement rates provided for * * *." PSC states that it has been of the belief that the same privilege must pertain to any other party to proceedings in which a settlement proposal is filed, whether a participant in conferences, a silent bystander or signatory. PSC is correct. Section 1.18(e) of our rules of practice and procedure so provide, and in each of our orders approving a settlement we specifically so order (see for example, the order in Hunt Oil Company, Docket Nos. G-9065, et al., issued July 16, 1963, F.P.C. -----). Certainly, neither PSC by being a "silent bystander" in past settlement negotiations, whether they are successful or not, nor may any other party or participant, can be said to have agreed or disagreed to any principle or method involved in attempting to reach agreement. Nor do settlements prevent parties in other proceedings from arguing their positions as to the legal effect of settlements on the rates in such other proceedings.

The foregoing has discussed all of the major comments filed by the Memphis

Light, Gas and Water Division of the city of Memphis, Tennessee, Long Island Lighting Company and the Philadelphia Electric Company. Comments were also filed by the Minnesota Valley Natural Gas Company. The latter company indicated support and approval of the settlement proposal.

We believe the instant settlement proposal, as herein modified, and in other particulars not specifically noted or set forth herein, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate proceedings, involving Texaco's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on November 12, 1963, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed November 12, 1963, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in Appendix A below are approved and such rates shall be effective as of the date of issuance of this order.

(C) The settlement rates approved herein shall be applicable during the moratorium period herein provided for to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Texaco, its successors or assigns.

(D) The pending certificate proceedings indicated in Appendix B below shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act.

(E) Within 90 days from the date of this order, Texaco shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(F) Within 90 days from the date of this order, Texaco shall (1) refund (except as provided by Paragraph I hereof), with interest as specified in each docket computed to November 30, 1963, the difference between the rates collected subject to refund, on and after January 1, 1961, and the related settlement rates to the date of this order; and (2) report to the Commission, in writing, the amount of refunds made to each of its purchasers or withheld under Paragraph

I hereof, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as approved herein.

(G) Docket Nos. G-13155, G-13162, G-13190, G-14062, G-14096, G-16413 and G-16536 (related to sales made by Texaco in the Permian Basin) are hereby severed from the consolidated proceedings in Docket Nos. G-8969, et al.

(H) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to each of its pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission: *Provided, however*, That United shall not be required to pay interest on such funds.

(I) Texaco shall retain the refund due to Colorado Interstate Gas Company, which it shall have computed in accordance with Paragraph (F) above, in a special account, with no further interest obligation after November 30, 1963, pending Commission action and further order respecting such monies.

(J) Any party to the proceedings or settlement negotiations having objections to the terms of this order shall within 30 days from the date of issuance of this order set forth such objections in writing to the Commission (original and one copy), and by serving copies on the other parties.

(K) If as a result of any objections filed pursuant to Paragraph J hereof, the Commission by subsequent order changes Texaco's duties and obligations hereunder, Texaco's acceptance of this settlement order shall not be binding on it without its express agreement.

(L) Upon full compliance by Texaco with all the terms and provisions of this order applicable to it, the section 4(e) proceedings listed in Appendix A hereto shall terminate.

(M) Upon termination of the section for (e) proceedings listed in Appendix C hereto, in accordance with Paragraph (L) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61-2, AR64-1 and AR64-2, respectively.

(N) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Texaco, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Texaco or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

NOTICES

APPENDIX A

TEXACO INC.—DOCKET NOS. G-8069 ET AL.

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement)		
	Field	Purchaser	Certificate	Rate	Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
<i>Colorado—15.025 psia</i>							
45	Hiawatha	Mountain Fuel	G-4650		12.0		12.0
46	Mt. Hope-Padroni	Kansas-Nebraska	G-4651	G-18702	*12.826	13.742	13.0
1127	Greenwood	Colorado Inter.	G-8087		*15.384		*15.0
135	Graylin, Luft, Northwest Graylin	Kansas-Nebraska	G-9166		*3.66		3.66
174	Hiawatha	Mountain Fuel	G-13814		12.0		12.0
207	Surveyor Creek	Kansas-Nebraska	G-20132		*12.825		12.825
206	do	do	G-20105		*9.17		9.17
197	Ignacio Blanco	El Paso Natural	G-18902		*12.00465		*13.0
<i>Wyoming—15.025 psia</i>							
149	Table Rock	Colorado Inter.	G-10339	RI63-225	*15.384	16.410	15.384
196	Garland	Montana Dakota	G-18822		*8.5		8.5
211	La Barge	El Paso Natural	C160-32 T	RI61-16	15.384	*13.974	15.384
288	Patrick Draw	Colorado Inter.	C161-1760	RI63-347	*15.384	*16.410	15.384
307	State Line Unit	Mountain Fuel	C163-688		*15.0		15.0
310	Table Rock	Colorado Inter.	C163-1196 T		*15.384		15.384
	Alkali Butte	Kansas-Nebraska	C163-1206 A		*15.384		15.384
<i>New Mexico-San Juan Basin— 15.025 psia</i>							
22	Gallegos Canyon Unit	El Paso Natural	G-4616		11.00124		11.00124
26	Blanco (Mesa Verde)	do	G-4616		12.00135		*13.0
27	San Juan Basin (Picture Cliffs)	do	G-4616		11.00124		11.00124
205	Blue Hills Paradox	do	G-20028		*11.0		11.0
210	Bisti	do	C160-9		*13.0		13.0
290	Basin Dakota	do	C162-1181 T		*13.0		13.0
<i>Undesignated</i>							
183	Aneth Ismay	do	G-15153		17.7		17.7
298	Aneth	do	C162-1315 T		17.7		17.7
297	Lignite Plant	Montana-Dakota	C161-1687		16.0		16.0
<i>Texas RR Comm. District No. 2— 14.65 psia</i>							
61	South Cottonwood Creek	Texas Eastern	G-4820		10.86048		10.86048
124	McFaddin	United Gas	G-5933	G-15007 RI62-434	6.82494	14.7125	14.0
						15.7825	
220	North Fannin	Valley Gas	C161-65		*12.0		12.0
265	South Cottonwood Creek	Texas Eastern	G-7057		10.86048		10.86048
283	Boyce	United Gas	G-7054		12.1848		12.1848
284	Boyce (Altman)	do	G-7053		12.1848		12.1848
285	South Porter	do	G-7392		12.1848		12.1848
<i>Texas RR Comm. District No. 3— 14.65 psia</i>							
91	Old Ocean	Natural Gas PL	G-4820		11.5539		11.5539
132	Chesterville	Tennessee Gas Trans.	G-4820	G-18518	13.2782	15.95016	11 14.6
131	Deckers Prairie	do	G-4820	G-18563	13.49751	16.16947	11 14.6
1	Chocolate Bayou	Natural Gas PL	G-3648	G-9161 M G-10884 M G-13065 M G-15999 M	*15.3459	15.5478 15.7496 15.952 17.153	15.3459
128	Southwest Hutchins	Tennessee Gas Trans.	G-5389	G-18518	*13.49751	16.16947	11 14.6
137	Nelsonville	do	G-9403	G-17283	13.2782	14.41778	11 14.6
141	Rock Island	do	G-9743	G-18518 G-17283 G-18518	*13.2782	15.95016 14.41778 15.95016	11 14.6
235	Nelsonville	do	C161-1078 T		*10 16.16947		16.0
248	Pheasant and South Pheasant	Valley Gas	C162-280		*14.0		14.0
257	Chesterville	Tennessee Gas Trans.	G-7056	G-18519	*13.2782	15.95016	11 14.6
<i>Texas RR Comm. District No. 4— 14.65 psia</i>							
59	Government Wells	Tennessee Gas Trans.	G-4820	G-19897 RI60-268	*12.12268	15.0952	11 14.6
58	Hagist Ranch	do	G-4820	G-19897	*12.12268	17.24347	11 14.6
57	do	do	G-4820	G-19897	*12.12268	17.24347	11 14.6
56	La Reforma	do	G-4820	G-19897	*12.12268	15.0952	11 14.6
55	Raymondville	do	G-4820	RI60-268	*12.12268	17.24347	11 14.6
	Raymondville—added acreage	do	G-4820	G-19897	17.24347	17.24347	15.0
54	Santellana	do	G-4820	RI60-233	13.125	17.24347	11 14.6
94	La Gloria	Transco	G-4820		8.890883		8.890883
93	La Gloria	Natural Gas PL	G-4820		9.9989		11 10.8198
130	Magnolia City	Tennessee Gas Trans.	G-8718	RI60-366	*12.12268	17.24347	11 14.6
134	Alfred	Alfred Prod.	G-8831		*9.0864		9.0864
139	Odem	Tennessee Gas Trans.	G-9691	RI60-180	13.125	17.24347	11 14.6
138	North Rincon	do	G-9705	RI60-180	13.125	17.24347	11 14.6
150	Piedre Lumbré	do	G-10547	RI60-180	13.125	17.24347	11 14.6
154	Lacopita	do	G-10992	RI60-180	13.125	17.24347	11 14.6
157	Alfred	Alfred Prod.	G-11478		11.1056		11.1056
193	Seeligson	Tennessee Gas Trans.	G-17971	G-19897 RI60-268	*12.12268	15.0952	11 14.6
199	Corpus Channel Northwest	United Gas	G-19018		15.0		15.0
208	East Plymouth	Banquette Gas	G-20137		*7.0896		7.0896
212	East Taft	Texas Eastern	C161-70		*14.6		14.6
228	Thompsonville Northeast	Natural Gas PL	C161-677 T		18.0		15.0
245	Gulierrez	South Texas Nat'l	C162-63 T		*15.0		15.0
258	Odem	Transco	G-7064		8.890883		8.890883
259	Luby-Petronilla	do	G-7063		8.890883		8.890883

See footnotes at end of table.

APPENDIX A—continued

TEXACO INC.—DOCKET NOS. G-8969 ET AL.—continued

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement)		
	Field	Purchaser	Certificate	Rate	Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
	<i>Texas RR Comm. District No. 4— 14.65 psia—Continued</i>						
260	Plymouth	Tennessee Gas Trans.	G-7065	G-19898 R160-269	*12.12268	15.0952 17.24347	14.6
261	Spartan	do	G-7069	G-19898 R160-269	*12.12268	15.0952 17.24347	14.6
262	Riverside	do	G-7066	G-19898	11.90337	17.02416	14.0
263	Seven Sisters	do	G-7067	G-19898 R160-269	*12.12268	15.0952 17.24347	14.6
279	East Mustang Island	Florida Gas	G-18887 ^T	R162-486	*16.5	17.5	15.0
281	South Clara Driscoll	do	G-11213	R162-486	*16.5	17.5	15.0
302	Rolling Hills	Texas Eastern	CI63-266		*15.0		15.0
311	Lundell	Natural Gas PL	CI63-1364		*16.0		16.0
	<i>South Louisiana—15.025 psia</i>						
102	Duck Lake	United Gas P. L.	G-4821	G-8969 ³⁵ G-9576 ³⁵ G-11333 ³⁵ G-13466 ³⁵	14.25	15.25 21.95 22.15 22.95	18.0
223	Houma	do	G-4821	R161-89 ³⁵	10.4970	23.25	17.5
6	Erath	United Fuel Gas	G-3046	G-9693 ³⁵ G-11301 ³⁵ G-13570 ³⁵ G-16597 ³⁵ G-20012 ³⁵	21.5	21.7 21.9 22.1 22.3 23.675	21.25
4	East Mud Lake	do	G-3643	G-9595 ³⁵ G-11322 ³⁵ G-13435 ³⁵ G-16596 ³⁵ G-19917 ³⁵ R161-150 ³⁵ R162-157 ³⁵ R163-79	17.5	17.9 18.3 18.7 19.1 19.5 19.9 20.3 20.7	17.5
3	Valentine	do	G-3644	G-9593 ³⁵ G-11324 ³⁵ G-13434 ³⁵ G-16597 ³⁵ G-19916 ³⁵ R161-149 ³⁵ R162-156 ³⁵ R163-78	17.5	17.9 18.3 18.7 19.1 19.5 19.9 20.3 20.7	18.5
5	Bayou Sale and Horseshoe Bayou	do	G-3645	G-9596 ³⁵ G-11323 ³⁵ G-13435 ³⁵ G-16596 ³⁵ G-19917 ³⁵ R161-150 ³⁵ R162-157 ³⁵ R163-79	17.5	17.9 18.3 18.7 19.1 19.5 19.9 20.3 20.7	17.5
2	Paradis	do	G-3647	G-9594 ³⁵ G-11321 ³⁵ G-13433 ³⁵ G-16598 ³⁵ G-19918 ³⁵ R161-148 ³⁵ R162-155 ³⁵ R163-77	17.5	17.9 18.3 18.7 19.1 19.5 19.9 20.3 20.7	17.5 1st 15 MMCF/D 19.9 All Over 15 MMCF/D
146	Bayou Penchant	Tennessee Gas Trans.	G-10021	G-19897 ³⁵ R161-237 ³⁵	18.5	23.09167 23.6	18.5
145	Main Pass Blk. 35	do	G-10026	G-19897 ³⁵ R161-237 ³⁵	18.5	23.09167 23.6	18.5
186	Felice Bayou	Southern Nat'l	G-15038		*20.75		20.75
187	Atchafalaya	Tennessee Gas Trans.	G-16988	G-19897 ³⁵ R161-237 ³⁵	*18.5	23.09167 23.6	18.5
190	Ragley	Trunkline	G-17380	G-20433 ³⁵	*18.1	23.5	18.1
194	Welsh	United Gas P. L.	G-18174	R163-424	*20.25	17.0	20.25
200	Midland	United Fuel Gas	G-19121	G-19917 ³⁵ R161-150 ³⁵ R162-157 ³⁵ R163-79	*19.1	19.5 19.9 20.3 20.7	19.1
262	Big Lake	Am.-La. PL Co.	CI62-544		19.75		19.75
270	Live Oak	Tranco	G-8438	G-17613 ³⁵	18.05	23.55	17.5
275	Maurice	United Gas P. L.	G-11970	R162-416	20.25	22.25	20.25
	<i>Oklahoma-Panhandle Area—14.65 psia</i>						
164	Northeast Greenough (see Kansas area)	Panhandle East	G-12455	R162-486	*16.0	17.0	16.0
172	South Greenough	do	G-13750	R162-374	*15.0	16.0	15.0
185	Southeast Griggs (see Kansas area)	Transwestern	G-17379 ^T		*17.0		17.0
195	Camrick Southeast	Natural Gas PL	G-18652	R161-394 R162-347 R163-347	*16.6	17.0 17.2	16.6
196	do	do	G-18898	R161-394 R162-347 R163-347	*16.6	17.0 17.2	16.6
224	Northeast Carthage	Panhandle East	CI61-288		*15.0		15.0
229	Northwest Dower	Natural Gas PL	CI61-763	R162-347 R163-347	*16.8	17.2 17.0	16.8
255	Guymon Hugoton	Cities Service	CI62-712		*11.0		11.0
289	Mocane	Panhandle East	CI62-1018 ^T		*17.0		17.0
10	Guymon-Hugoton	Northern Nat'l	G-4616	G-15538	*9.8262	12.0	11.0
11	do	do	G-4616	G-15538	*9.8262	12.0	11.0
12	do	do	G-4616		*15.0		15.0
13	do	Kansas-Nebraska	G-4616		11.0		11.0

See footnotes at end of table.

APPENDIX A—continued

TEXACO INC.—DOCKET NOS. G-6969 ET AL.—continued

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement)			
	Field	Purchaser	Certificate	Rate	Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate	
	<i>Oklahoma-Panhandle Area— 14.65 psia—Continued</i>							
136	Guymon-Hugoton	Panhandle East	G-4616		*9.8262		¹⁴ 10.8262	
15	do	Cities Service	G-4616	G-14261 ²⁵ G-20080	*9.8262	13.0 20.0	11.0	
42	Hugoton (see RR Comm. District 10).	Phillips	G-4616		*6.1949056		6.1949056	
133	Camrick S.E. (see RR Comm. District 10).	Natural Gas P.L.	G-8820	G-11710 ²⁵ G-12207 ²⁵ G-12506 ²⁵ G-12635 ²⁵ G-14248 ²⁵ G-14620 ²⁵ G-14935 ²⁵ G-15071 ²⁵ G-17430 G-17996 G-18413 G-18564 R160-21 R160-183 R160-326 R160-359 R161-333 R161-393 R161-450 R161-607 R162-284 R162-346 R162-410 R162-434 R163-297 R163-349 R163-404 R163-418		*16.0	16.2 16.2 16.2 16.2 16.4 16.4 16.4 16.4 16.6 16.6 16.6 16.6 16.8 16.8 16.8 16.8 17.0 17.0 17.0 17.0 17.2 17.2 17.2 17.2 17.2 17.4 16(17.4) 16(17.4) 16(17.4)	16.0
142	Guymon-Hugoton	Panhandle East	G-9779		*9.8262		¹⁴ 10.8262	
148	Mocane	Colorado Inter.	G-10302	R162-430	*15.0/ MMBTU	17.0/ MMBTU	¹⁷ 15.0/ MMBTU	
152	Forgan	Panhandle East	G-10724		*15.0		15.0	
166	Camrick	Kansas-Nebraska	G-12568	G-16796 G-19949 R161-149 R162-76 R163-124	*16.0	16.2 16.4 16.6 16.8 17.0	16.0	
¹⁶ 125	Keyes	Colorado Inter.	G-8087	G-17422	15.0/ MMBTU	16.0/ MMBTU	¹⁷ 15.0/ MMBTU	
	<i>Carter-Knox—14.65 psia</i>							
249	Carter-Knox	Lone Star Gas	CI62-335		*16.8		16.8	
	<i>Other Oklahoma—14.65 psia</i>							
163	Doyle-Harrell "B"	do	G-4824		*5.36		5.36	
161	Northeast Waynoka	Cities Service	G-12244	G-20080	*20 12.0	13.0	12.0	
	Northeast Waynoka—added acreage	do	G-12244		*25 13.0		13.0	
	do	do	G-12244		*20 13.0		13.0	
	do	do	G-12244 ^T		*20 13.0		13.0	
	do	do	G-12244 ^T		*20 13.0		13.0	
	do	do	G-12244		*20 13.0		13.0	
163	Medford	do	G-12162	G-20080	*20 12.0	13.0	12.0	
165	Waterloo No.	do	G-12534	R163-220	*11.0	12.0	11.0	
253	Ringwood	Okla. Nat'l.	CI62-509		*15.0		15.0	
301	West Marlow	Ark.-La. Gas Co.	CI63-307		*15.0		15.0	
305	Stage Stand Southeast	Lone Star Gas	CI63-1438		*15.0		15.0	
312	Sterling Southeast	Cities Service			15.0/ MMBTU	²² 16.0/ MMBTU	²³ 15.0/ MMBTU	
¹⁹ 188	Southwest Enville	Cimarron Trans.	G-17015	R163-468				
	<i>Kansas—14.65 psia</i>							
100	Moscow and Pleasant Valley	Cities Service	G-4824	G-19319	*11.0	20.0	11.0	
98	Hugoton	Kansas-Nebraska	G-4824		*11.0		11.0	
112	do	Northern Nat.	G-4824		*11.0		11.0	
111	do	do	G-4824		*11.0		11.0	
110	do	do	G-4824	G-15538	*11.0	12.0	11.0	
109	do	do	G-4824	G-15538	*11.0	12.0	11.0	
108	do	do	G-4824	G-15538	*11.0	12.0	11.0	
107	do	do	G-4824	G-15538	*11.0	12.0	11.0	
106	do	do	G-4824	G-15538	*11.0	12.0	11.0	
72	do	do	G-4824	R161-282	*11.0	15.0	11.0	
242	do	Panhandle East	G-4824		*11.0			
126	Greenwood	Colorado Inter.	G-8087	G-17422	²³ 15.0/ MMBTU	16.0/ MMBTU	²⁴ 15.0/ MMBTU	
129	Hugoton	Northern Nat.	G-8069	R161-102	*12.0	17.0	12.0	
147	Hugoton-Friend	do	G-10083	R161-108	*12.0	17.0	12.0	
164	Northeast Greenough (Singley- Sanders)—(See Oklahoma-pan- handle).	Panhandle East	G-12455	R162-486	*16.0	17.0	16.0	
²⁶ 167	Adams Ranch	Colorado Inter.	G-12710	R163-126	15.0/ MMBTU	16.0/ MMBTU	²⁴ 15.0/ MMBTU	
171	Hugoton	Panhandle East	G-13752	R163-220	*12.0	13.0	12.0	
173	Richfield	do	G-13751	R162-364	*16.0	17.0	16.0	
214	Southeast Griggs (Snake Creek) (see Oklahoma-Panhandle).	Transwestern	G-17379 ^T		*16.0		16.0	
247	Traffas	Cities Service	CI62-256		*13.0		13.0	
251	Hugoton	do	CI62-519		*12.0		12.0	
256	do	do	CI62-842		*11.0		11.0	
303	South Kismet	Panhandle East	CI63-349		*16.0(NAG)		16.0(NAG)	
		do			*14.0(AG)		14.0(AG)	
304	Mohler	do	CI63-374		*16.0		16.0	

See footnotes at end of table.

APPENDIX A—Continued

TEXACO INC.—DOCKET NOS. G-8069 ET AL.—continued

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement)		
	Field	Purchaser	Certificate	Rate	Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
Texas RR Comm. District No. 6—14.65 psia							
264	North Lansing	Ark.-La. Gas Co.	G-7062		12.5541		12.5541
287	Lassater	do	CI61-1589		12.5541		12.5541
300	Manziel	Lone Star Gas	CI62-1374	RI63-463	*14.49	** (16.56)	14.49
299	West Chapel Hill	do	CI63-1370	RI63-463	*14.49	** (16.56)	14.49
48	Bethany	United Gas P.L.	G-4822		** 10.8876		** 10.8876
47	Carthage	Texas Gas Trans.	G-4822		11.6288		11.6288
Texas RR Comm. District No. 10—14.65 psia							
185	East and West Panhandle	El Paso Natural	G-16287	RI63-237	*12.0	13.0	12.0
215	North Stratford	Transwestern	G-17378 [†]		17.0		17.0
201	Texas Hugoton	Phillips	G-10127		*12.0		12.0
213	do	do	CI60-313		*8.0		8.0
216	Hansford	Natural Gas P.L.	CI60-479	RI61-337	16.5	17.0	16.5
				RI62-294		17.2	
				RI63-297		17.4	
219	Texas Hugoton	Phillips	CI60-725		*8.0		8.0
225	Twin Morrow	Natural Gas P.L.	CI61-456	RI62-347	*16.0	17.0	16.0
226	West Panhandle	Natural Gas P.L.	CI61-459		*13.2		13.2
286	Dude Wilson	Transwestern	CI61-895 [†]		17.0		17.0
309	Hansford	Panhandle East	CI63-1111		*17.0		17.0
7	North Hutchinson	Northern Nat.	G-4616	G-13735 [‡]	*12.0768	13.0832	12.0768
				RI63-237		14.0896	
*9	West Panhandle	do	G-4616	G-20433	10.7458	11.7518	11.0
				RI60-446		11.3057	
				RI61-309		11.5530	
				RI61-529		11.6292	
				RI62-229		11.7168	
				RI62-486		11.8067	
				RI63-449		*(12.1116)	
8	do	do	G-4616	RI61-337	*8.0512	12.0768	11.0
42	Texas Hugoton (see Oklahoma Panhandle)	Phillips	G-4616		6.1949056		6.1949056
150	Texas Hugoton	do	G-4616		** 9.5		** 9.5
*39	do	do	G-4616		4.4665		4.4665
133	Hansford (Blakemore) (see Oklahoma Panhandle)	Natural Gas P.L.	G-8820	G-11710 [§]	*16.1536	16.3536	16.1536
				G-1428		16.55744	
				G-17430 [¶]		16.75936	
				RI60-21		16.96128	
				RI61-333		17.1632	
				RI62-284		17.36512	
				RI63-297		17.56704	
143	West Panhandle	Northern Nat.	G-9778	RI61-337	*8.0	12.0	11.0
153	do	Phillips	G-10945		*9.0		9.0
155	East Panhandle	do	G-11205		*7.0		7.0
158	Barlow	Northern Nat.	G-11682	RI62-252	*15.5	** 16.5	15.5
				RI63-199	** 16.5	17.5	15.5
159	Daniel	do	G-11683	RI63-237	*15.5	16.5	15.5
180	North Hutchinson and East Spearman	do	G-14359	RI63-407	*16.5	** (17.5)	16.5
184	Horizon	do	G-16107		*16.5		16.5
Mississippi—15.025 psia							
101	Baxterville	United Gas P.L.	G-4823	G-19430	11.9787	22.773	14.0
121	Maxie	do	G-4884	G-20186	*20.0	24.0	20.0

*Initial rate.
[†] Temporary authority issued. Permanent certificate not issued.
[‡] Application for certificate. Permanent certificate not issued.
[§] Rates shown are at 15.025 psia. Contract pressure base is 14.65 psia.
[¶] Rate not to exceed 15 cents/Mcf with upward Btu adjustment.
^{||} Total price 13 cents/Mcf inclusive of tax reimbursement and minimum guarantee for liquids.
^{|||} Increase to 18.974 cents applicable to only the initial acreage under contract. 15.384 cents applicable to added acreage.
^{||||} Change to 16.410 cents tendered 1-25-63. Suspended to 7-28-63 in RI63-347.
^{|||||} Original rate filed was 13.00135 inclusive of tax reimbursement and minimum guarantee for liquids.
^{||||||} Contract pressure base—15.025 psia.
^{|||||||} Contract pressure base—15.025 psia.
^{|||||||} Contract pressure base—14.73 psia.
^{|||||||} Subject to 0.21931 deduction for dehydration.
^{|||||||} Price is consistent with the Statement of General Policy No. 61-1, as amended, for sales under contracts w/o flexible price provisions. Texaco will amend its contracts accordingly and substitute 1 cent per Mcf fixed escalation for each five (5) year period until the end of the contract. (Not applicable to added acreage under Rate Schedule No. 55.)
^{|||||||} Filed for increase to 10.8198 cents/Mcf on 10-14-63.
^{|||||||} Change to 22.25 cents tendered 4-16-63. Suspended to 11-5-63 in RI63-424.
^{|||||||} Change to 17.4 cents tendered 1-29-63. Suspended to 8-21-63 in RI63-347.
^{|||||||} Change to 10.8262 cents per contract filed.
^{|||||||} Change to 17.4 cents tendered 1-29-63. Suspended to 9-27-63 in RI63-349. Change to 17.4 cents tendered 3-25-63. Suspended to 10-10-63 in RI63-404. Change to 17.4 cents tendered 4-17-63. Suspended to 11-5-63 in RI63-418.
^{|||||||} Total price inclusive of upward Btu adjustment not to exceed 17.0 cents/Mcf.
^{|||||||} Average Btu content—1120.
^{|||||||} Base acreage only. Added acreage consolidated in proceedings G-4281 et al.
^{|||||||} Prices shown are gross. Purchaser deducts 0.75 cent for dehydration.
^{|||||||} Average Btu content—1050.
^{|||||||} Increase to 16.0 cents tendered 5-28-63. Suspended to 12-1-63 in RI63-468.
^{|||||||} Total price inclusive of upward Btu adjustment not to exceed 15.0 cents/Mcf.
^{|||||||} Total price inclusive of upward Btu adjustment not to exceed 16.0 cents/Mcf.
^{|||||||} Average Btu content—985.
^{|||||||} Average Btu content—1054.
^{|||||||} Change to 16.56 cents tendered 5-27-63. Suspended until 12-1-63 in RI63-463.
^{|||||||} Change to 16.56 cents tendered 5-31-63. Suspended until 12-1-63 in RI63-463.
^{|||||||} Rate shown for gas well gas. Tax reimbursement varies with ratio of compressed gas versus gas well gas.
^{|||||||} Rates shown are at 14.65 psia. Contract pressure base is 16.4 psia.
^{|||||||} Change to 12.1116 cents tendered 5-17-63. Suspended until 12-1-63 in RI63-449.
^{|||||||} 9.5 cents/Mcf before .5 cent reduction for sour gas.
^{|||||||} Increase of 1 cent to 16.5 cents for waiver of processing rights.
^{|||||||} Change to 17.5 cents tendered 3-29-63. Suspended until 10-2-63 in RI63-407.
^{|||||||} Consolidated in Texaco Rate Proceeding Docket Nos. G-8069, Et Al.
^{|||||||} Consolidated in Area Rate Proceeding Docket Nos. AR61-2, Et Al.

APPENDIX B

TEXACO INC.—PENDING CERTIFICATE APPLICATIONS AND AMENDMENTS INCLUDED IN PROPOSED SETTLEMENT

Rate schedule-supplement No.	Area		Date of contract	Docket No.	Initial price*	Settlement price*
	Field	Purchaser				
	<i>Texas R.R. District 3</i>					
235	Nelsonville.....	Tennessee Gas Transmission Co.	9- 1-55	CI61-1078...	16.16947	16.0
	<i>Texas R.R. District 4</i>					
228	Thompsonville, Northeast.	Natural Gas Pipeline Co. of America.	9- 1-60	CI61-677....	18.0	15.0
245	Guitierrez.....	South Texas Natural Gas Gathering Co.	6- 1-61	CI62-63.....	15.0	15.0
279	East Mustang Island.	Florida Gas Transmission Co.	6-16-59	G-18887....	16.5	15.0
	<i>Texas R.R. District 10</i>					
215	North Stratford.....	Transwestern Pipeline Co.	12-10-58	G-17378....	17.0	17.0
286	Dude Wilson.....	do.	12-10-58	CI61-895....	17.0	17.0
	<i>Oklahoma—Other</i>					
161-5	Northeast Waynoka.....	Cities Service Gas Co.	6- 8-61	G-12244 ²	13.0	13.0
161-6	do.....	do.	3-22-61	G-12244 ²	13.0	13.0
	<i>Oklahoma-Panhandle</i>					
289-1	Mocane.....	Panhandle Eastern Pipeline Co.	11-21-62	CI62-1018 ¹	17.0	17.0
	<i>Kansas</i>					
214	Southeast Griggs.....	Transwestern Pipeline Co.	12-10-58	G-17379....	16.0	16.0
	<i>Wyoming</i>					
211-7	LaBarge.....	El Paso Natural Gas Co.	5- 9-63	CI60-32 ¹	15.384	15.384
310	Table Rock.....	Colorado Interstate Gas Co.	2-12-63	CI63-1196....	15.384	15.384
321	Alkali Butte.....	Kansas Nebraska Natural Gas Co.	1-14-63	CI63-1206....	15.384	15.384
	<i>San Juan Basin</i>					
290.....	Basin Dakota.....	El Paso Natural Gas Co.	3-28-62	CI62-1181....	13.00135	13.0
290-2.....	do.....	do.	9-24-62	CI62-1181 ²	13.00135	13.0
290-3.....	do.....	do.	4-30-63	CI62-1181 ³	13.00135	13.0
290-4.....	do.....	do.	6-28-63	CI62-1181 ³	13.00135	13.0
290-6.....	do.....	do.	10-16-63	CI62-1181 ³	13.00135	13.0
298.....	Aneth.....	do.	5-12-59	CI62-1315....	17.7	17.7

¹ Subject of 0.21931 cent per Mcf dehydration charge deduction.

² Petition to amend certificate to include additional acreage.

³ Inclusive of applicable tax reimbursement. Sales from San Juan and Wyoming are at 15.025 psia, other sales are at 14.65 psia.

⁴ Petition to amend certificate application to include additional acreage.

⁵ Includes 1.0¢ minimum for liquids.

APPENDIX C

TEXACO INC., DOCKET NOS. G-8969, ET AL.

Dockets Consolidated in AR61-2

G-8969	G-11333	G-19897	RI62-155
G-9576	G-11391	G-19916	RI62-156
G-9593	G-13433	G-19917	RI62-157
G-9594	G-13434	G-19918	RI62-416
G-9595	G-13435	G-20012	RI63-77
G-9596	G-13466	G-20433	RI63-78
G-9609	G-13579	RI61-89	RI63-79
G-11321	G-16596	RI61-148	RI63-424
G-11322	G-16597	RI61-149	
G-11323	G-16598	RI61-150	
G-11324	G-17613	RI61-237	

Dockets Consolidated in AR64-1

G-13735	G-20080	RI61-394	RI62-434
G-14248	G-20433	RI61-450	RI62-486
G-14251	RI60-21	RI61-507	RI63-124
G-14620	RI60-183	RI61-529	RI63-126
G-14935	RI60-326	RI62-76	RI63-199
G-15071	RI60-359	RI62-229	RI63-220
G-15538	RI60-446	RI62-252	RI63-297
G-16796	RI61-102	RI62-284	RI63-349
G-17422	RI61-108	RI62-294	RI63-404
G-17430	RI61-149	RI62-346	RI63-407
G-17996	RI61-282	RI62-347	RI63-418
G-18413	RI61-309	RI62-364	RI63-463
G-18564	RI61-333	RI62-374	
G-19319	RI61-337	RI62-410	
G-19949	RI61-393	RI62-430	

Dockets Consolidated in AR64-2

G-9161	G-17283	G-19898	RI60-269
G-10884	G-18518	RI60-180	RI60-366
G-13065	G-18519	RI60-233	RI62-434
G-15007	G-18563	RI60-268	RI62-486
G-15999	G-19897		

[F.R. Doc. 64-97; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. G-9476 etc.]

TEXAS GULF PRODUCING CO.

Order Approving Rate Settlement Proposal Terminating Proceedings and Prescribing Refunds

DECEMBER 30, 1963.

Texas Gulf Producing Company, Docket Nos. G-9476;¹ Texas Gulf Producing Company, Docket No. G-14832.

We have before us for consideration a motion for approval of settlement proposal and termination of proceedings filed on December 6, 1963, by Texas Gulf Producing Company (Texas Gulf) encompassing the rates for nineteen of Texas Gulf's currently effective gas rate schedules.

In summary, the settlement proposal as filed by Texas Gulf provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings, with two exceptions hereinafter discussed:

(2) Texas Gulf waives the right to file for contractually authorized increased rates until April 1, 1966. Texas Gulf reserves the right to file for any increased rate, if contractually authorized up to the applicable area-rate levels de-

¹ The additional dockets involved herein are set forth in the Appendix below.

termined through area hearings or amendment of the Commission's Statement of General Policy No. 61-1, or any contractually authorized increase in tax reimbursement;

(3) Amendment of Texas Gulf's Rate Schedule Nos. 3, 4, 6, 24, and 33 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein;

(4) Refunds, with interest at the applicable rates, under each rate schedule where the collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with July 1, 1961, to the date of issuance of this order;

(5) Extension of the make-up period clauses in the take-or-pay provisions in its Rate Schedule Nos. 25, 31, and 32 from the present period to ten years;

(6) Exclusion from the settlement proposal of all Permian Basin sales, one rate for which Texas Gulf file a separate settlement proposal, and one rate for which Texas Gulf has filed an application for authority to abandon.

In support of its proposal, Texas Gulf states that the settlement rates, refunds, moratorium periods and other provisions thereof, some of which are not specifically noted herein, are in the public interest in that the rates are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the various parties to the settlement conferences utilized cost-of-service studies. Their studies revealed that during the first half of 1961, increased sales, and higher initial rates started to equalize Texas Gulf's revenue-cost relationship. In view of that and all the terms of the settlement proposal, it is appropriate that refunds should be computed for sales made on and after July 1, 1961, to the date of issuance of this order, with interest to be paid on the refunds to December 31, 1963. The refunds will be approximately \$833,000 exclusive of interest. Texas Gulf's future revenues will be decreased approximately \$410,000 per annum as a result of the settlement.

For the reasons set forth in our order in Hunt Oil Co., Docket Nos. G-9065, et al., order issued July 16, 1963, ----- F.P.C. -----, we shall condition our approval of this settlement proposal to require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Texas Gulf and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such sums on to their customers, why they believe they are entitled to retain such funds.

The two exceptions to the applicable area ceilings are proposed by Texas Gulf with respect to two sales made to United

Gas Pipe Line Company (United)* in the DeLarge Field (Rate Schedule No. 31) and the Dulac Field (Rate Schedule No. 32) which are related to the sale from Bayou Rambio Field (Rate Schedule No. 25). All of the sales are in Terrebonne Parish, south Louisiana. The presently effective rate under each of the Rate Schedules is 22.05 cents per Mcf. The rates under Rate Schedule Nos. 31 and 32 are subject to section 4(e) proceedings; the rate under Rate Schedule No. 25, an initial rate, is not. Texas Gulf proposes to reduce the effective rate under each of said Rate Schedules to a settlement rate of 17.75 cents per Mcf.

Texas Gulf states in its proposal, that the participants to the negotiations considered the three sales to United as a unit. In support, Texas Gulf states that it entered into two contracts for its DeLarge and Dulac sales to United in 1949 and 1952 respectively. The contracts were for a term of ten years. Thereafter, Texas Gulf discovered substantial new reserves in the adjacent Bayou Rambio Field. After being advised by United that it would enter into twenty-year contracts for its DeLarge and Dulac sales, Texas Gulf, in 1957, entered into a twenty-year contract with United for the Bayou Rambio sale. As a result of the interdependent negotiations, Texas Gulf's reserve commitment to United in these contiguous fields increased from 43 BCF to 240 BCF; the number of leases dedicated under the contracts increased from 5 to 17; and the dedicated acreage increased from 7,850 to 9,951. Consideration of all of the circumstances surrounding these sales, and the interdependence of the renegotiation of the DeLarge and Dulac sales with the dedication of the Bayou Rambio acreage, causes us to believe them to be similar to others where we have considered such a unique situation to warrant exceptions to the applicable area ceiling, Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., 29 F.P.C. 837. Therefore, we find the settlement rates for these three sales of 17.75 cents per Mcf to be proper, and approve the same.

The Public Service Commission of the State of New York has filed comments respecting the 16 cent rate under Texas Gulf's Rate Schedule No. 35 for a sale from Texas Railroad Commission District No. 4. The contract for this sale was entered into on March 3, 1963, and was permanently certificated at the guide line price established by the Fifth Amendment to our Statement of General Policy No. 61-1.

The settlement proposal includes one rate (Rate Schedule No. 30) for which issuance of a related permanent certificate is pending in Docket No. G-14832 and service is being rendered. Docket No. G-14832 is consolidated in the proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., wherein the hearings were concluded on July 25,

* Representatives of United attended and actively participated in the settlement conferences, excepting for some discussion of an alleged claim Texas Gulf has for deficiencies in takes, not considered relevant to the negotiations.

1963. We shall sever Docket No. G-14832 from the consolidated proceedings, and shall issue Texas Gulf a certificate of public convenience and necessity herein at an initial rate of 10.297 cents per Mcf, the rate which was in effect at the time Texas Gulf filed its certificate application. The settlement rate for this sale is 15.75 cents per Mcf.

The settlement rates approved herein shall be applicable during the moratorium period herein provided for all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Texas Gulf, its successors or assigns.

We believe the settlement proposal, as herein described, and in other particulars not specifically noted, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increase, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate proceedings, involving Texas Gulf's rates and rate schedules.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on December 6, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be conditionally approved and conditionally made effective subject to the modifications hereinafter ordered, and good cause exists for approving the settlement rates, for terminating certain proceedings and providing for refunds.

(2) The sale of natural gas by Texas Gulf, as more fully described in its application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Texas Gulf 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 sale of natural gas by Texas Gulf 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 a certificate therefor should be issued.

(4) Texas Gulf is 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.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal filed December 6, 1963, as herein modified, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in the appendix hereto are approved and such rates shall be effective as of the date of issuance of this order.

(C) Within 90 days from the date of this order, Texas Gulf shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal, as modified herein.

(D) Within 90 days from the date of this order, Texas Gulf shall (1) refund, with interest as specified in each docket computed to December 31, 1963, the difference between the rates collected subject to refund, on and after July 1, 1961, and the related settlement rates to the date of this order; and (2) report to the Commission, in writing, the amount of refunds made to each of its purchasers, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as modified and approved herein.

(E) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to its jurisdictional pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission, provided, however, that United shall not be required to pay interest on such funds.

(F) Texas Gulf shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order applicable to it.

(G) The proceeding in Docket No. G-14832 is hereby severed from the consolidated proceedings in Union Texas Petroleum, et al. Docket Nos. G-13221, et al., Docket Nos. G-9476, G-11536, G-13848, G-17158, G-19910, RI63-223, RI63-143 (except as they pertain to the interest of Pan American Petroleum Corporation) G-14069, G-14112, G-15056, G-17373, G-17884, G-17925, RI60-402, RI6-1403 and RI62-90 are hereby severed from the consolidated area proceedings in Docket Nos. AR61-2, et al. Docket Nos. G-16177, G-16240, G-19899, RI60-204, RI60-437 and RI63-390 are hereby severed from the consolidated area proceedings in Docket Nos. AR64-2 et al. Docket No. G-17925 is hereby severed from the consolidated proceedings in Texaco Inc., et al., Docket Nos. G-17613, et al.

(H) A certificate of public convenience and necessity be and the same is hereby issued in Docket No. G-14832, upon the terms and conditions of this order, authorizing the sale by Texas Gulf of natural gas in interstate commerce for resale together with the construction and operation of any facilities subject

NOTICES

to the jurisdiction of the Commission necessary for such sale, all as fully described in its application and exhibits thereto.

(I) The certificate granted in paragraph (H) above is not transferable and shall be effective only so long as Texas Gulf continues 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.

(J) The grant of the certificate issued in paragraph (H) 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 in-

stituted by or against Prentice. 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 certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate 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 certificate.

(K) Upon full compliance by Texas Gulf with all the terms and provisions of

this order applicable to it, the section 4 (e) proceedings listed in the appendix below shall terminate, except as to the interest of Pan American Petroleum Corporation in Docket Nos. G-9476, G-11536, G-13848, G-17158, G-19910, RI61-223, RI62-75 and RI63-143.

(L) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Texas Gulf, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Texas Gulf or any other companies, person or parties affected by this order.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Texas Gulf Producing Company—Docket Nos. G-9476, et al.

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—Cents Mcf at area pressure base (inclusive of tax reimbursement)		
	Field	Purchaser	Certificate	Rate	Last accepted date	Rate in effect	Settlement rate ¹
<i>Texas RR Comm. District 2—14.65 psia</i>							
2	Coquat.....	Transcontinental.....	G-2826.....	None.....	8.87904	8.87904	8.87904
6	North McFaddin.....	United Gas.....	G-2829.....	RI63-390.....	14.60	15.60	\$ 15.00
<i>Texas RR Comm. District 3—14.65 psia</i>							
3	Columbus.....	Trunkline.....	G-4319.....	G-16177..... RI60-204.....	9.25312	20.00	\$ 15.00
4	do.....	do.....	G-3056.....	G-16240..... RI60-204.....	9.25312	20.00	\$ 15.00
1	North Port Neches.....	Texas Gas.....	G-2830.....	None.....	11.05	11.05	11.05
<i>Texas RR Comm. District 4—14.65 psia</i>							
24	Peldre Lumbre.....	Tennessee.....	G-10849.....	G-19899..... RI60-437.....	12.12268	17.243247	\$ 15.00
33	Seelgson.....	do.....	G-4288.....	G-19899..... RI60-437.....	12.12268	17.243247	\$ 15.00
35	Lundell.....	Natural Gas PL.....	CI64-54.....	None.....	16.00	16.0	16.00
<i>Mississippi—15.025 psia</i>							
29	Gwinville.....	Southern Nat.....	G-3146.....	G-14756..... RI63-378.....	8.1456	21.00	14.00
<i>South Louisiana—15.025 psia</i>							
10	Lake Long.....	United Fuel.....	G-2793.....	G-9476 ² G-11536 ² G-13848 ² G-17158 ² G-19910 ² RI61-223 ² RI62-75 ² RI63-143 ²	17.50	20.70	\$ 17.50
26	Gueydan.....	Transcontinental.....	G-12308 ³	G-17925.....	17.50	23.55	17.50
30	Abbeville.....	United Gas.....	G-14832.....	G-15056..... RI62-90.....	10.297	22.25	15.75
31	DeLarge.....	do.....	G-3010.....	G-17884.....	10.497	22.05	17.75
32	Dulac.....	do.....	G-3009.....	G-17884.....	10.497	22.05	17.75
25	Bayou Ramblo.....	do.....	G-12128.....	None.....	22.05	22.05	\$ 17.75
22	Clear Creek.....	Trunkline.....	G-10355.....	G-14069..... G-17373..... RI60-402.....	17.70	23.5	17.70
23	Ragley.....	do.....	G-11019.....	G-14112..... G-17372..... RI60-403.....	17.70	23.5	17.70
<i>North Louisiana—15.025 psia</i>							
17	Cotton Valley.....	United Gas.....	G-3910.....	None.....	13.05076	13.05076	13.05076
<i>Colorado—15.025 psia</i>							
21	Piceance Creek.....	El Paso.....	G-10228.....	None.....	11.00	11.00	11.00

¹ The total settlement rates set out above as applicable to each sale to United Gas Pipe Line Co. include a commodity rate and tax reimbursement. The tax reimbursement portion of each such total settlement rate shall be that portion expressed as tax reimbursement in each respective contract, and the remaining balance of such total settlement rate shall be considered as the commodity rate.

² Texas Gulf shall eliminate the favored nation, redetermination and periodic clauses from these rate schedules.

³ Proceedings terminated except for the interest of Pan American Petroleum Corp.

⁴ Settlement rate applicable to the interest of Texas Gulf only.

⁵ Settlement rate applicable to the interest of Texas Gulf only. Interest of non-operator, Clegg and Hunt, is depleted and an application to abandon is pending before the Commission.

⁶ Reduction is effective rate of 22.05 cents to 17.75 cents as part of unit settlement of Rate Schedule Nos. 31, 32, and 25.

[Docket Nos. RI64-487 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;¹ and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 31, 1963.

Gulf Oil Corporation, Docket No. RI64-487; Socony Mobil Oil Company, Inc., Docket No. RI64-488; Schermerhorn Oil Corporation, et al., Docket No. RI64-490; Amerada Petroleum Corporation, Docket No. RI64-492.

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. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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	
RI64-487...	Gulf Oil Corp., P.O. Drawer 2100, Houston, Tex., 77001.	47	6	El Paso Natural Gas Co. (South Blanco Pool, Rio Arriba County, N. Mex.) (San Juan Basin Area).	\$1,315	11-26-63	* 1- 1-64	* 1- 2-64	* 11.2104	** 12.2295	
RI64-488...	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York, N.Y., 10017.	199	3	El Paso Natural Gas Company (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	65	11-27-63	* 1- 1-64	* 1- 2-64	* 11.1841	** 12.2008	RI64-90.
RI64-490...	Schermerhorn Oil Corp., et al., P.O. Box 287, Tulsa, Okla.	7	2	El Paso Natural Gas Company (South Blanco-Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	184	11-29-63	* 1- 1-64	* 1- 2-64	11.0	** 12.2295	
RI64-492...	Amerada Petroleum Co., P.O. Box 2040, Tulsa 2, Okla.	50	6	El Paso Natural Gas Company (San Juan Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,065	12- 2-63	* 1- 2-64	* 1- 3-64	* 11.2104	** 12.2295	RI64-58.

¹ Contractually provided effective date.

² The suspension period is limited to one day.

³ Periodic rate increase.

⁴ Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.

⁵ The stated effective date is the first day after expiration of the required statutory notice.

The notices of change tendered for filing by Respondents include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. Gulf Oil Corporation, Socony Mobil Oil Company, Inc., and Amerada Petroleum Corporation previously filed for this reimbursement and the buyer, El Paso Natural Gas Company (El Paso) protested the filings. El Paso questions the right of the producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 5.5 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested. Since the rate increases reflect tax reimbursement, the suspension period for each may be shortened to one day from the date shown in the above "Effective Date" column.

Respondents' proposed increased rates are below the applicable area ceiling price 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), but are suspended because of El Paso's protest with respect to the tax reimbursement.

The increased rates and charges 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 hearings concerning the contractual basis for Respondents' proposed rate filings which El Paso has protested, 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 contractual basis of the proposed rate filings which El Paso has protested 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: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate

showing service of copies upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(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 Commission, 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 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-148; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. RI64-483 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates;¹ and Allowing Rate Supplement To Become Effective Subject to Refund

DECEMBER 31, 1963.

Sinclair Oil & Gas Company (Operator), et al., Docket No. RI64-483; Delhi-

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

Taylor Oil Corporation, Docket No. RI64-484; Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et. al., Docket No. RI64-485; Socony Mobil Oil Company, Inc. (Operator), et. al., Docket No. RI64-

486; Union Texas Petroleum, a Division of Allied Chemical Corporation, et. al., Docket No. RI64-503.

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 sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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	
RI64-483	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 821, Tulsa, Okla., 74102.	272	6	El Paso Natural Gas Co. (Pm-quench, et al., Fields, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area).	\$7,993 363	11-29-63	7-1-64 7-1-64	2-1-64 6-1-64	** 11.2116 ** 13.2308	** 12.2308 ** 14.2501	RI64-108, RI64-108.
RI64-484	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	14	6	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	42,762	11-27-63	7-1-64	6-1-64	** 13.2498	** 14.2679	RI64-105.
	do.	28	2	El Paso Natural Gas Co. (Rincon Unit, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,437	11-27-63	7-1-64	6-1-64	** 13.2295	** 14.2486	RI64-89.
	do.	31	2	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area).	642	11-27-63	7-1-64	6-1-64	** 13.2295	** 14.2486	
	do.	45	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	4	11-27-63	7-1-64	6-1-64	** 13.2295	** 14.2486	RI64-89.
	do.	51	4	El Paso Natural Gas Co. (Huerfano Unit, San Juan County, N. Mex.) (San Juan Basin Area).	1,529	11-27-63	7-1-64	6-1-64	** 13.2295	** 14.2486	RI64-89.
	do.	33	2	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area).	2,935	11-27-63	7-1-64	6-1-64	** 13.2486	** 14.2677	RI64-89.
RI64-485	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al., P.O. Box 2120, Houston 1, Tex., Attn: Mr. Elliott G. Flowers.	45	4	Southern Union Gathering Co. (San Juan County, N. Mex.) (San Juan Basin Area).	294	11-29-63	7-1-64	6-1-64	** 13.2501	** 14.2694	RI64-147.
	do.	65	4	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	930	11-29-63	7-1-64	6-1-64	** 13.2486	** 14.2501	RI64-147.
RI64-503	do.	53	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	612	11-29-63	7-1-64	6-1-64	** 13.2486	** 14.2678	RI64-149.
RI64-486	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017, Attn: H. H. Beeson, natural gas manager.	38	10	El Paso Natural Gas Co. (Jicarilla and Regina Area, Rio Arriba County, N. Mex.) (San Juan Basin Area).	41,549 3,613	11-27-63 11-27-63	7-1-64 7-1-64	6-1-64 6-1-64	** 13.0469 ** 11.0397	** 14.0505 ** 12.0433	RI64-109.

¹ The suspension period is limited to 1 day.

² Periodic rate increase.

³ Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

⁴ For gas produced from the Pictured Cliffs Formation.

⁵ Reflects 1.0 cent per Mcf periodic increase plus proportional tax reimbursement.

⁶ Contractually provided effective date.

⁷ Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

⁸ For gas produced from the Mesa Verde Formation.

⁹ High pressure gas (above 500 psig).

¹⁰ Low pressure gas (below 500 psig) from certain Pictured Cliffs wells in Jicarilla Area.

The notices of change tendered by Delhi-Taylor Oil Corporation (Delhi-Taylor), Sinclair Oil & Gas Company (Operator), et. al., (Sinclair) and Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et. al., (Union Texas) include partial reimbursement for the full 2.55 percent (increased from 2.0 percent to 2.55 percent effective April 1, 1963) which was previously filed by the producers. The Buyers, Southern Union Gathering Company and El Paso Natural Gas Company, protested the previous tax reimbursement and the current rates are in effect subject to refund.

El Paso Natural Gas Company (El Paso) questions the right of the producers under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circum-

stances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis as well as the statutory lawfulness of the producers' rate filings.

Supplements Nos. 2, 2, 3 and 4 to Delhi-Taylor's FPC Gas Rate Schedules Nos. 28, 31, 45 and 51, respectively; the proposed rate filed by Sinclair with respect to gas produced from the Mesa Verde Formation, and Supplement No. 4 to Union Texas' FPC Gas Rate Schedule No. 65 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.

Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 272 provides for two rates applicable to gas produced from two different formations which are referred to herein as the "Pictured Cliffs Formation" and the other as gas produced from the "Mesa Verde Formation".

Sinclair's increased rate of 12.2308 cents per Mcf for gas produced from the Pictured Cliffs Formation under its aforementioned rate schedule, although below the area ceiling for increased rates it should be suspended for one day from January 1, 1964, because of El Paso's protest with respect to the tax reimbursement. Sinclair's other increased rate of 14.2501 cents per Mcf for gas produced from the Mesa Verde Formation, should be suspended for five months from January 1, 1964, because it exceeds the area ceiling price and also because of El Paso's protest with respect to the tax reimbursement.

The notice of change tendered by Socony Mobil Oil Company, Inc. (Operator), et al. (Socony), under its FPC Gas Rate Schedule No. 38 involves the sale of both high-pressure gas (above 500 psig) and low pressure gas (below 500 psig) and reflects partial reimbursement for the 0.55 percent increase from 2.0 percent to 2.55 percent in the New Mexico Oil and Gas Emergency School Tax. The increased rate (14.0505 cents per Mcf) for high pressure gas should be suspended for five months from Jan-

uary 1, 1964, because it exceeds the area ceiling price as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The increased rate of 12.0433 cents per Mcf for low pressure gas may be accepted for filing to become effective as of January 1, 1964.

The proposed increased rates and charges contained in Supplements Nos. 6, 2, 2, 3, 4 and 2 to Delhi-Taylor's FPC Gas Rate Schedules Nos. 14, 28, 31, 45, 51 and 33, respectively, and Supplements Nos. 4, 2 and 4 to Union Texas' FPC Gas Rate Schedules Nos. 45, 53 and 65, respectively, 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, Chapter I, Part 2, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0433 cents per Mcf rate for low pressure gas contained in Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38 should be accepted for filing and permitted to become effective as of January 1, 1964, the contractually provided effective date.

(2) Except for the increased rate set forth in (1) above, 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 contractual basis for the rate filings which Southern Union Gathering Company and El Paso Natural Gas Company have protested, and the statutory lawfulness of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0433 cents per Mcf rate for low pressure gas contained in Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38 should be accepted for

filing and permitted to become effective as of January 1, 1964.

(B) 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, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which Southern Union Gathering Company and El Paso Natural Gas Company have protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the above-designated rate supplements, excepting low-pressure gas sold under Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38, 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: *Provided, however*, That Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 272, insofar as it relates to gas produced from the Pictured Cliffs Formation, and suspended herein for one day in Docket No. RI64-483, shall become effective subject to refund on January 2, 1964, if within 20 days from the date of the issuance of this order Sinclair shall execute and file under Docket No. RI64-483, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved with respect to gas sold from the Pictured Cliffs Formation. Unless Sin-

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

(D) 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.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or about February 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-149; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. RI64-517 and RI64-518]

**TEX-STAR OIL & GAS CORP. AND
HUMBLE OIL & REFINING CO.**

**Order Providing for Hearings on and
Suspension of Proposed Changes in
Rates;¹ and Allowing Rate
Changes To Become Effective Sub-
ject to Refund**

DECEMBER 31, 1963.

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. Tex-Star Oil & Gas Corporation's (Tex-Star) sale is made at a pressure base of 15.025 psia, and the sale made by Humble Oil & Refining Company (Humble) is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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	
RI64-517	Tex-Star Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas 1, Tex.	29	9	El Paso Natural Gas Co. (Ignacio Mesa Verde Field, La Plata County, Colo.).	\$26,400	11- 8-63	* 1-1-64	1-2-64	* 13.0	** 14.0	
RI64-518	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	255	2	Colorado Interstate Gas Co. (Hugoton Field, Stanton and Hamilton Counties, Kans.).	146	11-12-63	* 1-1-64	1-2-64	* 12.5	** 13.5	

¹ The stated effective date is the effective date requested by Respondent.
² Periodic rate increase.

* Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquid products.
³ Subject to downward Btu adjustment.

Tex-Star and Humble's 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). However, the suspension periods may be shortened to one day from January 1, 1964, the effective date proposed by Tex-Star and Humble.

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 regu-

lations 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 sup-

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

plements are hereby suspended and the use thereof deferred until January 2, 1964, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplements shall become effective subject to refund on January 2, 1964, if within 20 days from the date of the issuance of this order, each respondent shall execute and file in the respective proceeding an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate 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 Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 31, 1964.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-153; Filed, Jan. 7, 1964;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14490]

INTERCONTINENTAL, U.S. INC.; ENFORCEMENT PROCEEDING

Notice of Postponement and Reassignment of Hearing

Public hearing in the above-entitled proceeding previously assigned to be held on January 14, 1964, in Washington, D.C., is hereby postponed and is now assigned to be held before the undersigned examiner on February 17, 1964, at 10:00 a.m. (e.s.t.) in Conference Room 420 at 45 Broadway, New York, New York.

Dated at Washington, D.C., January 3, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-179; Filed, Jan. 7, 1964;
8:48 a.m.]

[Docket 13752]

UNITED'S SERVICE TO PROVIDENCE, RHODE ISLAND

Notice of Prehearing Conference

In view of the expansion of the issues as set forth in Order E-20262, notice is

hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding will be held on January 21, 1964, at 10:00 a.m. (e.s.t.) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., January 3, 1964.

[SEAL] HENRY F. MARTIN, Jr.,
Hearing Examiner.

[F.R. Doc. 64-180; Filed, Jan. 7, 1964;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order No. 1 (Amended),
Amdt. 5]

ORGANIZATION AND FUNCTIONS

Grandfather Rights of Applicants for Freight Forwarder Licenses

The purpose of this amendment is to delegate to the Managing Director additional authority with respect to the revocation of grandfather rights of applicants for freight forwarder licenses as hereinafter provided.

Section 7.04 of the basic order is hereby amended:

Authority to approve, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue or reissue or transfer licenses to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; to grant extensions of time to file the required security; to issue a letter of intent to deny and to deny any application for which the required security has not been filed; to recommend to the Commission the denial of any other application when in his judgment it is warranted; to deny any application for freight forwarder license where the Commission has signified its intent to deny the application, applicant has been officially advised of such intent, and applicant has failed, within the notice period, to request a hearing or the opportunity to show that said denial is unwarranted; and to revoke the grandfather rights of applicants for license to carry on the business of forwarding pursuant to section 44(b), Shipping Act, 1916, where the applicants have (a) requested that their application for a freight forwarder license be withdrawn; or (b) moved from their last known address and reasonable efforts to locate their present whereabouts have failed.

JOHN HARLEE,
*Rear Admiral, U.S. Navy
(Retired), Chairman.*

DECEMBER 11, 1963.

Section 6.03 of Commission Order 201.1 is amended to redelegate to the Director, Bureau of Domestic Regulation, the authority to revoke grandfather rights of applicants for freight forwarder licenses

as provided in Commission Order No. 1 (Amended) Amendment 5.

TIMOTHY J. MAY,
Managing Director.

DECEMBER 11, 1963.

[F.R. Doc. 64-177; Filed, Jan. 7, 1964;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANK OF TAMPA AND UNION SECURITY & INVESTMENT CO.

Applications for Approval of Acquisition of Shares of a Bank

Notice is hereby given that the Board of Governors of the Federal Reserve System has received applications by The First National Bank of Tampa and Union Security & Investment Co., both of Tampa, Florida, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become bank holding companies through acquisition by Union Security & Investment Co. of 20,000 shares (80%) of the Second National Bank of Tampa, Tampa, Florida, a proposed new bank.

In determining whether to approve these applications, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

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

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-159; Filed, Jan. 7, 1964;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1650]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

JANUARY 2, 1964.

Notice is hereby given that Broad Street Investing Corporation ("Broad

Street"), 65 Broadway, New York, New York, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value in exchange for the assets of Berjo Corporation ("Berjo"). All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of November 27, 1963, the net assets of Broad Street amounted to \$282,928,198.

Berjo, a New York corporation, is an investment company having three stockholders, an individual and two trusts under the wills of deceased parties. The individual shareholder is the income beneficiary of both trusts. Berjo was incorporated in 1867 and until 1957, when it sold all of its assets, was a manufacturing organization. Since the latter date it has been engaged primarily in the business of investing and reinvesting its funds in securities.

Pursuant to an agreement between Broad Street and Berjo, all the assets of Berjo, consisting of securities with a value of approximately \$1,102,808 as of November 27, 1963, will be transferred to Broad Street in exchange for shares of stock of Broad Street subject to the retention by Berjo of assets estimated by it to be sufficient to pay its liabilities, which as of November 27, 1963, were \$15,410. The shares acquired by Berjo are to be distributed to Berjo stockholders on the liquidation of Berjo. None of the stockholders have any present intention of redeeming or otherwise transferring the shares of Broad Street received on such liquidation. The net asset value of Broad Street shares to be issued will equal the market value of the Berjo assets acquired, adjusted, as set forth below.

The valuation time shall be 3:30 p.m. (New York City time) on January 15, 1963, or on such date as may be mutually agreed upon. Since the exchange will be tax free for Berjo and its stockholders, Broad Street's cost basis for tax purposes for the assets acquired from Berjo will be the same as for Berjo, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Berjo, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a market value, as of November 27, 1963, of \$357,489 (includes allowance for unrealized appreciation of \$110,847). The market value of those securities of Berjo which Broad Street intends to sell after the acquisition thereof amounted to \$745,319 (includes allowance for unrealized appreciation of \$129,812) on November 27, 1963. The unrealized appreciation on securities owned by Broad Street on November 27,

1963 amounted to \$94,957,842 and realized gains on securities sold amounted to \$5,456,475, of which \$359,360 and \$20,625 respectively, would have become applicable to the shares of Broad Street issued to Berjo if the proposed acquisition of Berjo assets had occurred on this date.

Because Broad Street may acquire securities from Berjo at a tax cost basis less than the actual price paid therefor, the sale after acquisition may result in a capital gain thereon to the present shareholders of Broad Street. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of the Berjo assets to be acquired by Broad Street in accordance with the following formula:

(1) In respect of the securities of Berjo which Broad Street presently intends to sell, there will be determined the difference between the net unrealized taxable capital gain on those securities of Berjo and the portion of the realized but undistributed taxable long-term capital gain, if any, of Broad Street allocable to the aggregate shares which Broad Street is issuing to Berjo. Such difference, as of November 27, 1963, amounted to \$109,187.

(2) In respect of the securities of Berjo which Broad Street presently intends to hold following acquisition, there shall be determined the difference between the net unrealized taxable capital gain on said securities and the portion of Broad Street's unrealized taxable gain, if any, allocable to the aggregate shares of Broad Street to be issued to Berjo determined on a pro forma basis giving effect to the acquisition of the assets of Berjo. Such difference, as of November 27, 1963, amounted to a negative amount of \$248,513.

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2) and 12½ percent of the resulting amount, if any, shall be applied to reduce the value of the assets of Berjo to be acquired. If the valuation under the Agreement had taken place on November 27, 1963, there would have been no adjustment to the market value of the assets of Berjo to be acquired.

It is the purpose of the foregoing formula, in applying a 50 percent factor to any reduction in unrealized appreciation which may result from the acquisition of the Berjo assets, to recognize that such reduction will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Berjo. The rate of 12½ percent applied to the excess unrealized appreciation of Berjo is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

The application states that no affiliation exists between Berjo or its officers,

directors or stockholders and Broad Street, its officers or directors, that the agreement was negotiated at arm's length by the two companies and that the Board of Directors of Broad Street approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses due to the fact that Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation. The total operating expenses of Broad Street in 1962, including investment research and administrative services, amounted to 24/100 of 1 percent of the average value of assets.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Berjo at a price other than the public offering price stated in the prospectus, which includes a sales charge of 1.8% on sales of \$500,000 or over.

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

Notice is further given that any person may, not later than January 17, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 64-154; Filed, Jan. 7, 1964;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 921]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 3, 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 35386. By order of December 31, 1963, the Transfer Board approved the lease to Clifford B. Steadman, doing business as, Interior Freight Lines, Anchorage, Alaska, of the operating rights in Certificate in No. MC 119723 (Sub-No. 1), issued May 15, 1963, to William A. Hood, John W. Hood, and Richard Hood, a partnership, doing business as, Hood and Sons, Valdez, Alaska, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Valdez, Alaska, and between Valdez, Alaska, on the one hand, and, on the other, points in five specifically described portions of Alaska.

No. MC-FC 66269. By order of December 31, 1963, the Transfer Board approved the transfer to Connie Irene Twitchell, Green River, Wyo., of Certificates in Nos. MC 40971 and MC 40971 (Sub-No. 1), issued July 16, 1954, and August 20, 1958, respectively, to Doral Pallesen, Manila, Utah, authorizing the transportation of general commodities, with no exceptions, over regular routes, between Manila, Utah and Rock Springs, Wyo., serving the intermediate points of Linwood, Utah, and Green River, Wyo.; and between Linwood, Utah and Salt Lake City, Utah, serving the intermediate point of Manila, Utah; and general commodities, excluding household goods and commodities in bulk, over irregular routes, between Linwood, Utah, and points within 25 miles of Linwood. Lawrence A. Marty, Post Office Box 231, Green River, Wyo., attorney at law.

No. MC-FC 66338. By order of December 31, 1963, the Transfer Board

approved the transfer to Seattle-Anchorage-Fairbanks Express, Inc., Seattle, Wash., of the operating rights issued by the Commission under Certificate in No. MC 96615, to L. H. Doolittle, doing business as Doolittle Transportation Co., Seattle, Wash., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Seattle, Wash., and the boundary of the United States and Canada at the ports of entry of Sweetgrass, Mont., and Eastport, Idaho; and of the claimed "grandfather" rights in Docket No. MC 96615 (Sub-No. 6), for which a Form BOR 98 application for a certificate has been filed under the July 12, 1960, amendments to the Interstate Commerce Act. George R. LaBissoniere, 333 Central Building, Seattle, Wash., attorney for applicants.

No. MC-FC 66392. By order of December 31, 1963, the Transfer Board approved the transfer to St. Louis Transportation Co., a corporation, Collinsville, Ill., of Certificate in No. MC 53237, issued August 22, 1961, to Hugh S. Jenkins, doing business as St. Louis Transportation Co., Columbus, Ohio, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

No. MC-FC 66474. By order of December 31, 1963, the Transfer Board approved the transfer to David Steinman, doing business as N. Steinman Trucking Co., Scranton, Pa., of Certificate in No. MC 9071, issued January 31, 1950, to Nathan Steinman and David Steinman, a partnership, doing business as N. Steinman Trucking Co., Scranton, Pa., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Carbondale, Pa., and Scranton, Pa., as restricted, and over irregular routes, of household goods, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey. Emanuel Laster, Connell Building, Scranton 3, Pa., attorney for applicants.

No. MC-FC 66508. By order of December 31, 1963, the Transfer Board approved the transfer to Freeburg Transfer, Inc., Freeburg, Ill., of Certificates in Nos. MC 34772, MC 34772 (Sub-No. 5) and MC 34772 (Sub-No. 6), issued July 11, 1955, June 1, 1955, and March 22, 1960, to Clarence Reinkensmeier, doing business as Gem Transfer, Nashville, Ill., authorizing the transportation, over regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, and also authorizing certain named commodities, between named points in Illinois and Missouri, and over irregular routes, conveyor chain and steel flight, and parts of such articles, between Nash-

ville, Ill., and specified points in Kentucky, Pennsylvania, and West Virginia. G. F. Gunn, Jr., 314 North Broadway, St. Louis 2, Mo., attorney for applicants.

No. MC-FC 66514. By order of December 31, 1963, the Transfer Board approved the transfer to Antonellis Transportation, Inc., Quincy, Mass., of Certificate in No. MC 93050, issued October 15, 1959, to Mary C. Antonellis, doing business as L. B. Antonellis & Sons, Quincy, Mass., authorizing the transportation, over regular routes, of: General commodities, excluding household goods and commodities in bulk, and authorizing the transportation of such merchandise dealt in by grocery and food houses, between specified points in Massachusetts and Rhode Island, and over irregular routes, commodities of a general commodity nature, between points in Rhode Island, Massachusetts, Connecticut, New Jersey, and New York. Jeanne M. Hession, 5 Potosi Street, Dorchester, Mass., attorney for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-161; Filed, Jan. 7, 1964;
8:46 a.m.]

[Sec. 5a Application 73, Amdt. 1]

OHIO MOTOR FREIGHT TARIFF COMMITTEE, INC.

Application for Approval of Amendments to Agreement

JANUARY 3, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 30, 1963, by: Jesse L. Himmelreich, 40 West Gay Street, Columbus, Ohio, 43215.

Amendments involved: Change the bylaws so as to eliminate the requirement that at least 15 percent of the members be present at membership meetings to constitute a quorum.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-162; Filed, Jan. 7, 1964;
8:46 a.m.]

[Sec. 5a Application 46]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Petition for Declaratory Order

DECEMBER 12, 1963.

The following petition, filed October 4, 1963, by the Southern Motor Carriers Rate Conference, Inc., relative to joint consideration of section 22 rates has been received and will be processed in the manner hereinafter indicated. Petitioner seeks a declaratory order or interpretation of the agreement. The petition was submitted by Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga., 30309. The petition asks as follows:

Under the aforesaid section 5a agreement, may the member and participating carriers hold meetings for joint consideration of rates and charges to apply on shipments moving pursuant to section 22 of the Interstate Commerce Act?

No oral hearing is contemplated at this time with respect to the petition, but interested parties, including the petitioner may, on or before 45 days from the date of this publication in the FEDERAL REGISTER, submit written verified statements containing data, views, or arguments. One signed copy and fourteen additional copies of such statements should be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D.C.

Subsequent to the receipt of such statements, unless oral hearing should be necessary, a report of an examiner proposing or recommending such relief as may appear warranted will be issued.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-163; Filed, Jan. 7, 1964; 8:46 a.m.]

[Sec. 5a Application 70, Amdt. 3]

WESTERN MOTOR TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreements

JANUARY 3, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 30, 1963, by: W. J. Knoell, P.O. Box 1296, Huntington Park, Calif.

Amendments involved: Change the rules of procedure so as to eliminate the requirement that public docket meetings of each Standing Rate Committee be held monthly, but continue to provide that such meetings be scheduled by the Committees.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-164; Filed, Jan. 7, 1964; 8:46 a.m.]

[Notice 287]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 3, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 2), BRANCH MOTOR EXPRESS CO., 300 Maspeth Avenue, Brooklyn, N.Y., 11211, filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Wilmington, Del. and Baltimore, Md., over Interstate Highway 95, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From the Delaware Memorial Bridge over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hagerstown, and return over the same route.

No. MC 11220 (Deviation No. 10), GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn., filed December 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction

U.S. Highways 61 and 70, and Interstate Highway 55, over Interstate Highway 55 to junction U.S. Highway 61 and Interstate Highway 55, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, Tenn. over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 17778 (Deviation No. 4), YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connection to junction Interstate Highway 95 thence over Interstate Highway 95 to Baltimore, Md. (note—that portion of Interstate Highway 95 in Delaware is also known as Delaware Turnpike) and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore (also from Philadelphia over U.S. Highway 1 to Washington, and return over the same route); and from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Pennsville, N.J., thence over U.S. Highway 40 to Baltimore, and thence over U.S. Highway 1 to Washington, and return over the same route.

No. MC 28961 Sub-3 (Deviation No. 2) McDUFFEE MOTOR FREIGHT, INC., Lebanon, Ky., filed December 22, 1963. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio and Lexington, Ky., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Lexington, thence over U.S. Highway 68 to Shakerstown, Ky., thence over Kentucky Highway 33 to Danville, Ky. and thence over Kentucky Highway 35 via Liberty, Ky. to Wolfe Creek Dam, Ky., and return over the same route.

No. MC 29555 (Deviation No. 5), BRIGGS TRANSPORTATION CO., INC., 2360 West County Road C., St. Paul 13, Minn., filed December 20, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dubuque, Iowa, over Wisconsin Highway 11 to Monroe, Wis., thence over Wisconsin Highway 69 to the Wisconsin-Illinois State line, and thence over Illinois High-

way 26 to Freeport, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Dubuque and Freeport over U.S. Highway 20.

No. MC 42487 (Deviation No. 23), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., 60680, filed December 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 74 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to Hammond, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Youngstown, Ohio, over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20 to Green Creek, Ohio, thence over Ohio Highway 113 (formerly portion U.S. Highway 20) via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 via Beloit, Wis., to Madison, Wis., thence over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to LaCrosse, Wis., thence over U.S. Highway 61 to St. Paul), thence over U.S. Highway 12 to Minneapolis; from Chicago over U.S. Highway 34 to Galesburg, Ill.; and from Mendota, Ill., over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, and return over the same routes.

No. MC 69901 (Deviation No. 1), NEW-SOM TRUCKING COMPANY, INC., U.S. 31 Bypass, Columbus, Ind., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Louisville, Ky., over Interstate Highway 65 to junction U.S. Highway 31 near Taylorsville, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 31 to junction Alternate U.S. Highway 31 (formerly U.S. Highway 31), thence over Alternate U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 31E, and thence over U.S. Highway 31E, to Louisville, and return over the same route.

No. MC 78632 (Deviation No. 22), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., filed December 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*,

with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70 to junction Tennessee Highway 22 at or near Huntingdon, Tenn., thence over Tennessee Highway 22 in a southward direction to junction Tennessee Highway 22 and U.S. Highway 64 and thence over U.S. Highway 64 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis over U.S. Highway 70 to Nashville; from Memphis over U.S. Highway 64 to Chattanooga, Tenn., thence over U.S. Highway 41 to Atlanta, Ga.; and from East St. Louis, Ill. over Illinois Highway 3 to Cairo, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to Selmer, Tenn., thence over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence, Ala., thence over Alabama Highway 5 to Birmingham and return over the same route.

No. MC 89037 (Deviation No. 2), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Ashland, Oreg., over Interstate Highway 5 to a point 15 miles north of Grants Pass, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89037 (Deviation No. 3), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Albany, Oreg., over Interstate Highway 5 to Salem, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89037 (Deviation No. 4), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Salem, Oreg., over Interstate Highway 5 to Portland, Oreg., and return over the same

route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89723 (Deviation No. 4), MISSOURI PACIFIC TRUCK LINES, INC., 1218 Olive Street, St. Louis 3, Mo., filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Topeka and Salina, Kans., over Interstate Highway 70 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Topeka over the Kansas Turnpike to Admire, Kans., thence over U.S. Highway 56 to Herington, Kans., thence over Kansas Highway 4 to junction U.S. Highway 81, and thence over U.S. Highway 81 to Salina, and return over the same route.

No. MC 112713 (Deviation No. 8), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo., filed December 18, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Kentland, Ind., thence over U.S. Highway 52 to Cincinnati, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-166; Filed, Jan. 7, 1964;
8:46 a.m.]

[Notice 588]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 3, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 155), filed December 23, 1963. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Radioactive waste materials and radioactive waste material containers*, serving Nuclear Engineering Company, Inc., Beatty Facility, located approximately eleven (11) miles southeast of Beatty, Nev., as an off-route point in connection with applicant's authorized regular-route operations between Salt Lake City, Utah, and Los Angeles, Calif., over U.S. Highway 91.

HEARING: January 16, 1964, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 23939 (Sub-No. 154), filed December 24, 1963. Applicant: ASHBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Helium*, between points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States, and (2) *empty shipper-owned and government-owned vehicles*, between points in the United States, on the one hand, and, on the other, points in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

HEARING: January 20, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 30844 (Sub-No. 133), filed November 12, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery* from points in New Jersey and New York to points in Arkansas, Colorado, Illinois, Iowa, Missouri, Oklahoma, Tennessee, and Texas, and (2) *bakery goods and frozen foods* from points in New Jersey to points in Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

HEARING: February 12, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 38383 (Sub-No. 12), filed November 1, 1963. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 115 South State Street, Girard, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiversson, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Plastic pipe and plastic pipe connections*, from Huntington, W. Va., to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Indiana, and West Virginia, and (2) *bituminized fibre conduit and conduit connections*, from Ironton, Ohio, to points in Delaware.

HEARING: February 11, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 46046 (Sub-No. 2) filed October 16, 1963. Applicant: A. B. HALL AND IDA M. HALL, a partnership, doing business as, HALL TRANSFER CO., 16 Gould Avenue, Pittsburgh 14, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Pittsburgh, Pa., and (2) between Pittsburgh, Pa., and points in Allegheny County, Pa., within thirty (30) miles of City-County Building, Pittsburgh, Pa.

NOTE: Applicant states the proposed operations will involve shipments being interchanged at Pittsburgh, Pa. It is further noted the above-described operations will be subject to the following conditions: No authority sought (1) to service points on North Side Route, the Mt. Royal Boulevard or Perry Highway, and (2) to transport household goods or office furnishings in use.

HEARING: February 3, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 56388 (Sub-No. 27), filed October 15, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Frederick County, Md., to points in Virginia (except points in the following counties: Accomack, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickinson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Nelson, Northampton, Page, Patrick, Pittsylvania, Pulaski, Roanoke, Rockingham, Rockbridge, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Wise, and Wythe), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *refused and rejected shipments*, in return.

HEARING: February 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 56388 (Sub-No. 28), filed November 13, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Maryland and Virginia, to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 58214 (Sub-No. 4), filed August 7, 1963. Applicant: ROOT TRANSIT, INC., Hodell and Prospect Streets, Shelbyville, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Decatur, Ripley, and Dearborn Counties, and points in Shelby, Rush, and Franklin Counties, south and west of U.S. Highway 52 as off-route points, in connection with applicant's regular routes, between Indianapolis and the Indiana-Ohio State line. Restriction: Restricted against service to and from the following cities or towns: Aurora, Wilmington, Sparta, Dillsboro, Milan, Napoleon, Moores Hill, Osgood, Delaware, Versailles, Flat Rock, Homer, Manilla, Blue Ridge, Milroy, Gowdy, Moscow, Westport, Letts, St. Paul, and Elrod, Indiana. Also restricted against service to and from any city or town located on U.S. Highway 52.

NOTE: Applicant is seeking to engage in interstate commerce transporting the same commodities over the same routes that it has been authorized to serve in intrastate commerce by the Public Service Commission of Indiana.

HEARING: February 17, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Ave., Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 61396 (Sub-No. 102), filed December 16, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles, from Waverly, Mo., and points within 15 miles thereof, to points in Iowa, Kansas, Missouri, and Nebraska, and *returned and rejected shipments*, on return.

HEARING: January 24, 1964, at Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner James I. Carr.

No. MC 64112 (Sub-No. 16), filed November 5, 1963. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C., 28213. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte 3, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings and related articles*, from Charlotte, N.C., to points in Florida (except Duval County).

NOTE: Applicant states authority sought will be tacked on to present operation and from other origins interchanged at Charlotte, N.C.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 64112 (Sub-No. 17), filed November 5, 1963. Applicant: NORTH-EASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C., 28213. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte 3, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer and plywood*, foreign or native wood, or a mixture thereof, from Charlotte, N.C., to points in Florida (except Duval County).

NOTE: Applicant states authority sought will be tacked on to present operation and from other origins interchanged at Charlotte, N.C.

HEARING: February 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 69876 (Sub-No. 13), filed September 19, 1963. Applicant: BURKS PELZ TRANSFER, INC., 801-B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes; transporting: *Baby food preparations, medicinal oils, drugs, solution and tubing, rubber and plastic*, from Zeeland, Mich., to the plant site of Mead Johnson and Company located at Evansville, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed transportation service will be rendered under a continuing contract with Mead Johnson and Company.

HEARING: February 19, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 317, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 83539 (Sub-No. 107), filed November 22, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), *including pipe, connections, couplings and fittings*, when moving in connection therewith, from Lone Star and Bond, Tex., to points in Alabama, Mississippi, and Tennessee.

HEARING: February 21, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 85231 (Sub-No. 8), filed October 25, 1963. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO.,

a corporation, 204 Franklin, Mansfield, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber's supplies and materials and enamelware*, between Shelby, Ohio, and points within five (5) miles thereof, on the one hand, and, on the other, Louisville, Ky., Detroit, Mich., and St. Louis, Mo., and points in Illinois, Indiana, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

HEARING: February 10, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 88390 (Sub-No. 4), filed September 19, 1963. Applicant: FRANK A. PFAFF, Box 100, Worthington, Armstrong County, Pa. Applicant's attorney: Jerome Solomon, 1325-27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Common and face brick, tile, sewer pipe and flue liners, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in West Franklin Township, Armstrong County, Pa., and Logan, Hocking County, Ohio.

NOTE: Applicant states the proposed operations will be under continuing contract with Graff-Kittanning Clay Products Co., a division of Logan Clay Products Co., and the Worthington Ceramics Co., a division of Logan Clay Products Co.

HEARING: February 13, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 99730 (Sub-No. 3), filed November 8, 1963. Applicant: ALLEN J. DOAN, JOHN R. DOAN, RICHARD S. DOAN AND WILLIAM P. DOAN, doing business as DOAN'S TRANSFER & STORAGE COMPANY, a corporation, 422 West Adams Street, Harlingen, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment, pipe, iron and steel products, and heavy and bulky articles requiring specialized equipment*, to, from, and between points in Texas.

HEARING: February 27, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 100666 (Sub-No. 58), filed November 26, 1963. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs, posts, poles, piling, pallets, crossties and lumber, including the same commodities when creosoted or chemically treated*, (1) between points in Mississippi and points in Arkansas, and (2) from points in Mississippi and Arkansas, to points in Nebraska, South Dakota,

North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: February 14, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 106920 (Sub-No. 20), filed November 8, 1963. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, New Bremen, Ohio. Applicant's attorney: Carroll V. Lewis, Third Floor, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, in mixed shipments with salt, from points in Schuyler and Tompkins Counties, N.Y., to points in that part of Ohio, on and west of U.S. Highway 62, and those in that part of Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 31 to junction U.S. Highway 31-E, thence extending along U.S. Highway 31-E to the Ohio River, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it presently holds authority to transport salt from origin to destination points described herein.

HEARING: February 13, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 106997 (Sub-No. 11), filed November 4, 1963. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sensitized photographic materials, equipment, and supplies*, (1) between Newton, N.J., on the one hand, and, on the other, Williamstown, Mass., (2) between Newton, N.J., on the one hand, and, on the other, New Hyde Park, N.Y., and (3) between Newton, N.J., on the one hand, and, on the other, Old Saybrook, Conn.

NOTE: Applicant states that above-proposed operation will be under contracts with Anken Chemical & Film Corp., Newton, N.J. It further states that if this authority is granted, authority covered in MC 106997 Sub-5 will be surrendered. Applicant holds common carrier authority under MC 108035; therefore dual operations may be involved.

HEARING: February 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 107064 (Sub-No. 34), filed December 18, 1963. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, fertilizers and fertilizer solutions, and liquid acids and liquid chemicals*, in bulk, in

tank vehicles, between points in New Mexico and Arizona.

HEARING: January 27, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 107403 (Sub-No. 514), filed November 18, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from Painesville, Ohio, to points in New York on and west of a line beginning at Oswego, N.Y., extending over New York Highway 57 to Syracuse, and thence along U.S. Highway 11 to the Pennsylvania-New York State line.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 107403 (Sub-No. 518), filed December 20, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fuel oil, gasoline, and kerosene*, in bulk, in tank vehicles, from Changewater, Washington Township, Warren County, N.J., to points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming Counties, Pa.

Note: Common control may be involved.

HEARING: February 4, 1964, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Dallas B. Russell.

No. MC 107403 (Sub-No. 521), filed December 31, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, red oil and castor oil foos and sediment*, in bulk, in tank vehicles from Dover, Ohio, to points in Indiana, Illinois, and the lower peninsula of Michigan.

Note: Common control may be involved.

HEARING: January 15, 1964, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Walter R. Lee.

No. MC 109365 (Sub-No. 21), filed September 9, 1963. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Ashdown, Ark. Applicant's attorney: Robert L. Garrett, Slatery Building, Shreveport, La. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from plant or mill sites located at Fordyce, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and (2) from plant or mill sites located at Crossett, Ark., to points in Alabama (except Mobile), Florida, Georgia, Iowa, Illinois,

Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee (except Memphis), Texas, and Wisconsin.

Note: Applicant states it will transport empty containers or other such incidental facilities (not specified), used in transporting the plywood, and rejected shipments of same, on return. It is further noted that the service proposed in (1) and (2) above will originate from the Georgia-Pacific Corporation plants or mill sites located at Fordyce and Crossett, Ark.

HEARING: February 13, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 109397 (Sub-No. 81), filed November 13, 1963. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor equipment, component parts and associated materials*, between points in Cattaraugus County, N.Y., and points in the United States (except Hawaii and Alaska).

HEARING: February 14, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110420 (Sub-No. 355), filed December 30, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, red oil and castor oil foos and sediment*, in bulk, in tank vehicles, from Dover, Ohio, to points in Indiana, Illinois, and the lower peninsula of Michigan, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, on return.

Note: Common control may be involved.

HEARING: January 15, 1964, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 615), filed November 15, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jackiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carneys Point, N.J., to points in Virginia.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110689 (Sub-No. 265), filed December 9, 1963. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney:

Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals*, (2) *liquid petroleum products, in bulk*, and (3) *compressed gases and cryogenics*, in bulk, in manifolded tube trailers and in truck trailers, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Montana, Utah, and Texas.

Note: Common control may be involved.

HEARING: February 24, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 111401 (Sub-No. 141) (CORRECTION), filed July 1, 1963, published in FEDERAL REGISTER issued October 9, 1963, amended December 9, 1963, and republished as amended December 18, 1963, and republished as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Applicant's attorney: Fred M. Standley, Petroleum Building, Santa Fe, N. Mex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, liquid and dry, *petroleum and petroleum products*, liquid and dry, *crude petroleum treating compounds*, liquid and dry, *fertilizers*, liquid and dry, and *sugar*, liquid and dry, and (2) *aggregate, beet pulp, cement, coal, feed and feed ingredients, gravel, gypsum, lumber*, processed and unprocessed, *potash, rock, salt, sand, sawdust, and wood pulp*, between points in New Mexico and Arizona.

Note: Applicant has pending contract carrier application in MC 125020. The purpose of this republication is to delete any reference to in bulk, in tank or dump vehicles.

HEARING: Remains as assigned, January 27, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 111401 (Sub-No. 145), filed December 9, 1963. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kings Mill, Tex., to points in Illinois (except Chicago and Ringwood, Ill.).

Note: Applicant has a pending contract application MC 125020; therefore dual operations may be involved.

HEARING: February 26, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 112520 (Sub-No. 96), filed November 26, 1963. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phosphates, superphosphates, triple superphosphates and phosphate products*, from points in Hillsborough and

Polk Counties, Fla., to points in Hillsborough County, Fla.

NOTE: Common control may be involved.

HEARING: January 21, 1964, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205.

No. MC 113024 (Sub-No. 38), filed August 23, 1963. Applicant: ARLINGTON J. WILLIAMS, INC., 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from El Segundo and Los Angeles, Calif., to Pittsburgh and Harrisburg, Pa., Washington, D.C., and Wilmington, Del.

NOTE: Applicant states the proposed operation will be performed for the account of Sequoia Furniture Products, Inc.

HEARING: February 17, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 113267 (Sub-No. 108), filed September 23, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouse*, and (2) *frozen foods in mixed shipments with the commodities listed in (1), when moving in vehicles equipped with mechanical temperature controlled units*, (A) from Memphis, Tenn., to points in Benton, Carroll, Washington, Madison, Crawford, Franklin, Johnson, Sebastian, Logan, Scott, Polk, Montgomery, Howard, Pike, Sevier, Hempstead, Nevada, Miller, Lafayette, and Columbia Counties, Ark., and (B) between points in Arkansas. Restriction: The proposed operations will be restricted to traffic originating outside Arkansas and tendered to the applicant at any point in Arkansas for delivery and/or distribution.

NOTE: Common control may be involved.

HEARING: February 10, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 113362 (Sub-No. 33), filed December 9, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Marshall D. Becker, 924 City National Bank Bldg., Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, Ex Parte MC-45, in containers, from Stoneham, Karns City, Warren, North Warren, Petrolia, and Franklin, Pa. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

HEARING: February 5, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 113089 (Sub-No. 8), filed November 20, 1963. Applicant: ED GALLGHER, Bowerston, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Hanover, Ohio, to points in Delaware, District of Columbia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that the proposed operations will be under contract with Bowerston Shale Company.

HEARING: February 13, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 114533 (Sub-No. 78), filed October 8, 1963. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, audit and accounting media, business reports and records*, between Muncie, Ind., on the one hand, and, on the other, St. Joseph and New Troy, Mich.

HEARING: February 19, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 114900 (Sub-No. 1), filed December 26, 1963. Applicant: LUTHER M. ANDERSON, doing business as ANDERSON TRUCK LINES, Grand Saline, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Mineral mixtures*, in bags and packages, *pepper*, in cartons and packages and *institutional packages of individual serving of food-stuffs and condiments*, from Grand Saline, Tex., and points within five (5) miles thereof, to points in New Mexico, and *damaged and rejected shipments*, on return.

HEARING: February 11, 1964, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 115311 (Sub-No. 43), filed December 31, 1963. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Louisiana, Arkansas, and Alabama, and *exempt commodities*, on return.

HEARING: January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 115841 (Sub-No. 155) (AMENDMENT), filed October 11, 1963, published in FEDERAL REGISTER issue November 28, 1963, amended December 30, 1963, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattville, N.Y., to points in Kentucky, Virginia, Georgia, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to show the addition of two (2) States to the destination territory.

HEARING: Remains as assigned January 22, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 115946 (Sub-No. 30), filed October 23, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from the plants and mill sites of Georgia-Pacific Corp., located at Fordyce and Crossett, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and (2) from the plants and mill sites of Georgia-Pacific Corp., located at Fordyce, Ark., to points in Louisiana and Mississippi.

NOTE: Applicant states that the service proposed in (1) above will be restricted against transportation from Crossett, Ark., to Mobile, Ala., and Memphis, Tenn.

HEARING: February 13, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 117119 (Sub-No. 125), filed November 12, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to New Orleans and Baton Rouge, La., and points in Arkansas, Mississippi, and the Memphis, Tenn., commercial zone, when previously stopped for partial unloading in the States of Kentucky, Alabama, and Tennessee, other than the Memphis commercial zone.

HEARING: February 12, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 117427 (Sub-No. 37), filed December 2, 1963. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles and posts*, treated and untreated, with or without lumber in the same vehicle, from Charleston and Florence, S.C., to points in Pennsylvania, New York, and New Jersey, and returned or rejected shipments, on return.

HEARING: February 7, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 117883 (Sub-No. 30), filed November 6, 1963. Applicant: **SUBLER TRANSFER, INC.**, East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in 61 M.C.C. 209 and 766, in temperature controlled vehicles, from Union City, Ohio, to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and returned, refused, damaged, and rejected shipments of the aforesaid commodities, on return.

HEARING: February 12, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 119777 (Sub-No. 20), filed November 12, 1963. Applicant: **LIGON SPECIALIZED HAULER, INC.**, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in Appendix V, except those which because of size or weight require special equipment, between Newport and Wilder, Ky., on the one hand, and, on the other, New Orleans, La., and points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 119778 (Sub-No. 57), filed November 4, 1963. Applicant: **RED-WING CARRIERS, INC.**, Post Office Box 34, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from points in Mobile County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE: Common control may be involved.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 119778 (Sub-No. 60), filed December 19, 1963. Applicant: **RED-WING CARRIERS, INC.**, Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer ingredients*, in bags and in bulk, from Sheffield, Ala., and points within fifteen (15) miles thereof, to points in Alabama, Georgia, and North Carolina.

NOTE: Common control may be involved.

HEARING: January 22, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 370.

No. MC 119934 (Sub-No. 69), filed September 1, 1963. Applicant: **ECOFF TRUCKING, INC.**, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank and hopper type vehicles, from Springfield, Ill., to Seelyville and Evansville, Ind., and damaged and rejected shipments, on return.

HEARING: February 18, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 120543 (Sub-No. 16) (AMENDMENT), filed September 2, 1963, published in **FEDERAL REGISTER** issue December 18, 1963, amended December 23, 1963, and republished as amended this issue. Applicant: **FLORIDA REFRIGERATED SERVICE, INC.**, Post Office Box 1252, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in straight or mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration, from points in Arizona and California, to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina.

NOTE: Applicant states it proposes to transport *exempt commodities*, on return. The purpose of this republication is (1) to provide a more accurate description of commodities and (2) to narrow the destination territory sought.

HEARING: Remains as assigned February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 123405 (Sub-No. 8), filed November 12, 1963. Applicant: **FOOD TRANSPORT, INC.**, Post Office Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Milton, Pa., to Beaumont, Galveston, Houston, and Port Arthur,

Tex. and points in Louisiana and Mississippi on and south of U.S. Highway 80.

NOTE: Common control may be involved.

HEARING: February 12, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 124078 (Sub-No. 92), filed December 26, 1963. Applicant: **SCHWERMANN TRUCKING CO.**, a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Zipperski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Alabama, Arkansas, Louisiana, and Texas.

NOTE: Common control may be involved.

HEARING: January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 124078 (Sub-No. 93), filed December 30, 1963. Applicant: **SCHWERMANN TRUCKING CO.**, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Zipperski (same address as applicant). Authority sought to operate as a *common carrier*, transporting: *Limestone and limestone products*, in bulk, from points in Livingston County, Ky., to points in Indiana, Illinois, Missouri, and Tennessee.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113832, therefore dual operations may be involved.

HEARING: January 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 124078 (Sub-No. 94), filed December 30, 1963. Applicant: **SCHWERMANN TRUCKING CO.**, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Zipperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from points in Crittenden County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832, therefore dual operations may be involved.

HEARING: January 23, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 124573 (Sub-No. 7), filed December 6, 1963. Applicant: **STILL FERTILIZER & GRAIN COMPANY**, a corporation, Steele, Mo. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, from Yazoo City and Gulfport, Miss., to points in Arkansas, (2) *bagging for wrapping cotton bales*, from Gulfport, Miss., to points in Arkansas and (3) *bale ties*, from Birmingham, Ala., to points in Arkansas and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

HEARING: February 7, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Leo M. Pellerzi.

No. MC 124966 (REPUBLICATION), filed December 7, 1962. Applicant: GEORGE E. WILSON, doing business as WILSON GARAGE, Boulder City, Nev. Applicant's representative: H. E. Ringle, Post Office Box 1776, Phoenix 4, Ariz. By application filed December 7, 1962, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of wrecked, disabled, and abandoned motor vehicles, by use of wrecker equipment only, between points in Clark County, Nev., on the one hand, and, on the other, points in Mohave County, Ariz. By petition filed September 26, 1963, applicant seeks to further amend the application by restricting the application, insofar as it applies to the transportation of house trailers, to the movement of new, used, occupied, or empty house trailers, by use of wrecker equipment only, when said trailers are being towed by automobiles which become disabled for any cause, and the owners thereof or the owners' agent request service thereon. The application has been assigned for handling under modified procedure. A report and order, served November 19, 1963, effective December 19, 1963, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, by use of wrecker equipment only, (1) of wrecked, disabled, and abandoned motor vehicles, and (2) of house trailers only when drawn by automobiles which become wrecked or disabled, between points in Clark County, Nev., on the one hand, and, on the other, points in Mohave County, Ariz.; and that an appropriate certificate authorizing such operations should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a statement of the authority granted herein to transport house trailers as above indicated, during which period any interested person who may have been prejudiced by lack of proper notice, will be permitted to file an appropriate petition.

No. MC 125474 (Sub-No. 2) (AMENDMENT), filed October 31, 1963, published in FEDERAL REGISTER issue of December 25, 1963, amended January 3, 1963, and republished, as amended, this issue. Applicant: BULK HAULERS, INC., 420 West Shipyard Boulevard, Wilmington, N.C. Applicant's attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Wilmington, N.C., and points within ten (10) miles thereof and from Acme, N.C., and points within four (4) miles thereof, to points in Virginia, South Carolina, and Georgia.

NOTE: The purpose of this republication is to add "Acme, N.C., and points within four miles thereof" as an origin territory.

HEARING: Remains as assigned January 29, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 125626, filed August 23, 1963. Applicant: WILLIAMS TRUCKING, INC., Box 363, Lisbon, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wholesale building materials* to retail dealers only, from Alliance, Ohio, to points in Pennsylvania and West Virginia, and (2) *building materials*, for resale, from points in Pennsylvania and West Virginia to Alliance, Ohio.

NOTE: Applicant states the proposed service will be under a continuing contract with Alliance Wholesalers, Inc., Alliance, Ohio.

HEARING: February 14, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125661, filed September 6, 1963. Applicant: RUSSELL F. McINTOSH, doing business as, McINTOSH TRUCKING, 1244 Park Avenue, New Haven, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, roofing, and plumbing supplies*, from points in Allen County, Ind., to points in Ohio on and west of U.S. Highways 68 and 25 and on and north of U.S. Highway 36, and to points in Michigan on and south of U.S. Highway 12.

NOTE: Applicant states transportation will be restricted to retail delivery only.

HEARING: February 21, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125681, filed September 16, 1963. Applicant: MATERIALS TRANSPORT, INC., Sixth and Franklin, Post Office Box 60, Tell City, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump trucks, from Evansville and Newburgh, Ind., to points in Indiana, points in Kentucky on and west of U.S. Highway 31E, and that por-

tion of Illinois on and south of U.S. Highway 36 and on and east of U.S. Highway 51.

HEARING: February 18, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125735, filed October 10, 1963. Applicant: HAYMAKER VAN & STORAGE, INCORPORATED, 903 West Wabash Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in Indiana.

HEARING: February 20, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125759, filed October 18, 1963. Applicant: RAY MINSHELL, JR. AND HERBERT W. HAIDLE, doing business as MINSHELL'S EXPRESS, 317 Depot Street, Latrobe, Pa. Applicant's attorney: Thomas R. Mahady, 317 Weldon Street, Greensburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air freight and air express*, (1) from points in Westmoreland, Indiana, and Fayette Counties, Pa., to the Greater Pittsburgh Airport (Moon Township), Allegheny County, Pa., (2) from points in Indiana and Westmoreland Counties and from those points in Fayette County, north of Pennsylvania Highway 711 to the Greater Pittsburgh Airport, including the interchange of air freight and air express between other carriers operating in interstate commerce, and (3) between points in Westmoreland, and Indiana Counties and the above-designated portion of Fayette County on the one hand, and, on the other, the Cleveland Airport and Cleveland, Ohio, on emergency or rush basis when facilities are not available at the Greater Pittsburgh Airport.

NOTE: Applicant states the proposed service will be for the pickup, delivery and transportation of air freight and air express between points specified above.

HEARING: February 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 125813, filed November 13, 1963. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 3, Shippensburg, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings, metal studs, pumps, pump parts, operating and installation manuals, and advertising material*, from Shippensburg, Pa. to Indianapolis, Ind., and *empty containers or other such incidental facilities* (not specified) used

in transporting the above-described commodities, and returned shipments of castings, studs, pumps, and pump parts, on return.

HEARING: February 14, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No. 41), filed November 6, 1963. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Charles B. McInnis, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between the north exit of the Baltimore Harbor Tunnel and the south approach access road of the Delaware Memorial Bridge, from the north exit of the Baltimore Harbor Tunnel over Interstate Highway 95 to the south approach access road of the Delaware Memorial Bridge, and return over the same route.

NOTE: Applicant states it proposes to serve all intermediate points on Interstate Highway 95, all intermediate points on the access roads between Interstate Highway 95 and U.S. Highway 40, and intermediate points on U.S. Highway 40 including, but not limited to Aberdeen, Perryville, Elkton, and Harve de Grace, Md. It is further stated that Safeway Trails, Inc. intends to take the proposed route with its authorized regular-route operations.

HEARING: February 13, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

No. MC 116611 (Sub-No. 3), filed November 18, 1963. Applicant: PAN AMERICAN MOTOR COACHES, a corporation, Post Office Box 1870, Harlingen, Tex. Applicant's attorney: John R. Sims, Jr., 3600 M Street NW., Washington 7, D.C. Authority sought to operate at a contract carrier, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203 (a) (23) of the Interstate Commerce Act, and their baggage, in the same vehicle, between points in the United States (except Alaska and Hawaii).

NOTE: Applicant states it has authority in MC 116611 (Sub-No. 1) to transport migrant workers, as defined in section 203(a) (23) of the Interstate Commerce Act, and their baggage, in the same vehicle, between points in Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, New Mexico, Ohio, Tennessee, Texas (except points in El Paso County), and Wisconsin. It is further stated that should the instant application be granted, applicant will request its present authority be cancelled.

HEARING: February 18, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 125569 (Sub-No. 6), filed December 10, 1963. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison

Kahn, Suite 733, Investment Bldg., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations during the authorized racing seasons of each year, between Harrisburg, Camp Hill, Lemoyne, and York, Pa., and the race tracks at Charlestown, W. Va.

HEARING: January 31, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 206, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 84739 (Sub-No. 13) (CORRECTION), filed December 2, 1963, published FEDERAL REGISTER, issue of December 18, 1963, and republished as corrected this issue. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rejected, damaged, used, traded-in and defective bulk milk and cooling tanks, and parts thereof*, originally transported by applicant, from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Madison and Hartford, Wis.

NOTE: The purpose of this republication is to show correct commodity description.

No. MC 98239 (Sub-No. 4), filed August 26, 1963. Applicant: BERNARD DONALD REICHERT, doing business as REICHERT TRANSFER, Post Office Box 170, Brainerd, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 4, Minn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, in less-than-truckload lots, between Brainerd, Motley, and Pillager, Minn.; from Brainerd over U.S. Highway 210 to Motley and Pillager, and return over the same route, serving no intermediate points.

No. MC 98792 (Sub-No. 3), filed December 16, 1963. Applicant: JEROME L. SAMUELS, doing business as SAMUELS MOTOR SERVICE, 131 Donner Avenue, Monessen, Pa. Applicant's attorney: David M. Janavitz, Frick Building, Pittsburgh, Pa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Monessen, and Pittsburgh, Pa., from Monessen over Pennsylvania Highway 906 to Webster, Pa., thence across

the Monongahela River to Donora, Pa., thence over Pennsylvania Highway 837 to Monongahela, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, and return over the same route, serving all intermediate points, and the off-route point of East Monongahela, Pa., and (2) between Monongahela and Charleroi, Pa., (a) from Monongahela over Pennsylvania Highway 88 to Charleroi, and (b) from Monongahela over Pennsylvania Highway 31 to junction Pennsylvania Highway 906 through Webster, to Monessen, and thence over Monongahela River and Pennsylvania Highway 88 to Charleroi, and return over the same route, serving all intermediate points and the off route point of East Monongahela.

No. MC 112020 (Sub-No. 213), filed December 16, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugars and syrups and blends thereof*, in bulk, from Hereford, Tex., and points within 5 miles thereof, to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 60), filed December 23, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine and *rejected shipments* on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 125868, filed December 2, 1963. Applicant: CLAUDE WREN, 423 South Maple, Blackfoot, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Bingham, Bannock, Power, and Bonneville Counties, Idaho, and extending to Salt Lake City, Utah, and points in Lincoln and Teton Counties, Wyo.

NOTE: Applicant states the proposed operations will involve transportation of school children, 4-H students, church groups and scouting troops.

NOTICE OF FILING OF PETITIONS

No. MC 109749 (Sub-No. 16) (PETITION TO ADD ADDITIONAL SHIPPER), filed December 16, 1963. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Petitioner holds authority in MC 109749 (Sub-No. 16), to transport meat and packing-houses products from Omaha, Nebr., to points in Wyoming and Montana under a continuing contract with Wilson and Co. at Omaha, Nebr. By the instant petition it seeks approval of the addition

of a contract with Swift & Co. at Omaha, Nebr. Any person or persons desiring to object to the addition of the above-named shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8634. Authority sought for control by THE OVERLAND EXPRESS, LIMITED, Post Office Box 207, Woodstock, Ontario, Canada, of OVERLAND EXPRESS, INC., 631 Niagara Street, Buffalo 1, N.Y. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be controlled: Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed February 10, 1963, in No. MC-97165 Sub-2, covering the transportation of general commodities, between Buffalo, N.Y., and Jamestown, N.Y., serving all intermediate and certain off-route points. THE OVERLAND EXPRESS, LIMITED, is authorized to operate as a common carrier in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

Note: Applicants request dismissal of this application for lack of jurisdiction.

No. MC-F-8635. Authority sought for continuance in control by SCOBIE'S TRANSPORT LIMITED, Ferguson Street, Niagara Falls, Ontario, Canada, of (1) HOMER WHITE, INC., 297 Ramsdell Avenue, Buffalo, N.Y., and (2) LORNE SCOBIE, SR., AND LORNE SCOBIE, JR., doing business as NIAGARA MOVERS, c/o LORNE MORRIS, Chippawa, Ontario, Canada, and for acquisition by LORNE F. SCOBIE, 62 Medula Street, Toronto, Ontario, Canada, of control of HOMER WHITE, INC., and LORNE SCOBIE, SR., AND LORNE SCOBIE, JR., doing business as NIAGARA MOVERS, through the acquisition by SCOBIE'S TRANSPORT LIMITED, upon issuance to SCOBIE'S TRANSPORT LIMITED of the certificate conditionally granted in No. MC-115452 Sub-2. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be controlled: (1) Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed January 30, 1963, covering the transportation of general commodities, between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points; and (2) bags, batteries, battery parts, calcium nitrate, cellulose, wadding, gloves, and stone, as a common carrier over irregular routes, from Niagara Falls, N.Y., to the port of entry at the boundary of the United States and Canada at Niagara

Falls, N.Y.; leather, machinery, and stone, from the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y., to Niagara Falls, N.Y.; paper, from the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y., to Lockport, N.Y.; and household goods as defined by the Commission, between points in New York, on the one hand, and, on the other, the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8636. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of the operating rights and property of PITTSBURGH-WHEELING EXPRESS, INC., 235 East Maiden Street, Washington, Pa., and for acquisition by BERNARD BROWN, 2 Northwood Drive, Vineland, N.J., of control of such rights and property through the purchase. Applicants' attorneys: Alvin Altman, 1776 Broadway, New York 19, N.Y., and Beverley S. Simms, 612 Barr Building, Washington, D.C. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Wheeling, W. Va., and certain points in Pennsylvania, serving all intermediate points, between Pittsburgh, Pa., and certain points in Ohio and West Virginia, serving all intermediate points and the off-route points of Yukon and Herminie, Pa.; general commodities, with exceptions as specified above, over irregular routes, between certain points in Pennsylvania and West Virginia, on the one hand, and, on the other, certain points in Ohio, Pennsylvania, and West Virginia. Vendee is authorized to operate as a common carrier in New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New York, Rhode Island, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8637. Authority sought for purchase by REED LINES, INC., Box 285, Woodburn, Ind., of a portion of the operating rights of MOTORWAY CORPORATION, 131 Matziner Road, Toledo, Ohio, and for acquisition by GLENN W. REED, 210 North Clinton Street, Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: Glass containers, caps, covers, disks and tops, and fibreboard boxes, doublefaced, corrugated, or knocked down flat, as a common carrier over irregular routes, from Fairmont, W. Va., to certain points in Ohio; glass containers, caps, covers, disks, and tops, and fibreboard boxes, corrugated or knocked down flat, from Gas City, Ind., to points in West Virginia; glass bottles, glass jars, and caps, covers, disks and tops therefor, and fibreboard boxes, from Gas City, Ind., to

points in Maryland, and New Jersey; glass blocks and materials used in the installation thereof, from Muncie, Ind., to points in West Virginia, Maryland, and New Jersey; plastic containers, and caps, covers and tops therefor, from Gas City, Ind., to points in Pennsylvania, West Virginia, New York, Maryland, and New Jersey; grease, lubricating oil, insecticides, and antifreeze, in containers, from points in Marion County, Ind., to points in Ohio; agricultural implements and agricultural implement parts, from points in Shelby and Marion Counties, Ind., to points in Ohio; cereal food preparations, macaroni, spaghetti, dog food, and advertising matter therefor, from Battle Creek, Mich., to certain points in Ohio, Pennsylvania, West Virginia, and Kentucky; composition roofing, asphalt roofing, composition siding, asphalt siding, and materials, used in the installation thereof, from Chicago, Ill., to certain points in Kentucky and West Virginia, with certain exceptions; asphalt siding, and materials used in the installation thereof, from South Bend, Ind., to certain points in Kentucky and West Virginia, with certain exceptions; paving materials, insulating materials, roofing materials, asphalt and composition floor tile and wall tile, and materials and supplies incidental to or used in the installation of such tile, from Chicago Heights, Ill., to certain points in Kentucky with certain exceptions. RESTRICTION: The separate grants of authority described above shall not be tacked or joined directly or indirectly, for the purpose of performing any through service. Vendee is authorized to operate as a common carrier in the States on and east of the Mississippi River, including points on the west bank thereof, and the District of Columbia (except Columbus, Jackson, Laurel, and Meridian, Miss., and points in Alabama, Georgia, North Carolina, and South Carolina). Application has been filed for temporary authority under section 210a(b).

No. MC-F-8638. Authority sought for merger into SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., of the operating rights and property of C. A. WORTH & CO., 1335 Sixth Street, San Francisco, Calif., and for acquisition by ESTATE OF JOHN E. CARROLL, SR. (BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION), 650 South Spring Street, Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Berol, Loughran & Geernaert, 100 Bush Street, Suite 2107, San Francisco 4, Calif. Operating rights sought to be merged: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; general merchandise, between points in San Francisco, Calif., between points in Oakland, Calif., between San Francisco, Calif., on the one hand, and,

on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro, Calif.; and under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed February 7, 1963, in the State of California. SIGNAL TRUCKING SERVICE, LTD., is authorized to operate as a common carrier in the State of California. Application has not been filed for temporary authority under section 210a(b).

NOTE: SIGNAL TRUCKING SERVICE, LTD., controls C. A. WORTH & CO., through ownership of capital stock pursuant to authority granted July 6, 1961, in No. MC-F-7782.

No. MC-F-8639. Authority sought for control by U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit 16, Mich., of DETROIT TERMINAL & CARTAGE COMPANY, 1175 Piquette Avenue, Detroit 11, Mich., and for acquisition by CARL W. BEHRENS, GEORGE J. CODD, both of 2290 24th Street, Detroit, Mich., ESTATE OF N. F. SAUR (DETROIT BANK & TRUST COMPANY, TRUSTEE), Detroit 26, Mich., and ROBERT D. JONES, 19,000 Fenton Avenue, Detroit, Mich., of control of DETROIT TERMINAL & CARTAGE COMPANY, through the acquisition by U.S. TRUCK COMPANY, INC. Applicants' attorney: Wilber M. Brucker, Jr., 2200 Penobscot Building, Detroit 26, Mich. Operating rights sought to be controlled: *New furniture*, as a *common carrier* over irregular routes, from Detroit, Mich., to points within 8 miles of Detroit; *parts, assemblies, and materials* used in the manufacture of motor vehicles, as a *contract carrier* over irregular routes, between Detroit, Mich., on the one hand, and, on the other, certain places in Michigan owned, leased, or otherwise occupied by the Ford Motor Company. RESTRICTION: No shipments shall be transported to or from the United States-Canada Boundary line between Michigan and Province of Ontario, Canada; between Detroit, Mich., and the site of the Ford Motor Company plant at Mt. Clemens, Mich., RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Ford Motor Company, Detroit, Mich.; *parts, assemblies, and materials*, used in the manufacture of motor vehicles by Ford Motor Company, between the site of the plant of the Ford Motor Company, at the intersection of 23-mile Road and Mound Road, Macomb County, Mich., and Detroit, Mich., RESTRICTION: The service authorized herein is subject to the following conditions: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act; The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Ford Motor Company, of Dearborn, Mich.; and no shipments

shall be transported to or from the United States-Canada boundary line which are moving between Michigan and the Province of Ontario, Canada. This application also proposes that U.S. TRUCK COMPANY, INC., would control DETROIT EQUIPMENT COMPANY, a noncarrier affiliate of DETROIT TERMINAL & CARTAGE COMPANY. U.S. TRUCK COMPANY, INC., is authorized to operate as a *common carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8640. Authority sought for purchase by TRANSPORT, INC., of SOUTH DAKOTA, Post Office Box 502, Sioux Falls, S. Dak., of the operating rights of INTERSTATE TRANSPORT, INC., Post Office Box 502, Sioux Falls, S. Dak., and for acquisition by R. O. PITSENBARGER, Post Office Box 396, Moorhead, Minn., of control of such rights through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Rock Rapids, Iowa, and points in Iowa within 10 miles thereof, to certain points in Minnesota, from Superior, Nebr., and Champlin, Iowa, to points in Minnesota on and south of U.S. Highway 12 and on and west of U.S. Highway 71, from Watertown, S. Dak., and points within 5 miles thereof, to certain points in Minnesota; *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Rock Rapids, Iowa, to points in Nebraska; *petroleum and petroleum products*, in bulk, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Norfolk, Nebr., and points within 10 miles thereof, to points in Minnesota, North Dakota, and South Dakota, from Yankton, S. Dak., and points in South Dakota within 10 miles thereof, to points in Iowa, Minnesota, Nebraska, and North Dakota; and *liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company pipeline at or near Sanborn, Iowa, to points in Nebraska and South Dakota. TRANSPORT, INC., of SOUTH DAKOTA, not yet a carrier, is controlled by R. O. PITSENBARGER, who also controls through stock ownership INTERSTATE TRANSPORT, INC., and TRANSPORT, INC. (Moorhead, Minn.), both motor carriers subject to the Interstate Commerce Act, pursuant to authority granted in No. MC-F-6863, decided May 29, 1958. TRANSPORT, INC., OF SOUTH DAKOTA seeks authority to purchase the operating rights of INTERSTATE TRANSPORT, INC., and R. O. PITSENBARGER seeks authority to acquire control of the operating rights through the purchase and to continue in control of TRANSPORT, INC., OF SOUTH DAKOTA upon issuance of the certificate authorized in No. MC-124669, decided September 19, 1963. Application

has not been filed for temporary authority under section 210a(b).

No. MC-F-8641. Authority sought for purchase by INTERCITY TRANSPORTATION COMPANY, 175 East Ashland Street, Brockton, Mass., of the operating rights and property of LEON ELLERY BALL, doing business as LEON E. BALL EXPRESS (FLORENCE G. BALL, EXECUTRIX), 64 South Main Street, Mansfield, Mass., and for acquisition by HAROLD F. BERGERON, G. IRVIN BERGERON, MARIE C. KEARNEY, STANLEY L. BERGERON, and NORMAN S. BERGERON, all of Brockton, Mass., of control of such rights and property through the purchase. Applicants' attorneys: Theodore E. Shasta, 1 Court Street, Boston 8, Mass., Ernest L. White, Jr., 102 North Main Street, Mansfield, Mass., and Jeanne M. Hession, 5 Potosi Street, Dorchester, Mass. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Mansfield, Mass., and Boston, Mass., serving all intermediate points and the off-route points of Sharon and Canton, Mass.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Boston, Foxboro, and Mansfield, Mass., on the one hand, and Pawtucket, Providence, and Woonsocket, R.I., and points in Massachusetts, on the other. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, Connecticut, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-167; Filed, Jan. 7, 1964;
3:47 a.m.]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 3, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, p. 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

The following are seven (7) applications submitted by the New Mexico State

Corporation Commission, for publication in the FEDERAL REGISTER under provisions of section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. State Docket No. 3666, exact filing date unknown. Applicant: ROBERTA KILGORE, doing business as EVEREADY MOVERS, 1750 Seventh Street NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *household goods* as designated by the Interstate Commerce Commission Ex Parte No. MC-19 and as defined by the Interstate Commerce Commission in 17 M.C.C. 467. *New furniture, store and office fixtures and equipment, new household fixtures and appliances and new office and household furnishings*, all uncrated. *General commodities* (except explosives and articles loose or in bulk). Within the city of Albuquerque, N. Mex., and a ten (10) mile radius thereof, over irregular routes, under nonscheduled service.

State Docket No. 3667, exact filing date unknown. Applicant: ABC BONDED WAREHOUSES, INC., 1750 Seventh Street NW., Albuquerque, N. Mex. Identical authority sought in State Docket No. 3666.

State Docket No. 3673, exact filing date unknown. Applicant: A. J. BEAUVAIS, doing business as DELIVERY SERVICE ENTERPRISES, 2001 Second Street NW., Albuquerque, N. Mex. Applicant's attorney: R. Russell Rager, Post Office Box 1031, Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and household goods* (except petroleum products in bulk), within the city of Albuquerque, N. Mex., and points in Bernalillo County, N. Mex., over irregular routes, under nonscheduled service.

State Docket No. 3679, exact filing date unknown. Applicant: APACA, INC., 423 Wyoming SE., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new and used uncrated household goods, personal effects; office furniture, equipment and fixtures; equipment and property of stores, museums, institutions, hospitals and other establishments; articles including objects of art, displays and exhibits; electronic equipment and component parts; general commodities; and new and used crated or containerized household goods*, to and from points within the city limits of Albuquerque, N. Mex., and ten (10) miles outside the city limits of Albuquerque, N. Mex., over irregular routes, under nonscheduled service.

State Docket No. 3680, exact filing date unknown. Applicant: HAROLD L. HERSKIND, doing business as PARCEL DELIVERY OF ALBUQUERQUE, 917 Yale SE., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general*

commodities (except explosives, articles of unusual value, household goods), within the city of Albuquerque, N. Mex., and a ten (10) mile radius thereof, over irregular routes, under nonscheduled service.

State Docket No. 3683, exact filing date unknown. Applicant: WORLD-WIDE MOVING SERVICE, INC., 10,000 Acoma Road SE., Albuquerque, N. Mex. Applicant's attorney: W. Peter McAtee, 117 Marquette NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities, household goods, machinery, and equipment, electronic equipment, building materials, and personal property of every kind and character*, within the city of Albuquerque, N. Mex., and an area ten (10) miles from its municipal limits, over irregular routes, under nonscheduled service.

State Docket No. 3684, exact filing date unknown. Applicant: MILLER VAN LINES, INC., 10,000 Acoma Road SE., Albuquerque, N. Mex. Applicant's attorney: W. Peter McAtee, 117 Marquette NW., Albuquerque, N. Mex. Identical authority sought in State Docket No. 3683.

HEARINGS: (In docket order), January 15, 1964, at 9:30 a.m., in the office of the New Mexico Motor Carriers' Association, Inc., 1500 Hannett NE., Albuquerque, N. Mex.

Requests for procedural information, including the time for filing protests, concerning these applications should be addressed to the New Mexico State Corporation Commission, Motor Transportation Department, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

State Docket No. M-11498, filed December 10, 1963. Applicant: CENTRAL TRANSFER AND DISTRIBUTION COMPANY, 501 South Eighth Street, Omaha (Douglas County), Nebr. Applicants' attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except bulk oil, gasoline, bulk commodities and perishable goods which require refrigeration), over irregular routes, from Omaha, Nebr., and vicinity, to and from various points in Nebraska.

HEARING: February 4, 1964, at 9:30 a.m., in the Commission Hearing Room, Capitol Building, Lincoln, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-168; Filed, Jan. 7, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ainsbrooke Corp., Olney, Ill.; effective 12-20-63 to 12-19-64 (men's and boys' pajamas).

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-64 to 12-31-64 (men's work shirts).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-28-63 to 12-27-64 (men's trousers).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-64 to 12-31-64 (men's dress shirts).

Evergreen Textiles, Inc., Evergreen, Ala.; effective 12-21-63 to 12-20-64 (men's semi-dress slacks).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 12-19-63 to 12-18-64 (men's and boys' cotton sport, dress, and work shirts).

H. L. Friedlen & Co., Inc., 640 River Street, Allegan, Mich.; effective 1-4-64 to 1-3-65 (men's outerwear jackets).

Hickory Grove Sportswear Co., Inc.; Hickory Grove, S.C.; effective 12-20-63 to 12-19-64. Learners may not be employed at special minimum wage rates in the production of women's skirts (Women's culottes, capris, jamaica and bermuda shorts).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 12-30-63 to 12-29-64 (men's and boys' trousers).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn.; effective 1-1-64 to 12-31-64 (work shirts, pajamas).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-64 to 12-31-64 (men's and boys' shirts).

Swansea Manufacturing Co., Inc., Swansea, S.C.; effective 12-21-63 to 12-20-64 (men's robes and ladies' pants and blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bamberg Sportswear Manufacturing Co., Bamberg, S.C.; effective 12-20-63 to 12-19-64; 10 learners (boys' pants).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-64 to 12-31-64; 10 learners (men's cotton work shirts).

Mode O'Day Co., Plant 6, a division of Founders, Inc., 403½ South Main Street, Ottawa, Kans.; effective 1-1-64 to 12-31-64; 10 learners (ladies' cotton and rayon dresses).

Tucker Garments, Inc., 837 State Street, Springfield, Mass.; effective 12-20-63 to 12-19-64; 10 learners (children's aprons and smocks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Garan, Inc., Starkville, Miss.; effective 12-19-63 to 6-18-64; 65 learners (men's and boys' sport shirts).

Levi Strauss & Co., P.O. Box 1100, McArthur Road, Maryville, Tenn.; effective 12-18-63 to 6-17-64; 100 learners (men's and boys' trousers).

Swansea Manufacturing Co., Inc., Swansea, S.C.; effective 12-21-63 to 6-20-64; 60 learners (men's robes and ladies' pants and blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 12-17-63 to 6-16-64; 10 learners for plant expansion purposes (seamless and full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., Sanford, Fla.; effective 12-20-63 to 12-19-64; 5 learners for normal labor turnover purposes (ladies' swimwear).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; effective 12-18-63 to 6-17-64; 15 learners for plant expansion purposes (ladies' and children's undergarments, pajamas).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Aguada Foundations, Inc., Colon Street, P.O. Box 177, Aguada, P.R.; effective 11-3-63 to 9-21-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

Aguada Foundations, Inc., Colon Street, P.O. Box 177, Aguada, P.R.; effective 11-3-63 to 3-21-64; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 88 cents an hour for the first 320 hours and 98 cents an hour for the

remaining 160 hours (girdles) (replacement certificate).

Americana Manufacturing Co., Inc., P.O. Box 1168, Guayama, P.R.; effective 11-3-63 to 6-3-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Angela Manufacturing Co., Inc., P.O. Box 676, Guayama, P.R.; effective 11-3-63 to 4-17-64; 17 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Astro Products, Inc., El Comandante Ext., Building 6-A, P.O. Box 777, Carolina, P.R.; effective 11-3-63 to 4-28-64; 8 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (elastic back closures for brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., P.O. Box 391, Ponce, P.R.; effective 11-3-63 to 6-9-64; 30 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Road Plant, P.O. Box 88, Mayaguez, P.R.; effective 11-3-63 to 3-23-64; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Road Plant, P.O. Box 88, Mayaguez, P.R.; effective 11-3-63 to 4-30-64; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-63 to 11-2-64; 25 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Bow Bra Co., Inc., 48 Southeast No. 1272, La Riviera, Rio Piedras, P.R.; effective 11-3-63 to 3-15-64; 35 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Bra-Glo Manufacturing Co., Inc., P.O. Box 97, Carolina, P.R.; effective 11-3-63 to 2-14-64; 20 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Bratex Corp., Road No. 701, Km. 0.3, P.O. Box 747, Salinas, P.R.; effective 11-3-63 to

2-14-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) machine operation other than sewing machine (trim master machine and die press cutter machine operator); final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, P.O. Box 88, Mayaguez, P.R.; effective 11-3-63 to 4-22-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Contours, Inc., P.O. Box 163, Caguas, P.R.; effective 11-3-63 to 12-28-63; 5 learners for normal labor turnover purposes, in the occupations of: (1) cup cutter; cup sprayer; cup presser, each for a learning period of 240 hours at the rate of 88 cents an hour; and (2) die and clicker machine operator, each for a learning period of 160 hours at the rate of 88 cents an hour (bust pads) (replacement certificate).

Debmar Corp., P.O. Box 377, Canovenas, P.R.; effective 11-3-63 to 2-14-64; 19 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

De Luxe Caribe, Inc., P.O. Box 348, Florida, P.R.; effective 11-3-63 to 2-5-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and allied products) (replacement certificate).

De Luxe Caribe, Inc., P.O. Box 348, Florida, P.R.; effective 11-11-63 to 2-5-64; 32 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles, brassieres and allied products).

Nutritional Specialties, Inc., P.O. Box 103, Arecibo, P.R.; effective 12-5-63 to 4-30-64; 5 learners for normal labor turnover purposes, in the occupation of tableting machine operator; mixing machine operator; granulating machine operator; coating machine operator; die setting, each for a learning period of 240 hours at the rate of 74 cents an hour (dietary food supplement in tablet form) (replacement certificate).

Tropical Corp., P.O. Box 3573, Mayaguez, P.R.; effective 11-3-63 to 8-21-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of: (a) 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Each learner certificate has been issued upon the representations of the em-

ployer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, oc-

cupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 12-13-63 to 8-31-64; authorizing the employment of: (1) 20 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours; (2) 26 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semi-skilled occupations, for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours; and (3) 2 student-workers in the clerical industry in

the occupations of typist, record-keeper, and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of \$1.10 an hour for the first 240 hours and \$1.15 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 27th day of December 1963.

ROBERT G. GRONEWALD,
Authorized Representative of
the Administrator.

[F.R. Doc. 64-174; Filed, Jan. 7, 1964;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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