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FEDERAL REGISTER

VOLUME 28 NUMBER 245

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11133

INSPECTION OF INCOME, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, estate, or gift tax return for the years 1959 to 1963, inclusive, shall, during the Eighty-eighth Congress, be open to inspection by the Senate Committee on Rules and Administration or any duly authorized subcommittee thereof, in connection with its study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, pursuant to Senate Resolution 212, 88th Congress, agreed to October 10, 1963. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 17, 1963.

[F.R. Doc. 63-13213; Filed, Dec. 18, 1963; 10:18 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1936; Amdt. 655]

PART 507—AIRWORTHINESS DIRECTIVES

Grumman Model G–21 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the rod end fittings and replacement of any found cracked on Grumman Model G–21 Series aircraft was published in 28 F.R. 9826.

Interested persons have been afforded an oportunity to participate in the making of this amendment. A comment recommended that mention be made in the AD that the installation of an improper rudder control stop bolt should not be made in place of the proper bolt. This has been incorporated by the inclusion of a Note rather than in the body of the AD, since this Agency has no record of approval for the use of any other bolt than Grumman P/N G19–4–11 in the pedal stop block. Another comment requested the elimination of the reguirement for recurrent inspection upon replacement with a particular FAA approved part. The AD provides for the use of FAA approved equivalent parts and for adjustment in the inspection intervals when substantiated for a particular operator. Therefore, the AD already provides a procedure for adjustment of the repetitive inspection requirements, if the suggested replacement can be substantiated by the FAA in accordance with the provisions of the AD.

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

GRUMMAN. Applies to all Model G–21 Series aircraft.

Compliance required as indicated.

As a result of cracks found on the rod end fitting, P/N 12727–7, located at the aft end of the rudder control push rod assembly, P/N 12727–1, accomplish the following within 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(a) Remove the rudder control push rod assembly, P/N 12727–1. This assembly consists of a tube with a fitting, P/N 12727–7, attached at each end. The length of the asembly is 20½ inches from fitting center to fitting center. The rod assembly, used in conjunction with the left rudder pedals, is located below the pilot's compartment floor, the forward end approximately 2½ inches below, and the aft end approximately 12 inches below. Laterally, the rod assembly is located approximately 9½ inches to the right of the aircraft's centerline.

(b) Clean both rod end fittings, removing all grease and dirt.

(c) Inspect both rod end fittings for cracks using a dye penetrant in conjunction with at least a 10-power magnifying glass, or an FAA approved equivalent inspection.

(d) If a crack is found, that part shall be replaced in accordance with Grumman Drawing No. 12727 with a new part having the same part number, or an FAA approved equivalent before further flight.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

NOTE: It should be ascertained that the proper rudder control stop bolt, Grumman P/N G19–4–11, or an FAA approved equivalent bolt (having a smooth head) is presently installed in the pedal stop block (P/N 12779) which is part of the rudder and elevator torque shaft support assembly (P/N 12722) at Hull Station 11.

This amendment shall become effective January 20, 1964.

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

Issued in Washington, D.C., on December 12, 1963.

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

[F.R. Doc. 63–13111; Filed, Dec. 18, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56073]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

DECEMBER 10, 1963.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the designation of Pigeon River Bridge, Minnesota, as a customs port of entry in Customs Collection District No. 36 (Duluth-Superior) is revoked, effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

Section 30, and the northwest and southwest ¼ of section 29, Township 64 North, Range 7 East, in the State of Minnesota, is designated a customs port of entry in Customs Collection District No. 36 (Duluth-Superior), effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER. This new port of entry shall be known as Grand Portage.

Section 1.1(c), Customs Regulations, is amended by deleting "Pigeon River Bridge, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042) (Mail: Hovland, Minn.)." from the column headed "Ports of Entry" in District No. 36 (Duluth-Superior); and by inserting "Grand Portage (T.D. 56073)" after "Baudette, Minn. (E.O. 4422, Apr. 19, 1926)." in the column headed "Ports of Entry" in District No. 36 (Duluth-Superior).

Notice of the proposed revocation of Pigeon River Bridge, Minnesota, as a customs port of entry, and the proposed designation as a customs port of entry of the area in the State of Minnesota to be known as Grand Portage, was published in the FEDERAL REGISTER on October 24, 1963 (28 F.R. 11414), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

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

[F.R. Doc. 63–13076; Filed, Dec. 18, 1963; 8:45 a.m.]

[T.D. 56074]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

DECEMBER 10, 1963.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the designation of Malone, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence), is revoked, effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

Trout River, New York, is designated a customs port of entry in Customs Collection District No. 7 (St. Lawrence), effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER. The geographical limits of the customs port of entry of Trout River shall include all that territory in Constable township, Franklin County, New York, north of 44 degrees and 58 minutes north latitude.

Section 1.1(c), Customs Regulations, is amended by deleting "Malone" from the column headed "Ports of Entry" in District No. 7 (St. Lawrence), and by adding "Trout River (T.D. 56074)" after "*Rouses Point" in the column headed "Ports of Entry" in District No. 7 (St. Lawrence).

Notice of the proposed revocation of Malone, New York, as a customs port of entry and the proposed designation of Trout River, New York, as a customs port of entry was published in the FEDERAL REGISTER on October 17, 1963 (28 F.R. 11140), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

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

[F.R. Doc. 63-13077; Filed, Dec. 18, 1963; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

Proof of Death

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), paragraphs (c), (d), (e) and (f) of § 239.2 of Part 239 (20 CFR 239.2 (c), (d) and (e)) of the regulations under such act are amended and paragraph (g) of § 239.2 of Part 239 is added by Board Order 63-205, dated December 5, 1963, to read as follows:

§ 239.2 **Proof of death.**

* * * * *

(c) A photocopy of any of the documents described in paragraph (a) or (b) of this section; or

(d) A signed statement of the funeral director; or

(e) A signed statement of the attending physician, or the superintendent of the institution where the death occurred, on the official stationery of such physician, or superintendent: *Provided, however,* That none of the proofs described in paragraphs (a), (b), (c), and (d) of this section is obtainable and the Board is furnished with a satisfactory reason therefor.

If none of the proofs described in paragraphs (a), (b), (c), (d), and (e) of this section is obtainable, the reason therefor should be stated and there may be submitted:

(f) The sworn statements of two or more persons, having knowledge of the death, setting forth the facts and circumstances as to the date, time, place, and cause of death; or

(g) Other evidence of probative value.

(Section 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: December 12, 1963.

By Authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 63-13130; Filed, Dec. 18, 1963; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Antibiotic Drugs for Growth Promotion and Feed Efficiency

In the matter (1) of amending the antibiotic-drug regulations to provide consistency with the food additives amendments of 1958; (2) amending the food-additive regulations to establish safe levels of antibiotic drugs used for growth promotion and feed efficiency; and (3) amending certain existing food-additive regulations for the purpose of clarification:

The principal comments received following publication in the FEDERAL REGISTER of the notice of proposed rulemaking in the above-identified matter (28 F.R. 6357; June 20, 1963) are listed as follows:

1. That the minimum levels of penicillin-streptomycin combinations in swine feed should be 1.5 grams and 7.5 grams, respectively, per ton of feed.

2. That no provision was made in the proposal for the use in feed of certain other antibiotic drugs; for different dosage levels than those provided in existing regulations or in the proposal; and for uses or conditions other than those provided.

3. That the section specifically relating to oleandomycin should not be revoked.

4. That a change be made in the proposed amendment to the introduction to § 146.26 to clarify the status of antibiotic drugs now exempted from certification.

All comments and objections received have been considered, together with other data available to the Food and Drug Administration, and the Commissioner has reached the following conclusions, correlated with the numbered list above set forth:

A. Based upon the comments and additional data received with reference to the minimum dosage level of penicillin-streptomycin combinations in swine feed, the Commissioner has concluded that the lower levels (1.5 grams of penicillin, 7.5 grams of streptomycin per ton of feed) are effective. The manufacturer has filed a petition for a regulation providing for this level.

B. With reference to the comments grouped in item 2 above, section 409 of the Federal Food, Drug, and Cosmetic Act makes adequate provision for the submission of petitions for the establishment of new regulations or amendment of existing material. In the case of the comments grouped in item 2, data have not been presented for the uses, dosages, or antibiotic-drug combinations suggested; or, in the case of penicillin in swine feed, are now being studied and evaluated on the basis of a petition received from the manufacturer involved.

C. The changes effected with reference to oleandomycin (comments under item 3) were for the purpose of placing feeds containing this antibiotic drug on the same basis as other such feeds. An editorial revision has been made in § 121.225(i)(3)(ii). No substantive change in the status of this drug is involved.

D. It has been concluded that the phraseology of the introduction to § 146.26 *Animal feed containing penicillin* * * * as proposed expresses the meaning intended, and no change is advisable.

Based upon these conclusions, and proceeding under the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 409(d), 507, 701, 52 Stat. 1055 as amended; 59 Stat. 463 as amended; 72 Stat. 1787; 21 U.S.C. 348(d), 357, 371), delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered,* That the amendments proposed (28 F.R. 6357) be adopted with the following changes:

1. In amendment 2, covering § 121.225 (a)(3)(vi), the words "3 grams" and "15 grams" are changed to read "1.5 grams" and "7.5 grams", respectively.

2. In amendment 6, covering § 121.225 (e)(3), subdivision (iv) is deleted.

3. In amendment 7, covering § 121.225 (f)(3), proposed subdivisions (iii), (iv), (v), and (vi) are redesignated (iv), (v), (vi), and (vii), respectively.

4. In amendments 11 and 12a, the reference "502(1)" is changed to "502(l)".

5. In amendment 10, § 121.225(l)(3)(ii) is changed to read as set forth below.

6. In amendment 12b, in § 146.26(b)(46) the word "milk" is changed to read "mink".

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing

is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

(Secs. 409(d), 507, 701, 52 Stat. 1055 as amended; 59 Stat. 463 as amended; 72 Stat. 1767; 21 U.S.C. 348(d), 357, 371)

Dated: December 13, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

The food additive and antibiotic regulations (21 CFR 121.206, 121.225, 146.13, 146.26) are amended as follows:

§ 121.206 [Revoked]

1. By revoking § 121.206 *Oleandomycin* and by incorporating the provisions of that section in § 121.225 as paragraph (i), as set forth below.

2. By amending § 121.225 by changing the introductory texts of paragraphs (a), (b), (c), (d), (e), (f), and (g); by changing paragraphs (a)(3)(ii), (b)(3)(ii), and (f)(3)(ii); by deleting paragraph (f)(4); and by adding paragraphs (a)(3)(v) and (vi), (b)(3)(iv) and (v), (c)(3)(iv), (v) and (vi), (d)(3)(iii), (iv), and (v), (e)(3)(iii) and (iv), (f)(3)(iv), (v), (vi), and (vii), and (g)(3)(iv), (v) and (vi); and by adding new paragraph (i). The amended portions of § 121.225 read as follows:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * *

(a) *Procaine penicillin.* Procaine penicillin as follows:

* * * * *

(3) * * *

(ii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

* * * * *

(v) With bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin in the feed of swine, in an amount not less than 2.50 grams of penicillin and not less than 7.50 grams of bacitracin nor more than 50 grams of the combination per ton of finished feed.

(vi) With streptomycin in the feed of swine, in an amount not less than 7.5 grams of penicillin and not less than 1.5 grams of streptomycin nor more than 50 grams of the combination per ton of finished feed.

(b) *Bacitracin.* Bacitracin as follows:

* * * * *

(3) * * *

(ii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

* * * * *

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) With procaine penicillin as provided in paragraph (a)(3)(v) of this section.

(c) *Zinc bacitracin.* Zinc bacitracin as follows:

* * * * *

(3) * * *

(iv) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(v) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(vi) With procaine penicillin as provided in paragraph (a)(3)(v) of this section.

(d) *Bacitracin methylene disalicylate.* Bacitracin methylene disalicylate as follows:

* * * * *

(3) * * *

(iii) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) With procaine penicillin as provided in paragraph (a)(3)(v) of this section.

(e) *Streptomycin.* Streptomycin as follows:

* * * * *

(3) * * *

(iii) With procaine penicillin as provided in paragraph (a)(3)(vi) of this section.

(f) *Chlortetracycline.* Chlortetracycline as follows:

* * * * *

(3) * * *

(ii) In the feed of mink, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed, and also as an aid in increasing pelt size.

* * * * *

(iv) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

(v) In the feed of lambs and growing sheep, in an amount not less than 20 grams nor more than 50 grams per ton of finished feed.

(vi) In the feed of calves, in an amount not less than 25 milligrams per head per day nor more than 70 milligrams per head per day in finished feed.

(vii) In the feed of growing cattle, in an amount equal to 70 milligrams per head per day in finished feed.

(4) [Revoked]

(g) *Manganese bacitracin.* Manganese bacitracin as follows:

* * * * *

(3) * * *

(iv) In the feed of quail not over 5 weeks of age, in an amount not less than 5 grams nor more than 20 grams per ton of finished feed.

(v) With procaine penicillin as provided in paragraph (a)(3)(v) of this section.

(vi) In the feed of swine, in an amount not less than 10 grams nor more than 50 grams per ton of finished feed.

* * * * *

(i) *Oleandomycin.* Oleandomycin as follows:

(1) Oleandomycin is the antibiotic substance produced by the growth of Streptomyces antibioticus or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to oleandomycin or feedgrade oleandomycin.

(2) The quantities of the antibiotics referred to in this paragraph refer to activities equivalent to those of the appropriate antibiotic master standard and may be adsorbed upon a suitable carrier vehicle that is not a food additive or which is provided for by regulation in this chapter.

(3) It is used or intended for use:

(i) In the feed of chickens and turkeys, in an amount not less than 1 gram nor more than 2 grams per ton of finished feed.

(ii) With the monoalkyl (C_8-C_{18}) trimethylammonium salt of oxytetracycline in the feed of swine, containing 2 grams of oleandomycin and 8 grams of oxytetracycline activity, calculated as the hydrochloride, per ton of finished feed.

* * * * *

3. By changing § 146.13 to read as follows:

§ 146.13 Manganese bacitracin medicated animal feed.

Animal feed containing manganese bacitracin powder oral veterinary, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502(l) and 507 of the act when used in the amounts and for the purposes indicated in § 121.225 of this chapter.

4. By changing the section heading, introductory text, and paragraph (b)(46), (47), and (48) of § 146.26 to read as follows:

§ 146.26 Animal feed containing certifiable antibiotic drugs.

Animal feed containing penicillin, streptomycin, chlortetracycline, bacitracin, feed grade zinc bacitracin, or bacitracin methylene disalicylate or any permitted combination of two or more of these, with or without added suitable vitamin substances, shall be exempt from the requirements of sections 502(l) and 507 of the act when used in accordance with § 121.225 of this chapter, and under the conditions set forth in any one of the following paragraphs of this section:

* * * * *

(b) * * *

(46) It is a feed containing chlortetracycline, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(47) It is a pheasant feed containing bacitracin, zinc bacitracin, or bacitracin methylene disalicylate and penicillin, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use.

(48) It is a quail feed containing bacitracin and penicillin, in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears ade-

quate directions and warnings for such use.

* * * * *

[F.R. Doc. 63-13144; Filed, Dec. 18, 1963; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.3—General Policies

LIQUIDATED DAMAGES

Section 5-1.315-2(b) (28 F.R. 4561) is amended to read as follows:

§ 5-1.315-2 Policy.

* * * * *

(b) A liquidated damages provision shall be included in all construction contracts, except where a justification to omit such provision is approved by the Head of the Service or Staff Office involved or his designees. For purpose of this section, the term "construction" includes repair, alteration, and improvement.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 12, 1963.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 63-13138; Filed, Dec. 18, 1963; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter IV—Vocational Rehabilitation Administration, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

Subpart B—State Plans and Grants for Vocational Rehabilitation

ADDITIONAL ALLOTMENTS FOR FISCAL YEAR 1964

The purpose of this amendment is to to provide for additional allotments for grants under section 2 of the Vocational Rehabilitation Act to States in which the Federal share of the costs of vocational rehabilitation services in fiscal year 1964 exceeds their allotments otherwise available for these purposes.

1. Section 401.50a is revised to read as follows:

§ 401.50a Additional allotments for fiscal year 1964.

(a) The Department of Health, Education, and Welfare Appropriation Act, 1964, provides that $140,000,000 shall be considered the sum available for allotments for vocational rehabilitation services under section 2 of the Vocational Rehabilitation Act for fiscal year 1964 (§ 401.50(a)). It also authorizes additional allotments, not exceeding $550,000 in the aggregate, for grants under section 2 of the act for fiscal year 1964 to States in which the Federal share (§ 401.51(a)) of the costs of rehabilitation services under such section exceeds their respective allotments from such $140,000,000.

(b) Such additional allotments shall be determined as follows:

(1) The Commissioner shall, after December 16, 1963, make an estimate for each State of the amount of State or local funds (§ 401.49) which will be utilized for meeting part of the cost of vocational rehabilitation services for fiscal year 1964 for purposes of section 2 of the act, including State or local funds, if any, in excess of the amount required to earn such State's allotment under the $140,000,000 allotment base. The Commissioner may, expressly for purposes of such estimate, request the States to submit information on anticipated expenditures for vocational rehabilitation services for fiscal year 1964 and, in making such estimate, the Commissioner shall take into consideration information on such expenditures furnished by the States and received by the Vocational Rehabilitation Administration on or before December 16, 1963.

(2) The Commissioner shall then compute for each State the total amount of expenditures for vocational rehabilitation services under section 2 of the act of which the total amount of State or local funds so estimated (under subparagraph (1) of this paragraph) would constitute the State's share (§ 401.49), and he shall also compute for each State the amount of the corresponding Federal share of such expenditures.

(3) An allocation for an additional allotment for grants under section 2 of the act for fiscal year 1964 shall be made to each State for which the amount of the Federal share of expenditures, as computed under subparagraph (2) of this paragraph, exceeds the allotment for such grants for such State for such year determined (as described in § 401.50) on the basis of $140,000,000.

(4) Such allocation for any such State shall be in an amount which bears the same ratio to $550,000 as the amount of the excess of the Federal share of expenditures for such State, referred to in subparagraph (3) of this paragraph, bears to the sum of such excess amounts for all such States.

(5) Such allocation shall become part of the State's additional allotment, and payments may be made therefrom, only if the Commissioner is satisfied that any available State or local funds will first be used to earn allotments under section 2 of the act, as determined in accordance with § 401.50, and only to the extent that such payments correspond to the Federal share of additional expenditures chargeable to fiscal year 1964 which the Commissioner is satisfied will be made for vocational rehabilitation services under the State plan for purposes of section 2 of the act. If at any time the Commissioner is not so satisfied, whether because of revisions in State expenditure estimates or otherwise, the State's allocation may be reduced accordingly. Such reduction may be restored if the Commissioner is so satisfied before the amount representing such reduction is used for any subsequent allocation pursuant to subparagraph (6) of this paragraph.

(6) From any sums available therefor, whether because of reductions in allocations as provided for in subparagraph (5), or otherwise, the Commissioner may make subsequent allocations at such time or times prior to July 1, 1964, and on the basis of such information, as he may deem appropriate. Such subsequent allocations shall be made only to States (whether or not the State has received any prior allocation) which the Commissioner is satisfied will earn their regular allotments under section 2 (§ 401.50) of the act, plus their total existing allocations, if any, pursuant to this paragraph. The amount of any such subsequent allocation for any such State shall be determined in accordance with the principles utilized in subparagraphs (1) to (4) of this paragraph. Any subsequent allocation made pursuant to this subparagraph shall be added to the State's existing allocation, if any, and shall be subject to the provisions of subparagraph (5) of this paragraph.

(7) The allocation, if any, for each State at the close of fiscal year 1964 shall constitute the State's additional allotment for vocational rehabilitation services for such fiscal year.

(c) The provisions of §§ 401.50 to 401.55, insofar as they relate to allotments for vocational rehabilitation services under section 2 of the act and are not inconsistent with the provisions of this section, shall be applicable to allocations and additional allotments under this section.

2. *Effective date.* This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 7(b) of Vocational Rehabilitation Act, 68 Stat. 659; 29 U.S.C. 37(b). Interprets and applies Department of Health, Education, and Welfare Appropriation Act, 1964, Public Law 88-136, Title II, 77 Stat. 232)

Dated: December 16, 1963.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 63-13145; Filed, Dec. 18, 1963; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona, and California, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 22,880 acres and 50 percent of the total refuge area, are delineated on a map available at refuge headquarters, Parker, Arizona, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie, and other minor species (including frogs) permitted under State regulations.

(b) Open season: January 1, 1964, through December 31, 1964.

(c) Daily creel limits: Largemouth bass 10, channel catfish 10, crappie no limit, and other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 1, 1964, through December 31, 1964.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1963.

[F.R. Doc. 63-13124; Filed, Dec. 18, 1963; 8:47 a.m.]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 8,100 acres and 16 percent of the total refuge area, are delineated on a map available at refuge headquarters, Yuma, Arizona, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, channel catfish, crappie, and other minor species (including frogs) permitted under State regulations.

(b) Open season: January 1, 1964, through December 31, 1964, except an area of approximately 165 acres in Martinez Lake as posted be closed during the periods January 1, 1964, through February 29, 1964, and October 1, 1964, through December 31, 1964.

(c) Daily creel limits: Largemouth bass 10, channel catfish 10, crappie no limit, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 1, 1964, through December 31, 1964.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1963.

[F.R. Doc. 63-13125; Filed, Dec. 18, 1963; 8:47 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyoming, is permitted only on waters designated by signs as open to fishing. These open waters, comprising 327 acres and 1.3 percent of the total refuge area, are delineated on a map available at refuge headquarters, Jackson, Wyoming, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout and other minor species permitted under State regulations.

(b) Open season: Gros Ventre River and its tributaries—June 1, 1964, through October 31, 1964; Flat Creek—August 1, 1964, through October 31, 1964.

(c) Daily creel limits: Trout 12, or 10 pounds and 1 fish, plus other creel limits for minor species as are prescribed for State regulations.

(d) Methods of fishing:

(1) As prescribed by State regulations, except as follows:

(2) Use of boats or other floating devices is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective January 1, 1964, through December 31, 1964.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 13, 1963.

[F.R. Doc. 63-13126; Filed, Dec. 19, 1963; 8:47 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

LICENSING OF BYPRODUCT MATERIAL

Notice of Proposed Rule Making Regarding Interval for Testing Devices Possessed and Used Under General License, and Reporting of Test Results

On February 10, 1959, the Commission amended 10 CFR Part 30, "Licensing of Byproduct Material," to establish a general license authorizing the possession and use, under the conditions set forth in § 30.21(c), of certain types of measuring, gauging or controlling devices containing byproduct material. One of the conditions of that general license is the requirement that the device be tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals. Devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose. The required tests must be performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install, or service such devices.

The Commission has received a petition for rulemaking (PRM-30-8) from The Ohmart Corporation and a petition for rulemaking (PRM 30-10) from Industrial Nucleonics Corporation. Both petitioners request an amendment to 10 CFR 30 to modify the requirement of § 30.21(c)(4)(iii) that a device be tested for leakage of radioactive material at no longer than six-month intervals. The requested amendment would permit intervals of six months to 3 years depending upon the design features of the device. A copy of each petition is on file for public inspection at the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

The Commission has given careful consideration to these petitions and considers it desirable to include in Part 30 provisions under which an applicant for a specific license to distribute devices to general licensees may request approval of an interval for testing longer than the six months now required by § 30.21(c)(4)(iii). The Commission has determined that the following proposed amendments to 10 CFR Part 30 would appear to be a reasonable means, consistent with radiation safety, for permitting such longer intervals for testing.

The proposed amendment to § 30.21(c)(4)(iii) would require that a device be leak tested and tested for proper operation of on-off mechanisms and indicators during the period between the third and sixth months following installation of the device. This requirement is based on the need for an evaluation of the effect of stresses on the device, which may result from transportation, installation and initial use. The proposed amendment to § 30.21(c)(4)(iii) would enable the assignment of intervals longer than six months, but not exceeding three years, for such tests subsequent to the initial tests following installation of the device.

In order that the Commission may fully evaluate operating experience with devices used under general license, the proposed amendment would require that results of tests and occurrences of failure or damage of the shielding or containment of the radioactive material or the on-off mechanism or indicator be reported to the Commission. It would also require the general licensee to inform the Commission within 30 days after he transfers the device.

Provision under which an applicant for a specific license may request Commission approval of such longer interval for testing would be included in the proposed amendment as an addition to the other requirements for a specific license now in § 30.24(f). Section 30.24(f) establishes the requirements for issuance of a specific license to distributors of devices which persons may possess and use under the general license issued in § 30.21(c).

If an applicant for such specific license desires an interval longer than six months for the test of leakage of radioactive materials, and proper operation of the on-off mechanism and indicator, if any, the proposed § 30.24(f)(4) would require that he demonstrate that such longer interval is justified by submitting information in his application regarding certain design features and performance experience of the device, or similar devices, which have a significant bearing on the probability or consequence of leakage of radioactive material from the device.

In determining an acceptable interval for test of leakage of radioactive material, the Commission will consider information on particulars which include, but are not necessarily limited to: Primary containment, method of sealing containment, materials of construction of containment, form of contained radioactive material, maximum temperature and pressure withstood during prototype tests, maximum quantity of contained radioactive material, protection of primary containment during use, operating experience with identical or similarly designed and constructed devices, and radiotoxicity of contained radioactive material.

The approved intervals for testing will be included as a condition in a specific license issued under § 30.24(f). This condition will require that the label on the device state the interval for testing. If the device has been received by the general licensee prior to the effective date of the proposed amendment and the label does not specifically state an interval, the interval will not exceed six months. If, in accordance with any applicable license or amended license, the specific licensee elects to re-label devices which were distributed prior to the effective date of the proposed amendment, the applicable interval will be that stated in the new label.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 30.21(c)(4) (i), (iii) and (v) are revised to read:

(i) Shall not transfer, abandon or dispose of the device except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device and within 30 days after any transfer shall furnish to the Director, Division of Licensing and Regulation, Atomic Energy Commission, Washington 25, D.C., a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device, and the name and address of the person receiving the device;

(iii) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, during the period between the third and sixth months following installation of the device and thereafter at no longer than six-month intervals or at such longer intervals not to exceed three years as are specified in the label required by § 30.21(c)(3); provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(v) Shall furnish to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix "D" of Part 20 of this Chapter, "Standards for Protection Against Radiation", within 30 days after completion of tests or occurrence of failure or damage, a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device and a brief description of the results of the tests performed on the device as required by subdivision (iii) of this subparagraph and of any occurrence of a failure of or damage to the shielding or containment of the radioactive material or any on-off

mechanism or indicator; and shall maintain records of all such tests, including the dates and the results of the tests and the names of the persons conducting the tests;

2. A new subparagraph (4) is added to paragraph (f) of § 30.24 to read as follows:

(4) In the event the applicant desires that the device be tested for proper operation of the on-off mechanism and indicator, if any, and for leakage of radioactive material, subsequent to the initial tests required by § 30.21(c)(4)(iii), at intervals longer than six months but not exceeding three years, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device. In determining the acceptable interval for test of leakage of radioactive material, the Commission will consider information on particulars which include, but are not necessarily limited to:

(i) Primary containment (source capsule);

(ii) Protection of primary containment;

(iii) Method of sealing containment;

(iv) Containment construction materials;

(v) Form of contained radioactive material;

(vi) Maximum temperature withstood during prototype tests;

(vii) Maximum pressure withstood during prototype tests;

(viii) Maximum quantity of contained radioactive material;

(ix) Radiotoxicity of contained radioactive material; and

(x) Operating experience with identical devices or similarly designed and constructed devices.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; § 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 21st day of November 1963.

For the Atomic Energy Commission,

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-13110; Filed, Dec. 18, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL MILLS, INC.

Notice of Issuance of Temporary Permit To Cover Market Testing of Enriched Bromated Flour Deviating From Identity Standard

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minnesota, to cover interstate marketing tests of enriched bromated flour deviating from the requirements of the standard of identity for that food (21 CFR 15.30). The product has been subjected to an "instantizing" process with the result that it no longer meets the granulation specification of the standard. The product is to be labeled "Instantized Enriched Bromated Flour."

This permit expires November 30, 1964.

Dated: December 13, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-13142; Filed, Dec. 18, 1963; 8:48 a.m.]

A. ZEREGA'S SONS, INC.

Macaroni and Spaghetti Deviating From Identity Standards; Notice of Extension of Temporary Permit To Cover Market Testing

Pursuant to §10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to A. Zerega's Sons, Inc., Fair Lawn, New Jersey, has been granted. This permit covers interstate marketing tests of macaroni and spaghetti deviating from the requirements of the standard for these foods (21 CFR 16.1). Glyceryl monostearate will be added to the products in a quantity not to exceed 2 percent by weight of the farinaceous ingredients. The labels to be used will state "glyceryl monstearate added."

This permit expires December 31, 1964.

Dated: December 13, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-13143; Filed, Dec. 18, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA AND OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Dakota and Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Cass. Traill.

OKLAHOMA

Love.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of December 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-13155; Filed, Dec. 18, 1963; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Filing of Arizona Protraction Diagrams; Amendment

DECEMBER 11, 1963.

1. The Notice of Filing of Arizona Protraction Diagrams dated May 11, 1960, which order appeared on page 4490 of the FEDERAL REGISTER issued on Tuesday, May 17, 1960, is hereby amended to include additional land within the protracted area for the following township:

ARIZONA PROTRACTION DIAGRAM NO. 25

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 17 W.

2. In accordance with 43 CFR 192.42a (c) and amendments of Parts 188, 195, 196, 198, 199 and 200 of Title 43, Code of Federal Regulations, this amended protraction will become the basic record for the description of applications and offers for mineral leases and permits filed at and subsequent to 10:00 a.m. on the thirty-first day after publication of this notice.

FRED J. WEILER,
State Director.

[F.R. Doc. 63-13127; Filed, Doc. 18, 1963; 8:47 a.m.]

[New Mexico 0338732]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 13, 1963.

The Bureau of Indian Affairs has cancelled its proposed withdrawal application Serial New Mexico 0338732 insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, the lands will be at 10:00 a.m. on January 15, 1964 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 N., R. 9 W.,
Sec. 31, lot 3.

The area described contains 39.90 acres.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 63-13128; Filed, Dec. 18, 1963; 8:47 a.m.]

[Fairbanks 031712]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 13, 1963.

The Bureau of Land Management has filed an application, Fairbanks 031712, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the Public land laws, including the mining laws but excepting the mineral leasing laws. The applicant desires the land for a BLM Administrative Site and Fire Control Station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions,

or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

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

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

The lands involved in the application are:

BETHEL AREA

Beginning at corner No. 4 of U.S. Survey No. 3729, proceed S. 23°23' W. 2,558.82 feet to the center line of a gravel road. From this point proceed N. 68°30' W. approximately 800 feet along the centerline of the gravel road to corner No. 1.

From corner No. 1, by metes and bounds, Northwest along the centerline of the gravel road approximately 1,200 feet to corner No. 2; S. 23°23' W. approximately 1,320 feet to corner No. 3;

East approximately 1,300 feet along the Northern boundary of the lands reserved by PLO 1173 "A" to corner No. 4; N. 23°23' E. approximately 750 feet to corner No. 1.

The area described aggregates approximately 28 acres.

DANIEL A. JONES,
Manager.

[F.R. Doc. 63-13139; Filed, Dec. 18, 1963; 8:48 a.m.]

[Classification 60; Amdt. 3]

ALASKA

Competitive Small Tract Classification

DECEMBER 13, 1963.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority (28 F.R. 294) dated January 9, 1963, I hereby amend Small Tract Classification No. 60, Dated July 9, 1952, as amended, to include the following described lands and to modify the segregative effect of this classification order as amended:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 33, lots 10, 11 and 12, N½NE¼, N½SW¼NE¼ and SE¼NE¼;
Sec. 34, lots 1 to 5 inclusive, lots 12, 13, 38, 56, 76, 99, 100, 126, 127, 153 and 154, N½NW¼NE¼, N½S½NW¼NE¼, W½W½SW¼NE¼, N½NW¼, NW¼SW¼NW¼, E½SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼SE¼, E½SE¼SE¼, and SW¼SE¼SE¼.

The areas aggregate 382.5 acres.

2. Classification of the above described lands and lands previously classified by this order segregates them from all appropriations, including the mining laws, except the mineral leasing laws, and selection by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order issued by an authorized officer opening the lands to application or bid.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-13140; Filed, Dec. 18, 1963; 8:48 a.m.]

Bureau of Reclamation

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation, Maintenance, Water Rental Charges

DECEMBER 2, 1963.

1. Annual operation and maintenance charges for lands under public notice, reservation division: The minimum annual operation and maintenance charge for the Calendar Year 1964 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $11.25 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72 dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than one acre shall be $11.25.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1964, and on January 1 of each year thereafter.

2. Annual water rental charges for other lands, reservation division: Irrigation water will be furnished during the Calendar Year 1964 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $11.25 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.75 per acre-foot. All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. Penalties: On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

4. Place of payment: All payments should be made to the Bureau of Reclamation, Marine Corps Auxiliary Air Station, or mailed to Bureau of Reclamation, Bin 151, Yuma, Arizona.

R. S. WELSH,
Acting Regional Director.

DECEMBER 13, 1963.

[F.R. Doc. 63-13129; Filed, Dec. 18, 1963; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 12429 etc.]

SOUTHERN AIRWAYS, INC.

Notice of Postponement of Oral Argument

Southern Airways, Inc., "Use it or lose it" investigation, Docket 12429; Southern Airways, Inc., "Use it or lose it" and route realignment, Docket 13564 et al.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceedings now assigned to be held on January 8 is postponed to January 15, 1964, 10 a.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., December 16, 1963.

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-13147; Filed, Dec. 18, 1963; 8:49 a.m.]

[Docket No. 13752; Order No. E-20262]

UNITED AIR LINES, INC.

Service to Providence, R.I.; Order Granting and Denying Motions for Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of December 1963.

By Order E-18767 the Board ordered a hearing on the application of United Air Lines, Inc. (United) to determine whether the public convenience and necessity require the deletion of Providence, Rhode Island, from United's Route 1. As pointed out in the order United's contention is that low load factors have been experienced at Providence and that the uneconomic traffic level does not warrant continuation of United's service to Providence.

The State of Rhode Island (Rhode Island) has filed a petition, Docket 14407, seeking to investigate the need for amendment of United's certificate so as to authorize an increase in air service from Providence to the midwest and requests that the petition be consolidated for hearing and decision in this proceeding. Rhode Island takes the position that prior to eliminating Providence from United's certificate, consideration should be given to factors which would stimulate traffic growth at Providence, such as the amendment of United's certificate so as to provide more direct service to Detroit and to add Providence as an intermediate point between Hartford-Springfield and Boston on the route described in subparagraph (c) of segments 1, 5, and 6 of Route 1. Rhode Island contends that problems of traffic generation are related to the manner in which United is authorized to serve Providence rather than any basic weakness in the market. Rhode Island also suggests the possibility that substitute service by another carrier might better satisfy the requirements of public convenience and necessity. Bureau Counsel and United oppose the motion to consolidate.

Allegheny Airlines, Inc. (Allegheny) has moved that its application in Docket 14381, filed concurrently with its motion, for nonstop turn-around service between Providence and New York/Newark, be consolidated for hearing and decision herein. Mohawk Airlines, Inc. (Mohawk) although opposing Allegheny's motion to consolidate, filed a contingent motion to consolidate its application in Docket 14400 to remove a restriction which would permit nonstop service between New York and Providence. Mohawk, therefore, applies for permission to provide nonstop service between Providence and New York/Newark in the event Allegheny's motion is granted. Bureau Counsel and United oppose Allegheny's motion to consolidate on the ground that the issue raised by Allegheny is totally dissimilar to the issue in this proceeding and that consolidation would expand and complicate the issues herein.

The Board has carefully considered Rhode Island's motion and has decided to consolidate that portion of its application which requests that United be authorized to provide Providence-Detroit service. In all other respects Rhode Island's motion will be denied.

Rhode Island's application is in the main concerned with alleged service deficiencies in the Providence-Detroit market. We note in this connection that usable single-plane service is not now available in this market and that, in fact, United lacks Providence-Detroit authority. In the light of Rhode Island's contention that United's low traffic generation at Providence is due to the carrier's restricted route authority and Rhode Island's specific reference to the need for new or improved Providence-Detroit service we have decided to consolidate this question herein. In connection with service in this market, it is noted that American Airlines, Inc. (American) currently serves both Providence and Detroit albeit on different routes. We also note that American currently carries most of the Providence-Detroit traffic (via New York) and also serves the Boston-Detroit market. We have therefore decided to institute an investigation to determine whether American should be authorized to provide direct Providence-Detroit service over a new segment. If the record shows that the public convenience and necessity require new or improved Providence-Detroit service, the Board will therefore be able to select the carrier which can best meet the need.

Rhode Island's request for amendment of United's certificate so as to add Providence as an intermediate point between Hartford-Springfield and Boston on the routes set forth in subparagraph (c) of segments 1, 5, and 6 of Route 1 will not be consolidated herein. No showing has been made that new or additional service is required between Providence, on the one hand, and New York, Philadelphia, Baltimore, and Washington, on the other hand, nor has any deficiency been alleged by Rhode Island in these markets. We will also deny Allegheny's motion to consolidate as well as the contingent motion of Mohawk. Essentially, Allegheny and Mohawk seek turn-around nonstop authority between Providence and New York. We are not persuaded that there are such deficiencies or shortcomings in these markets which would require an expansion of the issues herein.

Accordingly, it is ordered, That

1. The portion of Rhode Island's application, Docket 14407, which requests that United's certificate be amended to provide new or improved service between Providence and Detroit be and it hereby is consolidated herein.

2. The remainder of Rhode Island's application, Docket 14407, be and it hereby is dismissed without prejudice.

3. An investigation be and it hereby is instituted in Docket 13752 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require that American be authorized to provide Providence-Detroit service over a new segment.

4. The motion of Allegheny for consolidation of Docket 14381 be and it hereby is denied.

5. The contingent motion of Mohawk for consolidation of Docket 14400 be and it hereby is denied.

6. To the extent not granted herein all motions be and they hereby are denied.

7. American Airlines, Inc, be made a party to this proceeding.

8. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-13148; Filed, Dec. 18, 1963; 8:49 a.m.]

DELAWARE RIVER BASIN COMMISSION

WATER RESOURCES PROGRAM

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on January 7, 1964. The subject of the hearing will be the Commission's first annual Water Resources Program prepared in accordance with section 13.2 of the Delaware River Basin Compact. The proposed Water Resources Program was distributed to the public on October 22, 1963. Copies may be examined at the Commission's offices in Trenton, and a limited number are available for distribution.

The public hearing will be held in the auditorium of the Academy of Natural Sciences located at 19th Street and Benjamin Franklin Parkway in Philadelphia (enter from 19th Street side). The hearing will begin at 10:30 a.m.

All persons or organizations desiring to testify at the public hearing are requested to register in advance with the Secretary to the Commission.

Immediately prior to the public hearing the Commission will hold a meeting for the transaction of regular business. This business meeting will begin at 9:30 a.m. and is open to the public.

W. BRINTON WHITALL,
Secretary,
25 Scotch Road, Trenton, N.J.

DECEMBER 13, 1963.

[F.R. Doc. 63-13109; Filed, Dec. 18, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 63-1109]

CERTAIN MARINE VHF RADIOTELEPHONE TRANSMITTERS

Withdrawal of Type Acceptance

DECEMBER 6, 1963.

The Appendix below lists a total of 153 VHF radiotelephone transmitters, in three separate groups, for which type acceptance and listing in the Commission's Radio Equipment List, Part C for

Parts 7 and 8 of the Commission's rules will be withdrawn on the dates specified.

Group I consists of transmitters which are not considered capable of compliance with the new frequency tolerance requirement (20 parts per million) to become mandatory January 1, 1964, under §§ 7.131 and 8.131 of the rules. This determination is based on technical data submitted by the manufacturers, as reflected in the Radio Equipment List. Type acceptance and listing in the Radio Equipment List for Parts 7 and 8 will be withdrawn effective January 1, 1964, for this group, as indicated in the Appendix.

Group II consists of transmitters having 3 watts or less plate input power to the final rf amplifier. Based on technical data submitted by the manufacturers, as reflected in the Radio Equipment List, these transmitters are not considered to be capable of compliance with the above-mentioned frequency tolerance requirement which becomes mandatory for them January 1, 1966, under the above-cited rule sections. As indicated in the Appendix below, type acceptance and listing under Parts 7 and 8 for Group II transmitters will be withdrawn effective January 1, 1966.

Group III consists of transmitters which operate in the frequency bands between approximately 25 Mc/s and 50 Mc/s. Frequencies in this range are no longer available for assignment under Parts 7 and 8, all such authorizations having expired no later than March 31, 1963. (The frequency 27.255 Mc/s is assignable under certain specified conditions under Part 7. However, type acceptance is not applicable under Part 7 to transmitters authorized for operation only on frequencies below 30 Mc/s.) Therefore, type acceptance and listings under Parts 7 and 8 for Group III transmitters are to be withdrawn effective January 1, 1964, so as to be coincident with the action taken in regard to Group I transmitters.

The frequency tolerance requirement which occasions this withdrawal action for the transmitters in Groups I and II was established by the Commission in Docket 14375. FCC 62-722, 27 F.R. 7096, July 26, 1962. The basis for the withdrawal action for Group III is the Commission action in Docket 12169 which, among other things, transferred frequencies in the 30-50 Mc/s band from the Maritime Mobile Service to other radio services and terminated remaining station authorizations in this band. FCC 57-1393, 23 F.R. 103, January 7, 1958; 23 F.R. 1172, February 25, 1958; 23 F.R. 8863, November 14, 1958.

Any manufacturer or licensee having equipment, shown in Group I or Group II in the Appendix below, which can be shown to be capable of compliance with the above-mentioned frequency tolerance requirement without modification may submit to the Commission a request for continued listing in the Radio Equipment List, accompanied by measurement data for frequency stability taken in accordance with the appropriate test procedures for type acceptance set forth in Subpart F of Part 2 of the Commission's rules.

Licensees are advised, with respect to any presently licensed radiotelephone transmitter required to be type accepted for licensing under Part 7 or 8 of the Commission's rules and listed in the Appendix below, that the license is valid for operation of the transmitter during the remaining license term. However, such transmitters must meet the new frequency tolerance requirements as of January 1, 1964, and January 1, 1966, whichever date is applicable. To be eligible for relicensing, however, such a transmitter must be type accepted.

Persons desiring to modify equipment for compliance with all pertinent requirements may submit requests for type acceptance of the modified transmitters in accordance with the type acceptance procedure set forth in Subpart F of Part 2 of the Commission's rules.

Adopted: December 4, 1963.

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

APPENDIX

GROUP I. TRANSMITTERS FOR WHICH TYPE ACCEPTANCE AND LISTING IN THE RADIO EQUIPMENT LIST, PART C, FOR PARTS 7 AND 8 OF THE COMMISSION'S RULES ARE WITHDRAWN, EFFECTIVE JANUARY 1, 1964

BENDIX CORP. OR BENDIX AVIATION CORP.

12TS-1A	2TS
13TS	MT-142B
15TS	MT-142D
1TS	MT-142E
2AM	

COMMUNICATIONS COMPANY, INC.

400-7T-FG	400-8T-FG
582-T	

DUMONT, ALLEN B. LABORATORIES OR DUMONT DIVISION OF FAIRCHILD CAMERA & INSTRUMENT CORP.

M-876-A	MCA-876-A

GONSET DIVISION OF LAYCO, INC. OR LINK RADIO CORP.

2750-30VR-C1	2750-60AU-C1

MACKAY RADIO & TELEGRAPH COMPANY, INC.

215-A

MOTOROLA, INC.

FMTU-140	TA139
FMTU-30	TA192
FMTU-41	TA205
FMTU-5	W43D
FMTU-80	W43G
FSTU-140	WE-8497
FSTU-250	WETU-140
FSTU-50	WETU-30D
FSTU-80	WETU-50B
NU105/NU143	WETU-50B1

PYE CORPORATION OF AMERICA

PTC-3832U	PTC-8102U
PTC-3832UN	PTC-8102UN
PTC-8002U	PTC-8104UN
PTC-8002UN	PTC-8107UNH
PTC-8007UNH	

RADIO CORPORATION OF AMERICA

CMC-10A3	CT2-30BL
CMC-10A4	CT2-60B
CMC-10B	CTR-1A
CSC-60A	ET-3030
CSC-60A1	ET-8040
CT-5C-A	ET-8047A
CT2-250B	ET-8054
CT2-30B	

SCHAFER, PAUL C.

BC-625-A	VHF-4

WESTERN ELECTRIC

38B	540A
38C	542A

GROUP II. TRANSMITTERS FOR WHICH TYPE ACCEPTANCE AND LISTING IN THE RADIO EQUIPMENT LIST, PART C, FOR PARTS 7 AND 8 OF THE COMMISSION'S RULES WILL BE WITHDRAWN EFFECTIVE JANUARY 1, 1966

BENDIX CORP. OR BENDIX AVIATION CORP.

12TS-2A	MRT-9AC
1H-01C	MRT-9B
1H-01CA	MRT-9BA
1P-71C	MRT-9BAC
1P-71CA	MRT-9BC
MRT-9A	

GENERAL ELECTRIC CO.

ET-42-A	ET-52-B

MOTOROLA, INC.

CC3502	FHTU-1
CC3505	FPTU-1
CC3506	NU105

RADIO CORPORATION OF AMERICA

CTC-2A2

RADIO SPECIALTY MFG. COMPANY

1160-393-1W	1160-320-1W

SKYSCRAPERS AVIATION RADIO OR SKYSCRAPERS, INC.

FM-162

GROUP III. TRANSMITTERS OPERATING IN THE 25-50 MC/S BAND, FOR WHICH TYPE ACCEPTANCE AND LISTING IN THE RADIO EQUIPMENT LIST, PART C, FOR PARTS 7 AND 8 OF THE COMMISSION'S RULES ARE WITHDRAWN, EFFECTIVE JANUARY 1, 1964

BENDIX CORP. OR BENDIX AVIATION CORP.

1OTS-1A	11TS
1OTS-2A	11TS-2
1OTS-3	11TS-4
1OTS-4	3TS

COMMUNICATIONS COMPANY, INC.

580-T	400-7T
680-T	400-8T
450-2T	

DUMONT, ALLEN B. LABORATORIES OR DUMONT DIVISION OF FAIRCHILD CAMERA & INSTRUMENT CORP.

M-825-A	MCA-825-A
M-826-A	MCA-826-A

GENERAL ELECTRIC CO.

ET-22-A	ET-5-H
ET-23-A	ET-6-F
ET-28-A	ET-6-H
ET-38-B	ET-7-B
ET-5-F	ET-7-D

KAAR ENGINEERING COMPANY

PTS-22X	TR325

MOTOROLA, INC.

CC1003	FMT-140
CC1007	FMT-41
CC1011	FMT-80
CC1013	FPT-1
CC1015	FST-140
CC109	FST-80
CC1036	NU102
CC211	NU102/NU142
CC1502	TA104
CC1504	TA169
FHT-1	TA201

PYE CORPORATION OF AMERICA

PTC-3831U	PTC-8103UN
PTC-3831UN	PTC-8107UNL
PTC-8001UN	PTC-8201U
PTC-8007UNL	PTC-8201UN
PTC-8101UN	PTC-8751UN

RADIO CORPORATION OF AMERICA

CT1–50B CT1–55A

[F.R. Doc. 63–13152; Filed, Dec. 18, 1963; 8:49 a.m.]

[Docket Nos. 15234, 15235; FCC 63–1145]

ELIZABETH G. COUGHLAN ET AL.

Order To Show Cause

In the matter of revocation of license of Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters of Du Page for FM Broadcasting Station WELF–FM, Glen Ellyn, Illinois, Docket No. 15234; revocation of license of Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters for FM Broadcasting Station WELG–FM, Elgin, Illinois, Docket No. 15235.

The Commission having under consideration (1) the outstanding licenses issued to Mrs. Elizabeth G. Coughlan to operate FM Broadcast Station WELF–FM at Glen Ellyn, Illinois, and WELG–FM at Elgin, Illinois, and (2) information which has come to the Commission's attention with respect to the operation of the two stations; and

It appearing, that Stations WELF–FM and WELG–FM were authorized to remain silent through September 30, 1963, that no further requests to remain silent were submitted to the Commission, and that the stations have each been silent without authority since October 1, 1963; and

It further appearing, that, on October 4, 1963, the Commission sent letters to Mrs. Coughlan at the last known address of each of the stations noted above, directing Mrs. Coughlan to forward the licenses of the stations to Washington, D.C., for cancellation, and, that no reply has been received to either letter; and

It further appearing, that, the stations were most recently inspected by Commission engineers on October 14, 1963, and that it was found then that the stations were still off the air, that all or nearly all of the transmitting equipment had been repossessed, that the former studios of WELG were vacant and the former studios of WELF were occupied by new tenants, and that no representative of the licensee could be located; and

It further appearing, that the matters set forth above constitute willful or repeated failure to operate substantially as set forth in the licenses of the two stations as well as willful or repeated violations of §§ 3.261(a), 3.261(b), 3.263, and 3.271 of the Commission's rules:

It is ordered, This 11th day of December 1963, that pursuant to the provisions of section 312(a)(3), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended, that Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters is directed to show cause why an order revoking the license of Station WELG–FM, Elgin, Illinois, should not be issued, and that Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters of Du Page is directed to show cause why an order revoking the license of Station WELF–FM, Glen Ellyn, Illinois, should not be issued, and to appear and give evidence with respect to each matter at a hearing, if requested, to be held at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of the order:

And it is further ordered, That the Secretary of the Commission send copies of this order by Certified Mail-Return Requested to Mrs. Elizabeth G. Coughlan at the last known addresses of Stations WELF–FM and WELG–FM.

Released: December 16, 1963.

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

[F.R. Doc. 63–13150; Filed, Dec. 18, 1963; 8:49 a.m.]

[Docket Nos. 14154, 15011; FCC 63M–1334]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 14154, regulations and charges for developmental line switched service; American Telephone and Telegraph Company, Docket No. 15011, charges, practices, classifications, and regulations for and in connection with Teletypewriter Exchange Service.

The Hearing Examiner having for consideration a Motion for Continuance filed by The Bell System on November 26, 1963, no reply pleadings having been filed within the time provided by the Commission's rules;

It appearing, that before ruling on the subject motion it would be desirable to obtain the parties' views with respect to whether the public interest in the expeditious completion of this hearing would be outweighed by the public interest in securing the more complete record which movant suggests would be possible if the requested extension were granted:

It is ordered, On the Hearing Examiner's own motion, this 12th day of December, 1963, that a further prehearing conference herein will be convened on December 20, 1963, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: December 13, 1963.

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

[F.R. Doc. 63–13149; Filed, Dec. 18, 1963; 8:49 a.m.]

[Docket No. 14817; FCC 63M–1335]

DENVER AREA BROADCASTERS (KDAB)

Order Scheduling Hearing Conference

In re application of Frances C. Gaguine and Bernice Schwartz d/b as Denver Area Broadcasters (KDAB), Arvada, Colorado, Docket No. 14817, File No. BMP–9769; for construction permit.

The Hearing Examiner having for consideration an Order released herein by the Commission on December 12, 1963:

It is ordered, This 12th day of December 1963, that a hearing conference shall be convened herein on December 19, 1963, commencing at 9:00 a.m. in the offices of the Commission in Washington, D.C., for the purpose of determining the procedural rules to govern the remainder of this hearing.

Released: December 13, 1963.

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

[F.R. Doc. 63–13151; Filed, Dec. 18, 1963; 8:49 a.m.]

[Docket No. 15232; FCC 63M–1341]

NOBLE BROADCASTING CORP.

Order Scheduling Hearing

In re application of The Noble Broadcasting Corporation, Docket No. 15232, File No. BR–1406; for renewal of license of Station WILD, Boston, Massachusetts.

It is ordered, This 13th day of December 1963, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 16, 1964, in Boston, Massachusetts; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., January 30, 1964, in Washington, D.C.

Released: December 16, 1963.

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

[F.R. Doc. 63–13153; Filed, Dec. 18, 1963; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PAUL A. BOULO ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Paul A. Boulo, Mobile, Ala., is party to the following agreements, the terms of which are identical. The other parties are:

Lep Transport, Inc., New York, N.Y. FF–1222
Wall Shipping Co., Inc., New York and Washington FF–1223
Trio Shipping Company, New York, N.Y. FF–1224
Alliance Shipping Co., Inc., New York, N.Y. FF–1225
J. S. Stass Co., New York, N.Y. FF–1226

Lep Transport, Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Buchholz & Kuttruff, Inc., New Orleans, La. FF–1235
Samuel Shapiro & Co., Inc., Baltimore, Md. FF–1236
J. T. Steeb & Co., Inc., Seattle, Wash. FF–1237

Haras & Co., Inc., Jersey City, New Jersey, is party to the following agreements, the terms of which are identical. The other parties are:

Allen Forwarding Co., Philadelphia, Pa FF–1239
Fillette, Green & Co., Inc., Pensacola, Fla. FF–1240
C. J. Tower & Sons of Buffalo, Inc., Buffalo, N.Y. FF–1241
John S. James, Savannah, Ga. FF–1242
John S. Connor, Inc., Baltimore, Md FF–1243
Charleston Overseas Forwarders, Charleston, S.C. FF–1244
Richard Murray & Co., Mobile, Ala. FF–1245
R. W. Smith & Co., Houston, Tex. FF–1246
Carmichael Forwarding Service, Los Angeles, Calif. FF–1247

Dean Export Services, Inc., Long Beach, Calif., is party to the following agreements, the terms of which are identical. The other parties are:

J. T. Steeb & Co., Inc., Portland, Oreg FF–1248
T. D. Downing Company, Boston, Mass FF–1249
W. R. Zanes & Co. of La., Inc., New Orleans, La. FF–1250
Wilmington, Shipping Company, Wilmington, N.C. FF–1251
J. W. Hampton Jr. & Co. of Phila., Pa FF–1252
Alfred H. Marzolf, Inc., Seattle, Wash FF–1253
The Hipage Co., Inc., Norfolk, Va. FF–1254
Alba Forwarding Co., Inc., New York N.Y FF–1255

The following agreements have similar terms:

Raymond Shipping Company, New Orleans, La., and E. A. Gonzalez Company, Inc., New York, N.Y. FF–1210
George M. Leininger Co., Inc., New Orleans, La., and John H. Faunce Philadelphia, Inc., Philadelphia, Pa FF–1212
Gulf Florida Terminal Company, Tampa, Fla., and Nordisk Transport, Inc., New York, N.Y. FF–1213
Frank P. Dow Co., Inc., Seattle, Wash., Frank P. Dow Co., Inc., San Francisco, Calif., Frank P. Dow Co., Inc., of L.A., Los Angeles, Calif., Frank P. Dow Co., Inc., Portland, Oreg., and Schaefer & Krebs, Inc., New York, N.Y. FF–1216
Kersten Shipping Agency, Inc., New York, N.Y., and Frank P. Dow Co., Inc., Seattle, Wash. FF–1238
Frank P. Dow Co., Inc., San Francisco, Calif., and M. J. Corbett & Co., Inc., New York, N.Y. FF–1220
Frank P. Dow Co., Inc., Los Angeles, Calif., and M. J. Corbett & Co., Inc., New York, N.Y. FF–1219
Wood Niebuhr & Co., New York, N.Y., and John S. Connor, Inc., Baltimore, Md. FF–1218
Schenkers International Forwarders, Inc., and T. A. Provence & Company, Inc., Mobile, Ala. FF–1217
H. E. Schurig & Co., Inc., Houston, Tex., and Southern Shipping Co., Jacksonville, Fla. FF–1211
General Shipping Company, Tampa, Fla., and Security Forwarding Service, Miami, Fla. FF–1227
Schenkers International Forwarders, Inc., New York, N.Y., and Blue Star Shipping Corporation, St. Marys, Ga. FF–1233
W. D. Wall Traffic Service, San Jose, Calif., and W. R. Zanes & Co. of La., Inc., New Orleans, La. FF–1234
Dyson Shipping Company, Inc., New York, N.Y., and W. R. Filbin & Co., Inc., Detroit, Mich. FF–1256
Stone Forwarding Company, Inc., Galveston, Houston and Corpus Christi, Tex., and Jay A. See Freight Forwarding, Inc., New York, N.Y. FF–1258
D. C. Andrews & Co., Inc., New York, N.Y., D. C. Andrews & Co. of Ill., Inc., Chicago, Ill., D. C. Andrews & Co. of La., Inc., New Orleans, La., D. C. Andrews & Co. of Md., Inc., Baltimore, Md., D. C. Andrews & Co. of Mass., Inc., Boston, Mass., and Stone Forwarding Company, Inc., Galveston, Houston and Corpus Christi, Tex. FF–1230

The following agreements provide for an equal (50 percent/50 percent) division of ocean freight compensation.

H. L. Ziegler, Inc., Houston, Tex., and Trio Shipping Company, New York, N.Y. FF–1229
Albert F. Maurer Company, Philadelphia, Pa., and J. R. Michels, Inc., Houston, Tex. FF–1231
Footner & Company, Inc., Baltimore, Md., and J. R. Michels, Inc., Houston, Tex. FF–1232

Agreement No. FF–1172 between C. S. Greene and Company, Inc., Chicago, Illinois and Geo. S. Bush Co., Inc., Portland, Oregon, provides that forwarding fees and services will be $10.00 per shipment to nonconsular countries and $15.00 per shipment to consular countries. Ocean freight compensation is to be divided equally.

Agreement No. FF–1178 between Inland Forwarding, Inc., New Orleans, Louisiana and Southern Traffic Association, Mobile, Alabama, provides that forwarding and service fees are $1.50 per shipment with special services remaining subject to agreement. Ocean freight compensation is to be retained by Inland Forwarding, Inc.

Agreement No. FF–1179 between Hasman & Baxt of Louisiana, Inc., New Orleans, Louisiana, and Southern Traffic Association, Mobile, Alabama, provides that forwarding and service fees are $10.00 per shipment. Special services remain subject to agreement. Ocean freight compensation will be retained by Hasman & Baxt.

Agreement No. FF–1181 between Ray C. Fisher Company, Inc., New Orleans, Louisiana, and Southern Traffic Association, Mobile, Alabama, provides that forwarding and service fees are $2.00 per shipment. Special services remain subject to agreement. Ocean freight compensation will be retained by Ray C. Fischer Company, Inc.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, New York, 10006

180 New Montgomery Street, San Francisco, California, 94105.

Room 333 Federal Office Building, South, 600 South Street, New Orleans, Louisiana, Mail Address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130

They may submit to the Secretary Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: December 16, 1963.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63–13154; Filed, Dec. 18, 1963; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64–387—RI64–392]

HUMBLE OIL & REFINING CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 12, 1963.

Humble Oil & Refining Company, Docket No. RI64–387; Pan American Petroleum Corporation, Docket No. RI64–388; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64–389; Sunray DX Oil Company, Docket No. RI64–390; Brookhaven Oil Company, et al., Docket No. RI64–391; Dacresa Corporation, Docket No. RI64–392.

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 with the exception of the sale made by Humble Oil and Refining Company (Humble) under Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 193 which is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-387	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	146	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,587	11-12-63	[2] 1-1-64	6-1-64	13.2535	[3 4] 14.2730	RI64-49
	do	162	3	El Paso Natural Gas Co. (North Lindrith (Mesa Verde) Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	337	11-12-63	[2] 1-1-64	6-1-64	[5] 13.2340	[3 4 5] 14.2535	RI64-49
	do	193	6	Colorado Interstate Gas Co. (Greenwood Field, Morton and Stanton Counties, Kans., and Baca County, Colo.).	3,224	11-12-63	[2] 1-1-64	6-1-64	16.0	[5] 17.0	G-17785
RI64-388	Pan American Petroleum Corp., P.O. Box 1410, Fort Worth, Tex., 76101.	108	10	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo.).	2,996	11-15-63	[2] 1-2-64	6-2-64	13.00679	[3 4] 14.0074	
	do	233	7	El Paso Natural Gas Co. (Basin Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	7,802	11-15-63	[2] 1-1-64	6-1-64	14.05775	[3 4] 15.0619	RI63-481
	do	193	9	El Paso Natural Gas Co. (South Blanco and Tapacito Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	23,801	11-15-63	[2] 1-1-64	6-1-64	13.05363	[3 4] 14.0577	RI63-481
	do	109	9	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	22,583	11-15-63	[2] 1-1-64	6-1-64	[5] 13.23085	[3 4 5] 14.2501	RI63-481
	do	222	9	El Paso Natural Gas Co. (Bisti and Gallegos Gallup Fields, San Juan County, N. Mex.) (San Juan Basin Area).	3,544	11-15-63	[2] 1-1-64	6-1-64	13.24863	[3 4] 14.2677	RI63-481
	do	371	20	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,511	11-15-63	[2] 1-1-64	6-1-64	[5] 13.2295	[3 4 5] 14.2486	RI63-481
	do	302	4	El Paso Natural Gas Co. (Huerfano Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	0	11-15-63	[2] 1-1-64	6-1-64	[5 7] 13.2295	[3 4 5 7] 14.2486	RI63-481
	do	382	6	El Paso Natural Gas Co. (Bisti Lower Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	159	11-15-63	[2] 1-1-64	6-1-64	13.2486	[3 4] 14.2677	RI64-64
RI64-389	Pan American Petroleum Corp. (Operator), et al.	199	15	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	7,552	11-15-63	[2] 1-1-64	6-1-64	[5] 13.2295	[3 4 5] 14.2486	RI63-483
	do	117	22	El Paso Natural Gas Co. (Blanco and Flora Vista Mesa Verde Fields, San Juan County, N. Mex.) (San Juan Basin Area).	4,667 2,559 90,318	11-15-63	[2] 1-1-64	6-1-64	[5 9] 13.2295 [5 9] 13.2295 [5 10] 13.23085	[3 4 5 9] 14.2486 [3 4 5 9] 14.2501 [3 4 5 10] 14.2501	RI63-487 RI64-299 RI63-487
RI64-390	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	161	6	El Paso Natural Gas Co. (Twin Mounds Area, San Juan County, N. Mex.) (San Juan Basin Area).	1,307	11-4-63	[2] 1-1-64	6-1-64	[5] 13.2295	[5 10] 14.2486	RI63-488
	do	238	2	Southern Union Gathering Co. (San Juan Area, San Juan County, N. Mex.) (San Juan Basin Area).	5,005	11-4-63	[2] 1-1-64	6-1-64	13.0	[5 11] 14.2678	
	do	189	6	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	539	11-4-63	[2] 1-1-64	6-1-64	13.24856	[5 12] 14.26775	RI63-482
RI64-391	Brookhaven Oil Co., et al., P.O. Box 1267, Scottsdale, Ariz.	4	2	El Paso Natural Gas Co. (Bisti Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	118	11-4-63	[2] 1-1-64	6-1-64	13.0	[5] 14.0	
RI64-392	Dacresa Corp., P.O. Box 1267, Scottsdale, Ariz., Attn: Thomas B. Scott, Jr.	3	2	do	300	11-13-63	[2] 1-1-64	6-1-64	13.0	[5] 14.0	
	do	2	4	El Paso Natural Gas Co. (Blanco Mesa Verde and Basin Dakota, Rio Arriba County, N. Mex.) (San Juan Basin Area).	390	11-13-63	[2] 1-1-64	6-1-64	[5] 13.0	[5 8] 14.0	

[2] Contractually provided for effective date.
[3] Periodic rate increase.
[4] Reflects 1.0 cent per Mcf periodic and proportionate tax reimbursement.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[6] Renegotiated rate increase.
[7] Rate applicable to high pressure gas delivered into 500 psig gathering system.
[8] Rate for gas delivered under agreement dated Sept. 27, 1962 (Supplement No. 17).
[9] Rate for gas delivered from acreage added in Supplement No. 20.
[10] Rate for all other gas delivered under the contract.
[11] Includes 0.2678 cents per Mcf tax reimbursement.
[12] Includes 0.26775 cents per Mcf tax reimbursement.
[13] Includes 0.2486 cents per Mcf tax reimbursement.

Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 162; Supplement No. 15 to Pan American Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 199; Supplements Nos. 9, 20, 22 and 4 to Pan American Petroleum Corporation's FPC Gas Rate Schedules Nos. 109, 371, 117 and 302, respectively; Supplement No. 6 to Sunray DX Oil Company's (Sunray) FPC Gas Rate Schedule No. 161, and Supplement No. 4 to Dacresa Corporation's (Dacresa) FPC Gas Rate Schedule No. 2, 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 ceiling for increased rates in the San Juan Basin Area.

El Paso Natural Gas Company (El Paso) and Southern Union Gathering Company (Southern Union) have protested the rate increases of certain Respondents herein whose rate filings 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. 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 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent,

El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for certain Respondents, as set out below, shall concern themselves with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates.

The proposed rate increases contained in Supplements No. 3 to Humble's FPC Gas Rate Schedules Nos. 146 and 162, respectively; Supplements Nos. 15 and 22 to Pan American Petroleum Corporation (Operator), et al., FPC Gas Rate Schedules Nos. 199 and 117, respectively; Supplements Nos. 9, 9, 20, 4 and 6 to Pan American Petroleum Corporation's FPC Gas Rate Schedules Nos. 109, 222, 371, 302 and 382, respectively; and Supplements No. 6 to Sunray's FPC Gas Rate Schedules Nos. 161 and 189, respectively, are suspended because they exceed the applicable area ceiling prices as set forth in the Commission's Statement of General Policy No. 61–1, as amended, and also because of El Paso's aforementioned protest with respect to the tax reimbursement.

The proposed rate increase contained in Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 189 is suspended because it exceeds the applicable area ceiling price and also because of the protest of the buyer, Southern Union, with respect to the tax reimbursement.

The periodic rate increases contained in Supplements Nos. 10, 7 and 9 to Pan American Petroleum Corporation's FPC Gas Rate Schedules Nos. 108, 233 and 193, respectively; Supplement No. 2 to Brookhaven Oil Company, et al. FPC Gas Rate Schedule No. 4; Supplements Nos. 2 and 4 to Dacresa's FPC Gas Rate Schedules Nos. 3 and 2, respectively; and the renegotiated rate increase contained in Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 193 are suspended because they exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed 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 contractual basis of the proposed rate filings which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate 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 January 30, 1964.

By the Commission.

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

[F.R. Doc. 63–13116; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket Nos. RI64–383—RI64–386]

LAKELAND PETROLEUM 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 12, 1963.

Lakeland Petroleum Corporation (Operator), et al., Docket No. RI64–383; Lakeland Petroleum Corporation, Docket No. RI64–384; Humble Oil & Refining Company, Docket No. RI64–385; Continental Oil Company, Docket No. RI64–386.

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:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–383	Lakeland Petroleum Corp. (Operator), et al., 720 Payne Ave., St. Paul 1, Minn.	5	5	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (Permian Basin Area).	$112	11–12–63	[2]12–31–63	[3] 1– 1–64	15.5599	[4 6] 15.6238	RI60–23
RI64–384	do	10	6	do	42	11–12–63	[2]12–31–63	[3] 1– 1–64	15.5599	[4 6] 15.6238	RI60–22
RI64–385	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex., Attn: Mr. John J. Carter.	161	4	El Paso Natural Gas Co. (North Lindrith (Pictured Cliffs) Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	489	11–12–63	[7] 1– 1–64	[8] 1– 2–64	11.2145	[5 9 10 11] 12.2340	RI64–49
RI64–386	Continental Oil Co., P.O. Box 2197, Houston, Tex., 77001, Attn: Mr. Fred T. O'Leary.	208	4	El Paso Natural Gas Co. (Lindrith Area, Rio Arriba County N. Mex.) (San Juan Basin).	2,017	11–12–63	[7] 1– 1–64	[8] 1– 2–64	11.210375	[8 11 13] 12.2295	RI64–30
	do	221	4	El Paso Natural Gas Co. (Ballard Pictured Cliffs Area, Rio Arriba and Sandoval Counties, N. Mex.) (San Juan Basin Area).	1,070	11–12–63	[7] 1– 1–64	[8] 1– 2–64	11.210375	[8 11 13] 12.2295	RI64–30
	do	199	4	El Paso Natural Gas Co. (Northeast Haynes Area, Rio Arriba County, N. Mex.) (San Juan Basin Area).	92 190	11–18–63	[7] 1– 1–64	[8] 1– 2–64	[16] 11.0 [16] 11.210375	[8 11 14] 12.2295 ([16])	RI64–30

[2] The stated effective date is the effective proposed by respondent.
[3] The suspension period is limited to one day.
[4] Tax reimbursement increase.
[5] Reflects partial reimbursement for the 0.55 percent increase in the New Mexico Oil and Gas Emergency School Tax.
[6] Pressure base is 14.65 psia.
[7] Contractually provided effective date.
[8] Periodic rate increase.
[9] Tax computed on basis of the base rate plus tax reimbursement added progressively.
[10] Includes 0.2340 cent per Mcf tax reimbursement.
[11] Pressure base is 15.025 psia.
[12] Includes 0.2295 cent per Mcf tax reimbursement.
[13] Applicable to acreage added by Amendment dated July 16, 1963 (designated Supplement No. 3).
[14] Reflects 1.0 cent per Mcf periodic and partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[15] Applicable to all other gas delivered under the contract.
[16] Reflects 1.0 cent per Mcf periodic and proportionate tax reimbursement.

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

Humble Oil & Refining Company (Humble) and Continental Oil Company's (Continental) propsed 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. Since the proposed rate increases of all of the producers listed herein reflect tax reimbursement, the suspension period for each may be shortened to one day.

The buyer, El Paso Natural Gas Company (El Paso), has protested the rate increases filed by Humble and Continental. El Paso questions the right of Humble and Continental 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 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Humble and Continental shall concern themselves with the contractual basis for these producer's rate filings, as well as the statutory lawfulness of the increase rates contained in Lakeland Petroleum Corporation (Operator), et al., and Lakeland Petroleum Corporation's proposed rate filings.

The periodic rate increases of Humble and Continental are below the applicable area ceiling prices but are suspended because of El Paso's protest with respect to the tax reimbursement portion thereof.

The tax reimbursement increases filed by Lakeland Petroleum Corporation (Operator), et al., and Lakeland Petroleum Corporation are suspended because they exceed the applicable area price level for increased rates for the Permian Basin Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed 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 contractual basis for Humble and Continental's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in Lakeland Petroleum Corporation (Operator), et al., and Lakeland Petroleum Corporation's proposed rate filings, 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 for Humble and Continental's proposed rate filings which El Paso has protested, and the statutory lawfulness of the rates and charges contained in Lakeland Petroleum Corporation (Operator), et al., and Lakeland Petroleum Corporation's proposed rate 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 thereof 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 January 30, 1964.

By the Commission.

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

[F.R. Doc. 63–13117; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket No. G–15910 etc.]

MARATHON OIL CO. ET AL.

Notice of Applications; Correction

NOVEMBER 29, 1963.

Marathon Oil Company, et al., Docket No. G–15910, et al.; Hunt Oil Company, Docket No. CI60–11.

In the Notice of Applications issued November 22, 1963 and published in the FEDERAL REGISTER December 3, 1963 (F.R. Doc. 63–12471; 28 FR–12841), in the chart, change Docket No. "CI61–11" to read Docket No. "CI60–11".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 63–13118; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket No. CP63–174]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Approving Continuance of Hearing in Excess of Thirty Days

DECEMBER 12, 1963.

Upon completion on November 21, 1963, of the cross-examination of witnesses upon evidence served prior to the initial hearing date (October 21, 1963), the presiding examiner recessed the hearing in the above-entitled case in order to allow time for certain interveners to reduce their proposed testimony to writing and serve same on all parties, and time for the applicant to file motions to strike or request discovery. A pretrial conference has been scheduled for January 3, 1964 to dispose of preliminary matters and the hearing will resume shortly thereafter.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the hearing in the above-entitled case be continued to reconvene after the scheduled pre-trial conference.

The Commission orders: The continuance of the hearing in the above-entitled case to reconvene after the scheduled pre-trial conference, be and hereby is approved.

By the Commission.

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

[F.R. Doc. 63–13119; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket No. G–4720 etc.]

RESERVE OIL AND GAS CO. ET AL.

Notice of Applications; Correction

OCTOBER 30, 1963.

Reserve Oil and Gas Company (Successor to Producing Properties, Inc.), et al., Docket No. G–4720, et al.; Skelly Oil Company (Operator), et al., Docket No. G–17550.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, issued October 22, 1963 and published in the FEDERAL REGISTER October 26, 1963 (F.R. Doc. 63–11305; 28 F.R. 11493–94), change price to read "13.0¢" in lieu of "12.0495¢" after Docket No. G–17559.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 63–13121; Filed, Dec. 18, 1963; 8:47 a.m.]

[Docket No. G–2933 etc.]

TEXAS GAS PRODUCING CO. ET AL.

Notice of Applications; Correction

NOVEMBER 29, 1963.

Texas Gas Producing Company (Successor to LeCuno Oil Corporation), et al., Docket Nos. G–2933, et al.; John Franks (Operator), et al., Docket No. CI63–509; Francis H. Alston, Docket No. CI64–478.

In the Notice of Applications for Certificates, Abandonment of Service and

Petitions to Amend Certificates, issued October 29, 1963 and published in FEDERAL REGISTER November 2, 1963 (F.R. Doc. 63–11603; 28 F.R. 1752–53) make the following changes in the chart:

After Docket No. CI63–569 change price to read "18.25¢" in lieu of "16.5¢".

After Docket No. CI64–478 change price to read "13.82¢" in lieu of "12.82¢".

In view of the foregoing corrections an extension is granted to and including December 16, 1963 within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–13122; Filed, Dec. 18, 1963; 8:47 a.m.]

[Docket No. G–13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings; Correction

NOVEMBER 21, 1963.

Union Texas Petroleum, et al., Docket No. G–13221, et al.; Humble Gas Transmission Company, Docket No. CP61–290 and CP62–27.

In the Order Severing Proceedings, Conditional Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity, issued October 25, 1963 and published in the FEDERAL REGISTER November 11, 1963 (F.R. Doc. 63–11555; 28 F.R. 11704), change the Docket No. "CI61–290" to Docket No. "CP61–290" listed in the caption.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–13123; Filed, Dec. 18, 1963; 8:47 a.m.]

[Docket Nos. CP63–309, CP63–354]

GREAT PLAINS NATURAL GAS CO.

Notice of Postponement of Hearing

DECEMBER 11, 1963.

The hearing set by notice issued November 18, 1963, published in the FEDERAL REGISTER November 23, 1963 (28 F.R. 12596), to be held on December 17, 1963 at 10:00 a.m., e.s.t., is postponed until further notice.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–13115; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket No. RP64–13]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing; Correction

NOVEMBER 21, 1963.

In the Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Allowing Proposed Tariff Sheets to Become Effective Subject to Refund Obligation, issued November 6, 1963 and published in the FEDERAL REGISTER November 15, 1963 (F.R. Doc. 63–11969; 28 F.R. 12183) change the dates in the last line of ordering paragraph (G) from "January 6, 1963 and January 16, 1963" to read "January 6, 1964 and January 16, 1964".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–13114; Filed, Dec. 18, 1963; 8:46 a.m.]

[Docket No. RP64–13]

COLORADO INTERSTATE GAS CO.

Notice of Extension of Time and Postponement of Pre-Hearing Conference

DECEMBER 10, 1963.

On December 4, 1963, counsel for Colorado Interstate Gas Company filed a request for an extension of time within which to serve testimony and exhibits as required by the order issued on November 6, 1963 in the above-designated matter. The reason advanced therefor is to explore an attempt to settle matters in issue.

Notice is hereby given that the time within which Colorado Interstate Gas Company, the Commission Staff, and interveners shall serve their testimony and exhibits upon the Presiding Examiner and all other parties is extended as follows:

Colorado Interstate Gas Company—On or before January 13, 1964.

Commission Staff—On or before February 5, 1964.

Interveners—On or before January 14, 1964.

Further, notice is hereby given that the pre-hearing conference now scheduled to commence on January 21, 1964 is postponed to February 20, 1964.

Gordon M. Grant,
Acting Secretary.

[F.R. Doc. 63–13113; Filed, Dec. 18, 1963; 8:45 a.m.]

[Docket No. G–2712 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Applications; Correction

DECEMBER 4, 1963.

Cities Service Company, et al., Docket No. G–2712, et al.; United States Smelting Refining and Mining Company, Docket No. CI64–294.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued September 9, 1963 and published in the FEDERAL REGISTER September 13, 1963 (F.R. Doc. 63–9776; 28 F.R. 9968), after Docket No. CI64–294, next to the last item in the chart, change location to read "Chinle Wash Field, San Jan Juan County, Utah" in lieu of "Chinle Wash Field, San Juan County, New Mexico".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–13112; Filed, Dec. 18, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1638]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Application for an Order Exempting Proposed Transaction

DECEMBER 13, 1963.

Notice is hereby given that E. I. du Pont de Nemours and Company ("applicant"), Wilmington 98, Delaware, which is controlled by Christiana Securities Corporation, a registered closed-end nondiversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Adastra A. G. ("Adastra"), a Swiss corporation and a wholly-owned subsidiary of applicant, of its 35 percent interest in Focima-Material Fotografico e Cinematografico S. A. ("Focima"), a Brazilian corporation, to the three other stockholders of Focima for a consideration of 31,000 Swiss francs, or approximately $7,200. 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.

The principal business of Focima has been the distribution of certain photographic products. On October 31, 1963 its distributorship of such products was assigned to a wholly-owned Brazilian subsidiary of applicant. The net assets of Focima at June 30, 1963 were approximately $19,600. Its net income for the six months ended June 30, 1963 was approximately $1,580. Applicant represents that Adastra's equity in the net assets of Focima after its receivables and inventories have been liquidated would be approximately $6,900. The purchasers wish to maintain Focima in existence although they have formulated no plans relative to its future activities. In the event that Adastra is liquidated and its net assets transferred to applicant, applicant would complete Adastra's part of the proposed transaction.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provision of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than December 30, 1963, 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth 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. 63–13131; Filed, Dec. 18, 1963; 8:47 a.m.]

[File No. 812–1603]

LIFE AND FINANCE COMPANIES, INC.

Application for Order With Respect to Transactions Between Affiliates

DECEMBER 13, 1963.

Notice is hereby given that Life and Finance Companies, Inc. ("Applicant"), 21 North Pennsylvania Street, Indianapolis 4, Indiana, a corporation organized and existing under the laws of the State of Indiana, has filed an application for an order of the Commission authorizing (1) the granting by Wabash Fire and Casualty Insurance Company ("Wabash") to Applicant of an option to purchase 786,448 authorized but unissued shares of Wabash common stock at a price of $2.00 a share on or before December 31, 1964; (2) the proposed issuance and sale by Wabash to Applicant (as a result of the latter's election to partially exercise such option) of 500,000 shares of Wabash common stock on or before December 31, 1963, at a price of $2.00 a share in cash; (3) the borrowing by Applicant of $1,000,000 from banks on short term notes; and (4) the action taken by those officers and directors of Applicant who own stock of Wabash to effectuate the foregoing transactions. All interested persons are referred to the application, which is on file with the Commission, for a full statement of Applicant's representations which are summarized below.

Applicant, which is not a registered investment company or an affiliate of a registered investment company, has filed this application under the following circumstances. Applicant has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Section 3(b)(2) of the Act provides that the filing of an application thereunder by an issuer other than a registered investment company shall exempt the applicant for a period of sixty days from all provisions of the Act applicable to investment companies as such; and that for cause shown, the Commission by order may extend such period of exemption for an additional period or periods.

On November 29, 1963, the Commission issued an order extending Applicant's period of exemption, subject however, to Applicant's compliance with an undertaking made by Applicant in connection with its request for an extension of the exemption whereby Applicant agreed that if an order extending the period of exemption were issued by the Commission, Applicant would not, without prior permission of the Commission, engage in any transaction or take any action which would be prohibited to a registered investment company (Investment Company Act Release No. 3831).

Applicant now owns 327,019 shares, or 19 percent, of the outstanding common stock of Wabash. On April 16, 1963, Wabash granted Applicant an option to purchase 786,448 additional shares of the Wabash stock, on or before December 31, 1963, at $3.00 a share. Applicant did not purchase any Wabash shares under the April option. On October 15, 1963, Wabash granted Applicant an amended option to purchase the same number of shares of Wabash stock, on or before December 31, 1964, at a price of $2.00 a share.

The purpose of the proposed sale by Wabash of the additional common stock of Wabash is to enable Wabash to increase its capital and unassigned surplus. At December 31, 1962, the unassigned surplus of Wabash amounted to $1,015,591. The unassigned surplus at such date has been reduced to $346,603 as of October 31, 1963 as a result of adjustments to such account which were made during 1963.

The proceeds of the proposed bank borrowings of $1,000,000 are to be used by Applicant to finance the purchase of the 500,000 shares of Wabash stock. The proposed loans will be secured by the pledge of the Wabash shares proposed to be purchased and by the personal guarantee of John McGurk, president of Applicant and also a director and the president and chief executive officer of Wabash. In this connection, Applicant has undertaken that if the Commission determines by final order that Applicant is an investment company, it will as promptly as possible reduce its outstanding indebtedness so that it will not have outstanding senior securities representing indebtedness with less than 300 percent asset coverage. In furtherance of this undertaking, John McGurk agrees that, if necessary, he will purchase for cash a sufficient number of its shares from Applicant so that Applicant will have the funds to reduce its indebtedness in compliance with its undertaking.

Section 17(a) of the Act, insofar as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from, such registered company or any company controlled by such company securities or property, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Wabash is an affiliated person of Applicant under section 2(a)(3)(B) of the Act by virtue of Applicant's ownership of 19 percent of Wabash's outstanding voting securities. Therefore, the provisions of section 17(a) of the Act would be applicable to the proposed sale by Wabash of its stock to Applicant and to the granting of the amended option to Applicant if Applicant were a registered investment company.

If Applicant were a registered investment company the proposed issuance of notes to banks would contravene the provisions of section 18(a)(1)(A), because the asset coverage of the senior debt securities of Applicant after the issuance of such notes would be about 200 percent rather than 300 percent as required by such provision of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transactions 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.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with

the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Insofar as the action taken by those officers and directors of Applicant who own stock of Wabash to effectuate the sale of Wabash stock, the granting of the option and the issuance of the notes constitutes a transaction in connection with a joint enterprise or arrangement with Applicant, section 17 (d) and Rule 17d–1 would be applicable if Applicant were a registered investment company.

In support of the fairness of the proposed sale price of $2.00 a share for the Wabash stock, Applicant states that the last trade by an officer or director of Wabash or of Applicant was the sale of 1,000 shares of Wabash on August 21, 1963, by O. M. Keller, then a director of Wabash, at $1.60 a share; that representative quotations on Wabash stock in the over-the-counter market for the period September through the early part of December 1963 were as follows: bid 1—1⅜, asked 1½—2⅛; that while trading in Wabash stock has always been very light and the character of such market prevents precision in fixing a current market value for Wabash shares, the boards of directors of both Wabash and of Applicant are of the opinion that $2.00 a share is a fair price in relation to such apparent market value. The application shows that the proposed sale price of $2.00 a share for Wabash stock compares with a net asset value of $1.61 a share at October 31, 1963 on the basis of the number of shares presently outstanding and after taking the stockholders equity in unearned premiums at 40 percent thereof. On the basis of the foregoing, Applicant states that the proposed sale price appears fair and reasonable to Wabash and Applicant. Applicant also states that the proposed purchase of Wabash stock by Applicant is consistent with its business purpose and with the general purposes of the Act.

In support of the proposal to issue the notes Applicant states that in its opinion the benefits to Applicant's shareholders from the proposed immediate improvement in the financial condition of Wabash far exceed the disadvantages of increasing indebtedness with less than 300 percent asset coverage; that as soon as practicable, the notes will be paid with the proceeds of the sale to the public of additional shares of Applicant. In this connection, Applicant also refers to the aforementioned undertaking to retire the notes in the event that the Commission determines by final order that Applicant is an investment company.

Applicant further states that there is no aspect of the proposed transactions in which Applicant or Wabash is participating on a basis different from or less advantageous than that of the other participants.

Notice is further given that any interested person may, not later than December 30, 1963, 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 (air mail 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 notified if the Commission shall order quest. 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.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–13132; Filed, Dec. 18, 1963; 8:47 a.m.]

[File Nos. 7–2351—7–2353]

COCA COLA CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 13, 1963.

In the matter of applications of the Pacific Coast Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Coca Cola Co	File 7–2351
Kerr McGee Oil Industries, Inc	File 7–2352
American Hospital Supply Corp	File 7–2353

Upon receipt of a request, on or before December 29, 1963 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–13133; Filed, Dec. 18, 1963; 8:47 a.m.]

[File Nos. 7–2350, 7–2354]

UNITED FINANCIAL CORPORATION OF CALIFORNIA AND WEYERHAEUSER CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 13, 1963.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commmission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

United Financial Corp. of California	File 7–2350
Weyerhaeuser Co	File 7–2354

Upon receipt of a request, on or before December 29, 1963 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63–13134; Filed, Dec. 18, 1963; 8:47 a.m.]

[File No. 812-1629]

SOCONY MOBIL OIL CO., INC.

Notice of Filing of Application for Exemption From Act as Employees' Securities Company

DECEMBER 13, 1963.

Notice is hereby given that Socony Mobil Oil Company, Inc. ("Applicant"), 150 East 42d Street, New York, New York, has filed an application, pursuant to section 6(b) of the Investment Company Act of 1940 ("Act"), for an order exempting the Equity Fund and the Balanced Fund to be established under the Employees Savings Plan ("Plan") of the Applicant from the following sections of the Act and the rules promulgated thereunder: Section 7; section 8; section 10; section 14; section 15; section 16; section 20(a); section 22(e); section 24; section 26; section 30, except as respects section 30(d) and the rules and regulations thereunder, only insofar as they require reports to participants more than once a year, and except section 30(b)(2) and the rules and regulations promulgated under said section 30(b)(2); and section 32(a).

All interested persons are referred to the application on file with the Commission for a complete statement of Applicant's representations, some of which are summarized below:

The Plan was adopted by the Board of Directors of the Applicant effective September 1, 1951, for the purpose of helping employees of Applicant and of companies which are affiliates of Applicant provide additional resources for their retirement. Each eligible employee who elects to participate in the Plan allots from one percent to five percent of his compensation. The employer-corporation then contributes for the account of each employee an amount computed in accordance with a formula based upon the amount contributed by the employee and the number of years of his accredited service. The employee allotments and employer contributions are paid to Bankers Trust Company acting as Trustee under an agreement with Applicant, and such funds are administered by the Trustee and by an Employee Benefits Committee of Applicant consisting of three members of management appointed by the Applicant's Board of Directors.

The money received by the Trustee is, at the direction of each employee, held by the Trustee in cash or invested as follows: (1) In United States Savings Bonds, (2) in shares of Socony Mobil capital stock, or (3) in shares of any of 64 investment companies eligible under the objective tests in the plan. In each case, the securities purchased at the employee's direction are allocated to and held by the Trustee for the employee's account.

At retirement an employee must withdraw his account from the Plan. At such time the retiring employee may elect to receive cash, or he may elect to receive a distribution of the securities in his account in kind, that is, he may receive any United States Savings Bonds, stock of Socony Mobil Oil Company or of any investment company shares in his account.

Each individual employee participant pays the brokerage commissions, transfer taxes, and taxes, if any, on trust assets or income applicable to his account. All other expenses of administering the Plan are paid by the employer corporations.

The Plan and the accompanying trust which is part of the Plan is a qualified profit-sharing plan within section 401(a) of the Internal Revenue Code. Therefore, such Plan, including the trust, is excepted from the definition of an "investment company" by virtue of the provisions of section 2(c)(13) of the Act.

The Applicant now proposes to amend the Plan so as to give an employee additional alternatives to direct the investment of cash credited to his account in either of two funds to be established by the Trustee under the Plan, which proposed funds are hereinafter referred to as Trustee's Fund No. 1 and the Trustee's Fund No. 2. All cash invested in Trustee's Fund No. 1 will, in turn, be invested by the Trustee in another trust fund to be established by the Trustee under a proposed Declaration of Trust, which trust fund is hereinafter referred to as the "Equity Fund;" all cash invested in Trustee's Fund No. 2 will, in turn, be invested by the Trustee in another separate trust fund proposed to be established by the Trustee under an additional Declaration of Trust, which trust fund is hereinafter referred to as the "Balanced Fund." This feature of the Plan would thus permit retired employees to continue their investments in the Balanced Fund and in the Equity Fund. The Balanced Fund and the Equity Fund will be available only for assets invested by the Trustee on behalf of participating employees under the Plan and on behalf of retired employee participants. The investments of the Equity Fund will be in common stocks or securities convertible into common stocks selected by the Trustee; the investments of the Balanced Fund will be in stocks and fixed income securities selected by the Trustee. The interests of each employee participating in Trustee's Fund No. 1 or in Trustee's Fund No. 2 will be represented by units of participation in each such fund; the interests of Trustee's Fund No. 1 in the Equity Fund and of the Trustee's Fund No. 2 in the Balanced Fund will be represented by units of participation in the Equity Fund and in the Balanced Fund, as the case may be.

The Trustee is to receive a fee for managing the Equity Fund and the Balanced Fund at an annual rate of ½ of 1 percent of average asset value of each fund. Since such fee is to be paid out of the assets in the Equity Fund and the Balanced Fund, it will be borne by the persons who participate in the particular fund. Applicant may remove the Trustee and appoint a substitute trustee.

The Plan, as it is proposed to be amended, would permit a participating employee, at the time of retirement, to direct that all or part of the units of participation in the Equity Fund and/or the Balanced Fund which are attributable to the units of participation in Trustee's Fund No. 1 or in Trustee's Fund No. 2 allocated to his account be assigned to the Bankers Trust Company to be held by it as trustee pursuant to the terms of an individual personal trust agreement ("Retired Employee's Trust") to be executed by the particular retiring employee and the bank as trustee. Each Retired Employee's Trust would provide that the funds of the trust are to be invested only in the Equity Fund and/or the Balanced Fund; that the retired employee who creates such trust may not transfer or assign his interest, although he may revoke the trust in whole or in part and receive in cash the value of the units withdrawn; and upon the creator's death, the trust terminates and the Trustee is required to pay over the principal of the trust and all undistributed and accrued income to the deceased's executor, administrator or beneficiary, as the case may be.

The Application states that the Plan as proposed to be amended to create Trustee's Fund No. 1 and Trustee's Fund No. 2 qualifies under section 401(a) of the Internal Revenue Code; and that in such respect the Plan (including Trustee's Fund No. 1 and Trustee's Fund No. 2) will continue to be entitled to the exception from the definition of investment company pursuant to section 3(c)(13) of the Act. However, the Equity Fund or the Balanced Fund do not satisfy the requirements of section 401 of the Internal Revenue Code and consequently, the exception provided by section 3(c)(13) of the Act is not applicable to the Equity Fund or the Balanced Fund.

The Applicant contends that the proposed Equity Fund and the Balanced Fund meet the definition of an "employees' securities company" contained in section 2(a)(13) of the Act and should, as such, be exempted by the Commission pursuant to section 6(b) of the Act. Section 2(a)(13) of the Act provides that "'Employees' securities company' means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employees, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons."

Section 6(b) of the Act provides that "Upon application by any employees' securities company, the Commission shall by order exempt such company from the provisions of the [Act] and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

In support of the relief requested, the Applicant states, among other things, that in view of the Applicant's legitimate interest in employee welfare, it can be reasonably expected to protect employees against increase in management fees or improper supervision of trust funds; that the employer makes substantial contributions of funds to participating employees; and that no aspect of the Plan could properly be viewed as a device for the promotion of the sale of securities by the employees securities company. In the latter connection it is stated that the Plan does not provide for the payment of any sales load.

Notice is further given that any interested person may, not later than December 30, 1963, 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth 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. 63–13135; Filed, Dec. 18, 1963; 8:48 a.m.]

[File No. 2–21948 (22–3629)]

GENERAL AMERICAN TRANSPORTATION CORP.

Notice of Application and Opportunity for Hearing

DECEMBER 16, 1963.

Notice is hereby given that General American Transportation Corporation has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of the First National City Bank (First National) under indentures with respect to five existing series of equipment trust certificates of the Company, namely Series 42, 46, 48, 52 and 55, which were not qualified under the Act, and the trusteeship of First National under a new indenture which is proposed to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under the existing five trusteeships and under the indenture to be qualified.

Section 310(b) of the Act, which is included in § 9.07 of the proposed indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in that section), it shall within ninety days after ascertaining that is has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act seeks to exclude the five existing indentures of the Company, under which First National serves as trustee, from the operation of section 310(b)(1) of the Act.

The effect of the provision contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the five existing indentures referred to above may be excluded from the operation of section 310(b)(1) of the Act if the Company shall have sustained the burden of proving, by this application to the Commission and after opportunity for hearing thereon that the trusteeship of First National under the presently outstanding indentures and under the proposed new indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under the indenture to be qualified.

The Company alleges that:

(1) The Company proposes to issue and sell approximately $40,000,000 aggregate principal amount of its _____ percent Equipment Trust Certificates due July 15, 1984 (Series 61) to be issued under a new indenture to be executed by the Company with First National as trustee;

(2) The Company proposes to issue and sell the new equipment trust certificates to the public. Accordingly, it has filed a registration statement under the Securities Act of 1933 (File Nos. 2–21948, 22–3629) and an indenture to be qualified under the Trust Indenture Act of 1939.

(3) First National, the proposed trustee under the indenture to be qualified is presently the trustee under indentures with respect to five existing series of equipment trust certificates of the Company, namely Series 42, 46, 48, 52 and 55. The trust certificates comprising such series were privately placed with institutional investors and therefore were not registered under the Securities Act of 1933, and the indentures with respect thereto were not qualified under the Trust Indenture Act of 1939. $17,121,000 in aggregate principal amount of such certificates is outstanding under the present First National trusteeships.

(4) Such differences as will exist between the indentures with respect to the existing First National trusteeships and the new indentures will not give rise to a conflict of interest in the trustee as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under the new indenture. An event of default by the Company under the existing First National indentures or any other equipment trust or indenture under which First National is Trustee will also be an event of default under the proposed new indenture. However, such other five indentures do not contain a comparable provision.

(5) Each series of the Company's existing trust certificates is secured by a separate lot of identified railroad cars. In the event that the trustee should have occasion to proceed under any such indenture against the cars securing such indenture, this would not affect the security or the use of any such security under any of the other indentures, so that existence of the other indentures would in any way inhibit or discourage the trustee's actions.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the office of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after January 2, 1964 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than December 31, 1963 at 5:30 p.m. e.s.t., in writing, submit

to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the appplication which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-13168; Filed, Dec. 18, 1963; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation on Administrative Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act (1958), 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended; there is hereby delegated to the Assistant Administrator for Administration the authority:

A. Controller activities: To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. Management:

1. To contract for supplies, materials and equipment, printing, transportation, communications, space and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962, (27 F.R. 3017 from the Administrator of the General Services Administration to the Small Business Administration).

3. To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

4. To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated. (Except Item I.B. 4.)

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Assistant Administrator for Administration.

IV. All authority previously delegated by the Administrator to the Assistant Administrator (Management) and the Assistant Administrator (Controller) is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. October 21, 1963.

EUGENE P. FOLEY, *Administrator.*

[F.R. Doc. 63-13136; Filed, Dec. 18, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1963.

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

LONG-AND-SHORT HAUL

FSA 38708: *Pig iron from Relief, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2696), for and on behalf of The Baltimore and Ohio Railroad Company and The Chesapeake and Ohio Railway Company. Rates on Pig iron, in carloads, from Relief, Ohio, to Flint and Saginaw, Mich.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Baltimore and Ohio Railroad Company tariff I.C.C. 24676.

FSA 38709: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 10), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers between points in central and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplements 1 and 2 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-ICC 59.

FSA 38710: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 11), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers between points in central and middlewest territory, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 1 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-ICC 59.

FSA 38711: *Creosote oil from Fairmont, W. Va., to Norfolk, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. E.R. 2695), for and on behalf of Atlantic Coast Line Railroad Company and interested rail carriers. Rates on creosote oil (dead oil of coal tar or wood tar), including distillate or solution (creosote oil and tar), in tank car loads, from Fairmont, W. Va., to Norfolk, Va.

Grounds for relief: Barge competition from Cleveland, Ohio.

Tariff: Supplement 48 to Baltimore and Ohio Railroad Company tariff I.C.C. 24637.

FSA 38712: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 52), for itself and interested carriers. Rates on chemicals, in trailer-loads, moving in part over the highways and in part via water in containerships in intercoastal service, from Buffalo, N.Y., to San Francisco, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 40 to Sea-Land Service, Inc., tariff I.C.C. 14.

By the Commission.

HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-13137; Filed, Dec. 18, 1963; 8:48 a.m.]

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